

**MAYOR AND COUNCIL
REGULAR MEETING
July 18, 2007**

Mayor O'Neil called the meeting to order at 7:17 P.M.

Mrs. Flannery 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 Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Asbury Park Press, the Courier and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Miss Thomas, Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

Absent: None

Late Arrival: None

Also Present: Nina Light Flannery, Borough Clerk
Bruce Hilling, Borough Administrator
Dominick Manco, Esq., Borough Attorney
Stephen Pfeffer, Chief Financial Officer

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. **Litigation**
 - (a) **Unauthorized invoices**
 - (b) **MMR Mechanical**
 - (c) **Pelekanos Property**
2. **Personnel**
 - (a) **Police Authority**
3. **Contract Negotiations**
 - (a) **Comcast Contract**
4. **Real Estate**
 - (a) **Matthews Street Leak**

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:

4. Deals with collective bargaining, including negotiation positions.
5. Deals with purchase, lease or acquisition of real property with public funds.

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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.

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: Miss Thomas, Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Regular Meeting back to order at 8:26 P.M.

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

ROLL CALL:

Present: Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
Absent: None
Also Present: Nina Light Flannery, Borough Clerk
Bruce Hilling, Borough Administrator
Dominick Manco, Esq., Borough Attorney
Stephen Pfeffer, Chief Financial Officer

Ordinance O-07-07 - AMENDMENT TO ZONING ORDINANCE

Tabled to August 15th, 2007. Mr. Manco explained that there will be no additional notice in the paper or otherwise.

Unidentified person - Will there be a decision on August 15th to vote yes or no?

Mr. Manco stated that it was referred to the planning board for recommendations. The ordinance was already published in the paper for a hearing for tonight. It is not required to republish the ordinance provided the motion is specific and says that we are having the hearing continued on August 15th. What will happen on August 15th, we will have the recommendations from the planning board on this ordinance for consideration. On August 15th, this Governing Body could vote to adopt the ordinance as it's written, they could vote to amend the ordinance or they could vote to defeat the ordinance. If they vote to amend the ordinance, there will have to be a further hearing on the amendments.

Unidentified person asked if the public will have notification, such as, will it be posted in the paper.

Mr. Manco stated that it will not be published again. First the ordinance was introduced, then at the last meeting it was amended and advertised again for a hearing tonight. Copies are available at the Borough Clerk's office. If the ordinance is adopted on August 15th, as advertised previously, no further publication is necessary except to say that it was adopted. If the ordinance is amended on August 15th, those amendments will be published in the paper and a hearing date will be set on the amendments.

Unidentified Person - If the public opposes this ordinance, the Governing Body will still vote on it the way they want to and are not going to listen to the public, is that correct?

Mr. Manco stated that the Governing Body has a decision making power, some people will be happy with the decision and some will not, --

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Unidentified Person - so we have no say in it.

Mr. Manco stated that it would have to be challenged in Court - and that she is getting ahead of what is happening at the moment. If the ordinance is adopted, the public has 45 days to file with the Superior Court.

Miss Thomas asked if there will be a public portion during the next council meeting.

Mr. Manco stated that yes, there will be a public portion regarding this ordinance.

Mr. Nolan offered a Motion to carry O-07-07 to August 15th, 2007.

Seconded by Mayor O'Neil and approved on the following Roll Call:

ROLL CALL:

AYES: Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

NAYES: None

ABSENT: None

ABSTAIN: None

CONSENT AGENDA - RESOLUTIONS:

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

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

**R-07-122
RESOLUTION AMENDING RESOLUTIONS
R-05-54, R-06-112, R-06-148 AND R-07-66
PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES
CONSTRUCTION MANAGEMENT OF THE FIREHOUSE
INCREASING CONTRACT \$9,983.00**

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

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 R-07-66 adopted April 18, 2007 increased T & M's Professional Construction Management Services contract by \$2,517.00; and

WHEREAS, per T & M Associates letter dated March 27, 2007, T & M Associates has requested an increase of their contract in the amount of \$9,983 due to the coordination of various utility relocations necessary to allow the construction of the Firehouse to begin for a total contract of \$101,415; 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

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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, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands; and

Ordinance O-98-11 = \$9,983

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

1. T & M Associates is hereby retained to provide professional engineering services described above for an amount not to exceed \$101,415.00.
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. Nolan and adopted on the following roll call vote:

ROLL CALL:

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

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

**R-07-123
RESOLUTION
AUTHORIZING RELEASE OF MAINTENANCE BOND
FOR KERRI BRANIN FOR PROPERTY LOCATED
AT 54 HUDDY AVENUE ALSO KNOWN AS
BLOCK 89 LOTS 4 & 5**

WHEREAS, the applicant Kerri Branin posted a Two Year Maintenance Bond in the amount of \$138.60 (Cash) which went into effect on June 15, 2005 for 54 Huddy Avenue (Block 89 Lots 4 & 5): and Engineering Inspection Fees; and

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WHEREAS, the Dale Leubner of the Borough Engineers office has verbally stated that a final inspection is not needed for the release of said maintenance bond.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Chief Financial Officer is hereby directed to release and refund the Maintenance Guarantees for Kerry Branin for Block 89 Lots 4 & 5 in the amount of \$138.60 plus any accrued interest and engineering inspection fees less any outstanding invoices.

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

ROLL CALL:

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

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

**R-07-124
RESOLUTION
RENEWING 2007-2008 LIQUOR LICENSES**

WHEREAS, Liquor License Renewal Applications were filed for the year 2007-2008 for the following Liquor Licenses; and

WHEREAS, no objections were filed against the renewals of licenses listed below:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following liquor licenses be renewed for the period of July 1, 2007 to June 30, 2008:

1317-33-030-007	Neil's Original Oyster t/a Neil's Original Oyster	1 Willow Street
1317-33-006-004	Tomaini, John	Pocket License

Seconded by Mr. Nolan and adopted on the following Roll Call Vote:

ROLL CALL:

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

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

**R-07-125
RESOLUTION PROFESSIONAL SPECIAL COUNSEL
JANINE BAUER, ESQ.**

WHEREAS, the Borough of Highlands has a need for professional special counsel services to assist the Governing Body for the Highlands-Sea Bright Bridge Project; and

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WHEREAS, such professional legal services can only be provided by licensed professionals and Janine G. Bauer, Esq. 416 Clark Street, South Orange, NJ 07079 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$2,500 plus reimbursable expenses for professional special counsel services provided to the Borough of Highlands for the period July 18, 2007 through December 31, 2007, 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:

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:

1. Janine G. Bauer, Esq. is hereby retained to provide professional special counsel services as described above for an amount not to exceed \$2,500 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. The Mayor and Clerk are hereby authorized to execute the contract.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
5. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

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

**R-07-126
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;

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands (four affirmative votes) that transfers between SFY 2007 Budget Appropriations Reserves be made as follows:

CURRENT FUND	FROM	TO
Community Center:		
Salaries & Wages	\$ 5,000	
Uniform Fire Safety:		
Other Expenses		\$ 1,000
Fire Department:		
Other Expenses		1,000
Emergency Management:		
Other Expenses		2,000
Community Center:		
Other Expenses		1,000
	\$ 5,000	\$ 5,000

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

ROLL CALL:

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

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

**R-07-127
TEMPORARY CAPITAL BUDGET**

WHEREAS, the Borough of Highlands desires to constitute the SFY 2008 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 2008 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 2008

Project	Estimated Costs	Capital Improvement Fund	Debt Authorized	Other
Rehabilitation of Sanitary Sewer System (Amending 0-06-06) Project # S-08-01	\$ 100,000	\$-0-	\$ 100,000	

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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 2008 Temporary Capital Budget, to be included in the SFY 2008 Permanent Capital Budget as adopted.

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

ROLL CALL:

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

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

**R-07-128
RESOLUTION CANCELING SFY2007 BUDGET APPROPRIATIONS
CURRENT BUDGET EFFECTIVE, JUNE 30, 2007**

WHEREAS, the following budget appropriation balances remain unexpended:

Current	170,364.24
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; and

WHEREAS, it is necessary to formally cancel said balances so that the expended balances may be credited to surplus;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the unexpended balances listed below be canceled in the current fund.

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

ROLL CALL:

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

CURRENT FUND

Borough Administrator:		
Other Expenses		4,000.00
Borough Council:		
Salaries & Wages		312.50
Other Expenses		1,000.00
Borough Clerk:		
Salaries & Wages		1,684.84
Other Expenses		1,000.00
Central Services:		
Salaries & Wages		2,067.91
Tax Assessor:	1	
Other Expenses		6,000.00
Tax Collector:		
Other Expenses		1,000.00
Engineering:		
Other Expenses		6,000.00

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Building & Grounds:	
Salaries & Wages	1.00
Other Expenses	25,000.00
Snow Removal:	
Salaries & Wages	1,362.42
Other Expenses	305.80
Shade Tree:	
Other Expenses	500.00
Police:	
Salaries & Wages	13,000.00
Police Dispatch:	
Salaries & Wages	16,000.00
Code Enforcement:	
Other Expenses	5,000.00
P.E.O.S.H.A.	
Other Expenses	1,000.00
Public Library:	
Salaries & Wages	1.00
Other Expenses	1.00
Celebration of Public Events:	2,000.00
Sanitation:	
Salaries & Wages	10,000.00
Other Expenses	10,000.00
Monmouth County Reclamation:	50,000.00
Affordable Housing:	
Salaries & Wages	1.00
Other Expenses	1.00
Insurances:	
Group	10,000.00
PERS	370.80
PFRS	40.00
9-1-1- Telecommunications	2,714.97
	<hr/>
	170,364.24

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

**R-07-129
AN ORDINANCE ADOPTING THE REVISED
BOROUGH OF HIGHLANDS PERSONNEL POLICY MANUAL**

WHEREAS, the Borough of Highlands Personnel Policy Manual has been revised and updated by the Special Counsel and the Governing Body has reviewed the revisions and updates;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, a Municipal Corporation of the State of New Jersey, as follows:

- a. The Borough of Highlands Personnel Policy Manual dated May 23, 2007 is hereby adopted by the Borough of Highlands as a guide and reference for all managers and employees of the Borough of Highlands.
- b. The Borough Administrator is hereby charged with promulgation and enforcement of the Personnel Policy Manual, and with recommending timely changes to this manual to the Mayor and Council.

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

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ROLL CALL:

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

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

**R-07-130
RESOLUTION APPROVING HANDICAP PARKING SPACES
290 BAY AV ENUE**

WHEREAS, an application for a Handicap Parking Designation for Ms. Barbara Gill was previously approved for 5A Washington Avenue; and

WHEREAS, Ms. Gill has requested that her space be changed to 290 Bay Avenue; and

WHEREAS, the Chief of Police has reviewed the application and recommends the approval of said Handicap Parking Designation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the application for Handicap Parking Designation for Ms. Barbara Gill is hereby approved; and

BE IT FURTHER RESOLVED that the Borough of Highlands erect Handicap Parking Designation Signs as follows:

1. remove sign from 5A Washington Avenue;
2. place the same sign at 290 Bay Avenue sixteen feet Northwest of reference point utility pole #90076HB.

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

ROLL CALL:

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

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

**R-07-131
RESOLUTION AMENDING RESOLUTIONS R-06-54
EXTENDING PROFESSIONAL ENGINEERING SERVICES FOR OPEN SPACE
INVENTORY AND PLAN**

WHEREAS, there exists the need for Professional Engineering Services to be provided to prepare an Open Space Inventory and Plan as well as to fulfill the obligation set forth in the Smart Future Grant Agreement with the N.J. Department of Community Affairs; 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 15, 2006 for an amount not to exceed \$10,000.00 for the Professional Engineering Services to prepare an Open Space Inventory and Plan as well as to fulfill the obligation set forth in the Smart Future Grant Agreement with the N.J. Department of Community Affairs; 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 15, 2008; 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, 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 engineering services is hereby extended for an additional year until March 15, 2008 with no change in the amount not to exceed of \$10,000.00.
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. Nolan and adopted on the following roll call vote:

ROLL CALL:

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

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

**R-07-132
RESOLUTION IN OPPOSITION TO THE SALE OF STATE ASSETS**

WHEREAS, a great number of residents use New Jersey's toll roads to commute to work on a daily basis and many businesses rely on these major transportation arteries to receive and deliver goods and services; and

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WHEREAS, New Jersey's high cost of living and even higher property taxes have placed such a financial strain on taxpayers and business owners that the state is fast becoming an unaffordable place for them to live and work; and

WHEREAS, Governor Jon S. Corzine and key legislative leaders are pushing a plan to sell New Jersey assets, starting most likely with the toll revenues generated by the New Jersey Turnpike, Garden State Parkway and Atlantic City Expressway; and

WHEREAS, language was included in the FY 2008 state budget authorizing the Corzine Administration to spend whatever amount of money it deems necessary to prepare for the lease or monetization of state assets; and

WHEREAS, the Corzine Administration has publicly stated that specific details of the asset sale not be disclosed to the public until after the November legislative elections, but it has confirmed the revenue it would produce is needed to balance a projected multi-billion-dollar hole in the FY 2009 state budget; and

WHEREAS, the Corzine Administration and key legislative leaders are examining the possibility of creating a new public agency that would sell billions of dollars of bonds to private investors backed by future toll road revenue; and

WHEREAS, administration and legislative officials have confirmed annual toll increases, over several decades will be necessary to make the bonds attractive to private investors; and

WHEREAS, in the past six years, state debt has more than doubled, from \$15 billion to \$37 billion, and the asset sale would instantly add billions of dollars to the debt load and intensify the pressure to raise taxes; and

WHEREAS, experience has shown that whenever tolls are increased, more trucks choose to use state and local roadways to save the expense; and

WHEREAS, increased truck traffic will accelerate the deterioration of state and local roadways, result in more traffic congestion and create a safety hazard to motorists and pedestrians alike.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands opposes any plan to sell, lease or monetize state assets, particularly state toll roads and the revenue they produce, because it will make new Jersey more unaffordable for residents and business owners, jeopardize the fiscal integrity of the state, and make our roads less safe; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to Governor Jon S. Corzine, Assembly Speaker Joseph Roberts, Senate President Richard J. Codey, Senate Minority Leader Leonard Lance, Assembly Minority Leader Alex DeCroce and all state legislators representing our legislative district.

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

ROLL CALL:

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

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

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**R-07-133
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL LEGAL SERVICES
SCHIBELL MENNIE AND KENTOS LLC**

WHEREAS, the Borough of Highlands has a need for professional legal 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 Schibell Mennie & Kentos, 1806 Highway 35 South, Oakhurst, N.J. 07755 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 the following amounts plus reimbursable expenses for Professional Legal Services provided to the Borough of Highlands for the period:

July 1, 2006 through June 30, 2007 \$25,000
July 1, 2007 through December 31, 2007 \$15,000

WHEREAS, Schibell Mennie & Kentos LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Schibell Mennie & Kentos 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 Schibell Mennie & Kentos LLC from making any reportable contributions through the term of the contract, and

WHEREAS, Schibell Mennie & Kentos LLC 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:

7/1/06-6/30/07 SFY 2007 Budget – Legal Other Expenses
7/1/07-12/31/07 SFY 2008 Budget – Legal Other Expenses contingent upon the necessary funds being appropriated by the governing body the SFY 2008 Municipal Budget:

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:

6. Schibell Mennie & Kentos LLC are hereby retained to provide professional legal services as described above for an amount not to exceed \$40,000 plus reimbursable expenses.
7. 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.

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8. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
9. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

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

**R-07-134
AUTHORIZING REFUND OF TAX OVERPAYMENT**

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
100.9	81	2006	\$ 30.52	P. Sheridan
100.9	81	2007	66.72	P. Sheridan
102	5	2007	1553.96	G. Feldman
11.07	10	2007	1083.31	M. Cianchetta
79	18	2004	614.54	M. Anstatt
79	18	2005	72.32	M. Anstatt
112	12.13	2007	943.42	M. Hand

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

ROLL CALL:

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

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

**R-07-135
RESOLUTION APPOINTING PART/TIME
SPECIAL POLICE OFFICER, CLASS II
MATTHEW O'NEIL**

WHEREAS, there exist the needs to appoint a part time Special Police Officer, Class II; and

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WHEREAS, Chief Blewett recommends the appointment of Matthew O'Neil as Special Police Officer, Class II; and

WHEREAS, the Mayor and Council of the Borough of Highlands agrees that the need exists for an additional guard officer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Matthew O'Neil is hereby appointed Part Time Special Police Officer, Class II; and

BE IT FURTHER RESOLVED that expenses for uniforms, books, weapons and ammunition be borne by Mr. O'Neil; and

BE IT FURTHER RESOLVED that psychiatric evaluation, medical evaluation and training expenses will be assumed by the Borough of Highlands; and

BE IT FURTHER RESOLVED that this appointment is effective immediately and compensation shall be set at the current rate in the Salary Ordinance.

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

ROLL CALL:

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

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

R-07-136

**RESOLUTION APPROVING PRELIMINARY MUNICIPAL TAX LEVY FOR
THE CALENDAR YEAR 2007**

WHEREAS, the New Jersey Division of Local Government Services has revised the method of calculating the Local Municipal Tax Rate for Municipalities operating on a fiscal year basis ending June 30th; and

WHEREAS, The revised procedure provides for the calculation of a preliminary Municipal Tax Levy on the basis of a calendar year requirement as per the attached form hereto.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the attached certificate of preliminary fiscal year levies is hereby approved reflecting a preliminary levy of \$4,892,347.17 for the calendar year 2007.

BE IT FURTHER RESOLVED, that certified copies of this resolution be filed with the New Jersey Division of Local Government Services and with the Monmouth County Board of Taxation.

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

ROLL CALL:

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

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

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**R-07-137
RESOLUTION PETITIONING GOVERNOR JON CORZINE
TO ISSUE AN ORDER TO STAY ALL DECISIONS
TO BUILD A NEW ROUTE 36 BRIDGE**

WHEREAS, the Governing Body of the Borough of Highlands has consistently supported, protected and preserved the historic sites and environmental distinctiveness of the Borough's bayside community and high lands, and

WHEREAS, all proposals to develop and/or change the use of lands and structures should respect the procedures and ordinances of the municipality that they are located within; and

WHEREAS, the New Jersey Department of Transportation has virtually ignored the concerns of and has been unresponsive to requests by the citizens and the Governing Body of the Borough of Highlands to consider alternatives to the DOT's plan to demolish the historic Route 36 drawbridge that connects the Borough of Highlands to the Borough of Sea Bright; and

WHEREAS, the Borough of Highlands will suffer undue hardship to its historic attitude and quaintness making it unattractive for tourist trade if the Route 36 drawbridge is built to the specifications of the NJDOT; and

WHEREAS, the Borough of Highlands will suffer undue hardship and irreparable injury to public and personal property located within the Borough if the proposed new fixed span bridge is approved for construction by jurisdictional state agencies and authorities;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Highlands hereby petitions New Jersey State Governor Jon Corzine to issue an executive/administrative order to stay all decisions to build a new Route 36 fixed span bridge over the Shrewsbury River, to re-open the public hearing and to provide an extended public comment period for the following but not limited to reasons:

- The NJDOT plan does not minimally comply with NEPA rules and regulations for "categorical exclusion" because the \$14,000,000 in design fees for the new bridge was inappropriate and premature.
"Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Sec. 1506.1)."

** Environmental impact statements in the coastal and in endangered species nesting areas were not conducted in violation of and accordance with the Endangered Species and the Coastal Zone Management Acts. Environmental Impact Statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made (Sec. 1502.2 Implementation (g)).

** An environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions....It **shall** provide full and fair discussion of significant environmental impacts and **shall** inform decision makers and the **public** of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies **shall** focus on significant environmental issues and alternatives.... **shall** be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used in conjunction with other relevant material to plan actions and make decisions. (Sec. 1502.1 Purpose). ; The public has been unfairly denied the opportunity to review and comment on Environmental Impact Statements that "**shall** state how alternatives considered in an EIS and decisions based on it will or will not achieve

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the requirements of sections 101 and 102(1) of the Act and other environmental laws ;and policies (Sec 1502.2 Implementation (d)).

** The NJDOT categorical exclusion for an EIS on the Route 36 drawbridge does not minimally comply with the conditions defined in 44 CVR 10.8(d). “Categorical exclusion” means a category of actions which *do not* individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures (Sec. 1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required...40CFR 1508. Categorical exclusions include *minor* improvements or minor hazard mitigation measures at *existing facilities*, such as placing riprap at a culvert outlet to control erosion. The *unresolved extraordinary circumstances* are the presence of protected natural or cultural resources, the proposed action *cannot be categorically excluded, and an Environmental Assessment would be required.*

** The Endangered Species Act states that if a project involves the known habitat of a threatened or endangered species, the USFWS or the National Marine Fisheries Service (NMFS), or both shall be consulted. A comprehensive EIS is requisite in complying with the Endangered Species Act. Topographicals, to scale maps, areas of disturbance and encroachment in environmentally sensitive and endangered/threatened nesting and breeding areas have not been addressed, reviewed and commented on by the public in the absence of an EIS.

** The September 30, October 1, and October 2, “informal public information meetings did not provide comprehensive documentation on any of the aforementioned requisite date and issues.

NOW, THEREFORE, BE IT RESOLVED that in the interest of fairness, to best serve the public interest, to preserve the rights of municipalities and it’s citizens to be consulted and participate in the public hearing process, the Mayor and Council of the Borough of Highlands petitions NJ State Governor Jon Corzine to issue and executive / administrative order to stay all proceedings and approvals until complete information including an EIS be made available for public review and a new public hearing with an extended comment period be provided for and noticed to all interested parties.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to the Office of Administrative Law, the NJ State Attorney General, the Office of the NJ State Public Advocate, the Borough of Sea Bright, the Township of Middletown, the Borough of Fair Haven, the Borough of Rumson, the Borough of Little Silver and the Borough of Monmouth Beach

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

ROLL CALL:

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

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

**RECAP OF PAYMENT OF BILLS
07/18/07**

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CURRENT:		\$	1,349,720.18
	Payroll (07/15/07)	\$	128,816.78
	Manual Checks	\$	815,292.04
	Voided Checks	\$	
SEWER ACCOUNT:		\$	140,716.00
	Payroll (07/15/07)	\$	2,995.91
	Manual Checks	\$	16,178.96
	Voided Checks	\$	
CAPITAL/GENERAL		\$	3,365.00
CAPITAL-MANUAL CHECKS		\$	17,704.50
WATER CAPITAL ACCOUNT		\$	4,750.47
TRUST FUND		\$	13,942.53
	Payroll (07/15/07)	\$	1,160.00
	Manual Checks	\$	6,457.41
	Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	13.80
GRANT FUND		\$	717.00
	Payroll (07/15/07)	\$	309.76
	Manual Checks	\$	
	Voided Checks	\$	
DEVELOPER'S TRUST		\$	1,522.76
	Manual Checks	\$	579.25
	Voided Checks	\$	

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

Supplemental Bill List for July 18, 2007

A. Montone Construction	Road Program	\$	124,403.26
Jack Serpico ,Esq	Prof Legal	\$	1,239.83

Total Supplemental Bill List			<u>\$ 125,643.09</u>

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

ROLL CALL:

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

Miss Thomas stated that with regard to R-07-135, she would like to hire special officers, but she would like to see an open application process.

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ORDINANCES: Introduction & Setting of a P.H. Date:

Ordinance O-07-11

Mrs. Flannery read the title of Ordinance O-07-11 for introduction and setting of a public hearing date:

Mayor O'Neil offered the following Ordinance and moved on its approval for introduction and setting of a public hearing date for September 19, 2007 at 8:00 P.M. and authorized its publication according to law:

O-07-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS , ENTITLED "FIRE DEPARTMENT", AND MORE PARTICULARLY SECTION 2-11.2, TO PERMIT AN INCREASE IN MEMBERSHIP OF THE FIRE DEPARTMENT, AND ANY VOLUNTEER FIRE COMPANY WHICH IS A PART THEREOF.

BE IT ORDAINED, by the Borough Council of the Borough of Highlands that Chapter II of the Revised General Ordinances of the Borough of Highlands be amended and supplemented to read as follows:

New Text denoted by Underline, deletions by ~~Strikeover~~.

2-11.2 Organization: Powers and Duties.

The volunteer **fire** companies shall be organized and regulated in accordance with their bylaws. Notwithstanding anything contained in said by-laws to the contrary, membership of any duly formed volunteer fire company operating within the Borough of Highlands may consist of up to sixty (60) members. The fire department shall have exclusive control over all fires within the borough and shall have access to the borough water supply system serving the borough through its fire hydrants for the purpose of extinguishing fires.

The above ordinance shall take effect upon adoption and publication in accordance with law. All ordinances inconsistent herewith shall be repealed to the extent of any such inconsistency. Should the aforesaid ordinance be determined to be void or unenforceable by a court of competent jurisdiction, in whole or part, the remainder shall remain in full force an effect.

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

ROLL CALL:

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

Ordinance O-07-12

Mrs. Flannery read the title of the following Ordinance for introduction and setting of a public hearing date:

Mayor O'Neil offered the following ordinance pass introduction and that a Public Hearing Date be set for Wednesday, August 15, 2007 after publication according to law.

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O-07-12

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS ESTABLISHING A
NEW CHAPTER XVIII, ENTITLED “WRECKERS AND TOWING”,
ESTABLISHING LICENSING PROCEDURES, AND REGULATIONS
PERTAINING TO OPERATORS ENGAGED IN THE REMOVAL OF MOTOR
VEHICLES, AS AUTHORIZED BY N.J.S.A. 40:48-2.49**

BE IT ORDAINED as follows:

Chapter XVIII: WRECKERS AND TOWING

Whereas, in accordance and as authorized by *N.J.S.A. 40:48-2.49* entitled “Regulation of operators engaged in removal of motor vehicles”, it is reasonable and necessary to establish and set forth the non-discriminatory and non-exclusionary regulations governing towing agencies engaged in the business of removing and storing motor vehicles at the request of any Borough of Highlands employee in the performance of his/her duties. This ordinance shall apply to any property, whether public or private.

§ 18-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BASIC TOWING SERVICE — The removal and transportation of a vehicle from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incident thereto.

CATEGORY I VEHICLE — All vehicles 0 to 10,000 pounds gross vehicle weight.

CATEGORY II VEHICLE — All vehicles over 10,000 pounds gross vehicle weight.

CRUISING — The operation of an unengaged tow truck along the public streets in any fashion intended or calculated to solicit business.

GROSS VEHICLE WEIGHT — The registration weight, the manufacturer's gross vehicle weight rating or actual weight.

EMPLOYEE — Any person employed by a licensee to operate a wrecker.

WRECKER — A vehicle used to tow or remove other vehicles usually so damaged or disabled that they cannot proceed under their own power. Class I wreckers are capable of towing or removing a category I vehicle and class II wreckers are capable of removing or towing a category II vehicle.

§ 18-2. License.

A license shall be required to perform police-requested towing and roadside repair services on roadways within the Borough of Highlands. Any person or entity wishing to obtain a license pursuant to this chapter shall submit a license application to the Borough Clerk.

§ 18-3. Term of license.

Licenses shall be issued by the Borough Clerk. Each license shall be issued for a maximum term of one year and shall terminate on January 1 of the year following its issuance.

§ 18-4. License fee.

- A. A fee of \$100 shall be paid annually by license applicants in order to obtain a license.
- B. License applicants shall be charged a prorated license fee for a license issued for a partial license term.

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C. License fees shall be nonrefundable for any reason.

§ 18-5. Requirements for licenses.

No person or entity shall be eligible for the issuance of a license unless the following requirements are fulfilled:

- A. All **towing** equipment utilized by applicants shall be in compliance with state, federal and local laws.
- B. All **towing** equipment utilized by licensees shall be in compliance with state, federal and local laws and shall be inspected by the Highlands Police Department on an annual basis. Applicants shall have the following minimum equipment:
 - (1) One wrecker capable of removing any category I vehicle.
 - (2) Safety equipment to be carried on all trucks shall include: a universal **towing** sling, except flatbeds; J-hooks and chains; one snatch block for three-eighths- to one-half-inch cable, two high-test safety chains; auxiliary safety light kit to place on rear of towed vehicle; four-lamp or three-lamp revolving amber light or lamp bars of at least 500 candlepower pointed to the rear, mounted so as not to be obstructed by the towed vehicle(s) and said lights must be engaged during the removal of the vehicle(s); at least three flares or other suitable warning devices visible for a distance of not less than 1,000 feet from the disabled vehicle(s); toolbox with assortment of hand tools; rear working lights and rear marker lights; cab lights; body-clearing lights located to clear towed vehicle; blocking choke for wrecker while working; safety cones; shovels and broom; steering wheel lock or tie-down; and an operational fire extinguisher designed for vehicular fires which must be 25 pounds BC dry chemical; and five gallons of absorbent granules for cleaning up fluid spills.
 - (3) All wreckers must be properly and permanently lettered on both sides according to Title 39 of the Motor Vehicle Code of New Jersey.
- C. License applicants shall submit a detailed list of all wreckers and service vehicles, as well as supplemental/auxiliary equipment owned or leased which will be used in performance of this chapter. A copy of the vehicle registration, amber light permit(s), certificate of insurance for vehicles and property, insurance cards and leases must also be provided with the list. The list must contain the following information: type of vehicle, year/make, capacity and condition of the vehicle.
- D. License applicants shall demonstrate that they maintain a storage facility properly zoned for such use. Each license applicant must have an outdoor storage area large enough to accommodate at least 10 class I vehicles. Each license applicant may have an indoor, secured storage area sufficient to house at least two vehicles and provide twenty-four-hour security for the same for the storing of impounded vehicles involved in criminal matters.
- E. License applicants maintain the following insurance:
 - (1) A garage keeper's liability policy covering fire, theft and explosion in the minimum amount of \$60,000.
 - (2) A garage liability policy covering the operation of the licensee's equipment or vehicles for the amount of \$300,000 for any one person killed or injured in any one accident, and \$100,000 for all property damage from one accident.
 - (3) Automobile liability insurance in an amount of not less than \$1,000,000 combined single limit for bodily injury and property damage liability.
 - (4) Workers' compensation insurance insuring the obligation of the wrecker operator under the New Jersey Workers' Compensation and Occupational Disease Laws.
 - (5) Insurance policies shall provide collision coverage for vehicles in tow.

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- F. License applicants shall submit the following for the applicant and all employees: name, address, date of birth, social security number, photocopies of all New Jersey driver's licenses (including commercial driver's licenses), signature, name and address of an individual to contact in case of emergency. The Highlands Police Department shall conduct background investigations of all license applicants and their employees. Any person with a criminal record will not be allowed to perform Police Department **towing** and service and/or be issued a license.

§ 18-6. Licensee standards of conduct and performance.

- A. All licensees shall comply with the following requirements of conduct and performance:
- (1) Signs in view of the public shall be posted at storage facilities which contain the licensee's license number, business name, phone number, hours of operation and **towing** fee schedule as outlined in this chapter in its entirety. Such signs shall otherwise comply with zoning requirements.
 - (2) All storage facilities must satisfy all licensing requirements promulgated by the State of New Jersey and the municipality regarding all aspects of their use, and/or intended use, including but not limited to the **towing**, storage, repair and sale of motor vehicles. Storage facilities must be in compliance with all applicable codes and municipal ordinances and must be zoned for all of the uses for which they are, or will be, dedicated.
 - (3) Licensees shall make their storage facilities open to the public Monday through Friday 8:00 a.m. to 6:00 p.m. and on Saturday 8:00 a.m. to 12:00 noon.
 - (4) Employees of licensees must be registered with the Highlands Police Department prior to performing any services for licensees. Information on employees shall be updated every 90 days in order to keep current with changes in personnel.
 - (5) Licensees and/or their employees shall be fully trained and knowledgeable in the operation of all required equipment must possess a valid New Jersey driver's license.
 - (6) Licensees and/or their employees must be equipped with and trained to perform all facets of the safe and efficient removal of all types of motor vehicles under this chapter regardless of the physical condition of the vehicle and able to perform minor roadside repairs.
 - (7) Licensees are responsible for the removal of all debris from an accident scene, which includes sweeping the roadway. Licensees and/or their employees must be equipped with and trained in the necessary equipment needed to completely remove, and must remove, all nonhazardous debris from the scene of the accident. Debris must be placed in a container or bag. Any minor fluid spills will be picked up by the wrecker operator and may be put out in the regular trash after 24 hours.
 - (8) Licensees and their employees must wear orange reflective safety vests when engaged in the **towing** or repair of motor vehicles while on public roadways.
 - (9) Licensees and their employees are expected to always act in a professional manner and at all times to be courteous and respectful towards members of the public. Licensees and their employees shall not represent to any member of the public that they are employees of the Borough of Highlands.
 - (10) Licensees shall not engage in cruising.
 - (11) Licensees and their employees shall preserve evidence needed for potential criminal and civil cases at the direction of law enforcement personnel. Vehicles involved in criminal matters which are impounded and stored in a licensee's storage area shall not be removed from such storage area until

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written permission is obtained from the Highlands Police Department.

- (12) Licensees must follow the proper procedures and directions of all applicable laws for the disposal of vehicles not retrieved by the owner and shall notify the Highlands Police Department on a monthly basis if they are in custody of any unclaimed vehicles. Any licensee failing to notify the Highlands Police Department within 30 days that a vehicle has been abandoned shall forfeit storage fees for any days in excess of 30 days such vehicle is stored. The Police Department will file for titles of abandoned motor vehicles left on a licensee's premises.
- (13) Licensees shall maintain an accurate file of all vehicles towed and stored in their impound sites. Licensees must maintain a record of all property found anywhere in a towed vehicle, including trunk and glove compartment, if open. Authorized representatives of the Highlands Police Department or their designees shall have access to any of the records required to be kept by licensees. Such files shall be maintained for three years.
- (14) Licensees, upon receiving a vehicle and ownership information relating thereto, shall immediately contact the owner of the vehicle by telephone and/or in writing, within 48 hours, to inform the owner that:
 - (a) The licensee is in possession of the vehicle;
 - (b) The costs the owner has incurred;
 - (c) The procedure for obtaining a release of the vehicle;
 - (d) The consequences for failure to retrieve the vehicle within the proper time frame.
- (15) Licensees must maintain accurate records of owner notifications and attempted notifications.
- (16) Licensees must not release any impounded vehicle from an impound site unless it is authorized by the Highlands Police Department.
- (17) Licensees shall be responsible for any vehicle and the contents thereof after receiving said vehicle in their custody and control, and shall reimburse the owner of such vehicle removed for any such damage or loss sustained to any vehicle while in the **towing** service company's custody and control.
- (18) Licensees shall not make any repairs to any vehicle towed or removed as provided for hereunder without first receiving written authorization of the owner thereof or its authorized agent.
- (19) Licensees shall use, at a minimum, the manufacturer's suggested **towing** or removal method for removal of damaged or impounded passenger cars or light vehicles, including pickup trucks, minivans, motorcycles and vans.
- (20) A licensee may use another licensee to take a call after regular hours and on holidays and weekends; the towed vehicle must be towed to the original assigned licensee's facility immediately. Both the original assigned licensee and the replacement licensee will be held liable for any infractions. The original assigned licensee will be charged for the call. Licensees shall make all requests for replacement wreckers or for additional wreckers at the scene of an accident through the Highlands Police Department.
- (21) All licensees must have a phone number where they can be reached 24 hours a day to take calls for police-requested **towing** and service. Such phone number may not be a beeper number.
- (22) Licensees will dispatch, within the time permitted by this chapter, wreckers, when requested by the desk officer, to respond to a police request for service. If a licensee fails to respond to a **towing** or service call in a timely manner, the next licensee on the appropriate list shall be called to handle the call. A wrecker which arrives at the site of a **towing** or service call after the time to

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respond has expired shall not be allowed to handle that call in the event a second licensee has already been called to handle the **towing** or service call.

- (23) Licensees may not transfer a license issued pursuant to this chapter under any circumstances.

§ 18-7. Maximum fees to be charged by licensees.

- A. No storage fees may be charged for a vehicle retrieved within 12 hours after its initial placement at a licensee's storage facility.
- B. No storage fees shall be imposed for the day an owner or motorist retrieves the vehicle, if such retrieval occurs before 11:00 a.m.
- C. The following fees are the maximum fees which may be charged by licensees:
- (1) **Towing** charge.
 - (a) Category I light duty (all vehicles 0 to 10,000 pounds GVW):
 - [1] 8:00 a.m. to 6:00 p.m.: \$80.
 - [2] 6:01 p.m. to 7:59 a.m.: \$90.
 - (b) Category II (all vehicles over 10,000 pounds GVW): \$175.

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- (b) Tire changes:
 - [1] 8:00 a.m. to 6:00 p.m.: \$35.
 - [2] 6:01 p.m. to 7:59 a.m.: \$50.
- (c) Fuel:
 - [1] 8:00 a.m. to 6:00 p.m.: \$35.
 - [2] 6:01 p.m. to 7:59 a.m.: \$50.
- (7) Additional charges, class II vehicles:
 - (a) Air line: \$25.
 - (b) Removal of bumper: \$25.
 - (c) Use of wheel lift: \$25.
 - (d) Brake release, per axle: \$25.
- (8) These additional category II vehicle charges are for typical tows. Any additional charges must be justified and there must be a documented need for additional personnel, equipment and/or supplies.
- (9) Licensees may accept Visa, MasterCard or cash as payment for services. Checks, if accepted, will be by mutual consent of tow company and motorist.
- D. Mileage fees are not permitted within the borders of Highlands. No other fees or charges are permitted except as set forth above.
- E. Response times for police calls.
 - (1) Class I wrecker:
 - (a) 8:00 a.m. to 6:00 p.m.: 25 minutes.
 - (b) 6:01 p.m. to 7:59 a.m.: 30 minutes.
 - (2) Class II wrecker:
 - (a) 8:00 a.m. to 6:00 p.m.: 30 minutes.
 - (b) 6:01 p.m. to 7:59 a.m.: 40 minutes.

§ 18-8. License suspension or revocation.

- A. The Police Chief or his designee may suspend or revoke the license of any licensee if the licensee fails to comply with the requirements of this chapter.
- B. The Chief of Police or his designee shall hold a hearing prior to suspending or revoking any license, except that the Chief of Police or his designee may order an immediate temporary licensee suspension in the interest of public health safety and welfare. Licensees shall be given notice of the hearing at least five business days prior to the hearing date. Licensees shall be entitled to a hearing within five business days of any temporary suspension to determine whether any further action is necessary.

§ 18-9. Police-requested **towing and service on rotational basis.**

The Police Department shall maintain current rotational lists of wrecker operators for police-requested service calls and **towing** calls. The Police Department shall maintain a list for service calls and two call lists for **towing**: a) wreckers capable of **towing** category I vehicles and b) for wreckers capable of **towing** category II vehicles.

§ 18-10. Rules and regulations.

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The Chief of Police may promulgate rules and regulations to implement the provisions of this chapter, subject to approval by the Township Council by resolution.

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

ROLL CALL:

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

Ordinance O-07-13

Mrs. Flannery read the title of ordinance O-07-13 for introduction and setting of a public hearing date.

Mr. Nolan offered the following Ordinance pass introduction and that a Public Hearing Date be set for Wednesday, September 19, 2007 at 8:00 P.M. and authorized its publication according to law:

O-07-13

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER X OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS, ENTITLED "BUILDINGS UNFIT FOR HUMAN HABITATION, OCCUPANCY OR USE AND MORE PARTICULARLY SECTION 10-4.3, "SUBSTANDARD HOUSING COMMITTEE", TO INCREASE ITS MEMBERSHIP.

BE IT ORDAINED, by the Borough Council of the Borough of Highlands that SECTION 10-4.3 of Chapter X of the Revised General Ordinances of the Borough of Highlands be amended and supplemented to read as follows:

New Text denoted by Underline, deletions by ~~Strikeover~~.

10-4 BUILDINGS UNFIT FOR HUMAN HABITATION, OCCUPANCY OR USE.

10-4.3 Substandard Housing Committee.

There is hereby created, a committee to be known as substandard **housing** committee, to consult with and advise the public office. Such committee shall consist of nine (9) members, seven (7) of which shall be the health officer; fire chief or his designee; welfare director, plumbing inspector; building inspector or assistant building inspector; fire inspector; electrical inspector; and two members to be appointed by the mayor as follows: one member of the borough council and one other member ~~to be selected by the mayor.~~

All other provisions of this ordinance shall remain in full force and effect except to the extent modified hereby.

This ordinance shall take effect upon final adoption and publication in accordance with law.

Seconded by Miss Thomas and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None

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ABSENT: None
ABSTAIN: None

Ordinance O-07-14

Mrs. Flannery read the title of Ordinance O-07-14 for introduction and setting of a public hearing date.

Mayor O'Neil offered the following Ordinance pass introduction and that a Public Hearing Date be set for Wednesday, September 19, 2007 after publication according to law:

O-07-14

AN ORDINANCE AMENDING CHAPTER 10 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS TO PROVIDE FOR ADOPTION BY REFERENCE OF THE INTERNATIONAL CODE COUNCIL (ICC) INTERNATIONAL PROPERTY MAINTENANCE CODE, 2006 EDITION

BE IT ORDAINED, by the Borough Council of the Borough of Highlands that Chapter X of the Revised General Ordinances of the Borough of Highlands be amended and supplemented to read as follows:

New Text denoted by Underline, deletions by ~~Strikeover~~.

10-9 B.O.C.A. NATIONAL PROPERTY MAINTENANCE CODE, 1993 EDITION. International Code Council (ICC) International Property Maintenance Code, 2006 Edition.

10-9.1 Adoption by Reference.

There is hereby adopted, for the purpose of providing regulations for the protection of public health, safety and welfare in existing buildings within the borough, that certain code known as "International Code Council (ICC) International Property Maintenance Code, 2006 Edition. The B.O.C.A. National Property Maintenance Code, 1993 Edition" and any subsequent supplements or amendments thereto, or new editions thereof, as published by International Code Council the Building Officials and Code Administrators International, Inc., which is hereby adopted as the Property Maintenance Code of the Borough of Highlands in the State of New Jersey for the control of buildings and structures as herein provided; and each and all the regulations, provisions, penalties, conditions and terms of said International Code Council (ICC) International Property Maintenance Code, 2006 Edition. B.O.C.A. National Property Maintenance Code, 1993 Edition are hereby referred to, adopted, and made a part hereof, as if fully set out in this section.

10-9.2 Enforcement.

The Department of Building and Housing within the Borough of Highlands, inclusive of all its officials and subcode officials, shall be empowered to enforce the International Code Council (ICC) International Property Maintenance Code, 2006 Edition. B.O.C.A. National Property Maintenance Code, 1993 Edition as part of the Revised General Ordinances of the Borough of Highlands.

10-9.3 Penalties.

Any person violating any provision of this section and therefore, the International Code Council (ICC) International Property Maintenance Code, 2006 Edition. B.O.C.A. National Property Maintenance Code, 1993 Edition, shall be subject to a fine of not more than five hundred (\$500.00) dollars for each violation.

All other provisions of this ordinance shall remain in full force and effect except to the extent modified hereby.

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This ordinance shall take effect upon final adoption and publication in accordance with law.

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

ROLL CALL:

AYES: Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

NAYES: None

ABSENT: None

ABSTAIN: None

Bond Ordinance O-07-15

Mrs. Flannery read the title of Bond Ordinance O-07-15 for introduction and setting of a public hearing date.

Mr. Nolan offered the following Bond Ordinance pass introduction and that a Public Hearing date be set for August 15, 2007 after publication according to law:

**O-07-15
BOND ORDINANCE AMENDING BOND
ORDINANCE NUMBER 06-06 FINALLY ADOPTED
BY THE BOROUGH COUNCIL OF THE BOROUGH
OF HIGHLANDS, NEW JERSEY ON JUNE 7, 2006**

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 the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The Bond Ordinance of the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") entitled "Bond Ordinance Providing An Appropriation Of \$650,000 For Rehabilitation of Sanitary Sewer For And By The Borough Of Highlands In The County Of Monmouth, New Jersey And, Authorizing The Issuance Of \$400,000 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation," finally adopted on June 7, 2006 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. The Ordinance is hereby amended by (a) deleting the reference of "\$650,000" for the appropriation and estimated cost and "\$400,000" for the estimated maximum amount of bonds or notes and substituting in lieu therefor "\$750,000" and "\$500,000;" and by (b) deleting the reference to "\$130,000" for expenses permitted under Section 20 of the Local Bond Law and substituting in lieu therefor "\$150,000".

Section 3. 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 resolutions 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 of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 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 the 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 \$500,000.

Section 5. All other provisions of the Ordinance shall remain unchanged.

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Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

Seconded by Mayor O'Neil and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

NAYES: None

ABSENT: None

ABSTAIN: None

ORDINANCE: 2nd Reading, Public Hearing & Adoption

Ordinance O-07-10

Mrs. Flannery read the title of Ordinance O-07-10 for the second reading and public hearing.

Mayor O'Neil opened the public hearing up for Ordinance O-07-10 but there were no questions or comments from the public.

Mrs. Flannery read the title of Ordinance O-07-10 for the third and final reading and adoption.

Mr. Urbanski offered the following Ordinance and moved on its adoption and authorized the Clerk to publish according to law:

O-07-10

**ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH
OF HIGHLANDS, NEW JERSEY OF PAYMENT OF PRINCIPAL AND
INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS,
SERIES 2007 (HIGHLANDS PROJECT), OF THE MONMOUTH
COUNTY IMPROVEMENT AUTHORITY**

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

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq., the Borough of Highlands, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2007 (Highlands Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled, "Capital Equipment Lease Revenue Bond Resolution (Highlands Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Municipality pursuant to a lease and agreement to be entered into by the Authority and the Municipality (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

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Section 2. The following additional matters are hereby determined, declared, recited and stated:

(1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Municipality's equipment which will be subject to the Lease and to pay the Municipality's share of the costs of issuance, but in no event shall such principal amount exceed \$270,000.

(2) The Bonds shall mature within eleven years of the date of issue.

(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond Law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond Law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

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

ROLL CALL:

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

OTHER BUSINESS:

Engineer's Report

Jackie Flor, P.E. of T & M Associates stated the following:

General

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1. **Community Center Improvements:** This project has been completed. The final payment is currently being processed by the architect.
2. **Community Center Playground/Sports Courts Improvements:** Construction is expected to begin August 17th, 2007 so that there is no interference with the summer programming provided by the Recreation Department. The contractor has submitted all product information and shop drawings for approval.
3. **Firehouse:** The contractor has received a Certificate of Occupancy for the building and is currently completing the punch list items for the building and the site.
4. **NJDEP Stormwater Management Regulations:** We have recently responded to a violation notice submitted by the NJDEP pertaining to stormwater compliance via discussions and correspondence. The Borough is currently working to correct all deficiencies. Recently the County requested a change to the stormwater portion of the Master Plan, so we are updating the Master Plan and it will be forwarded to the Planning Board for review.
5. **South Bay Avenue Pumpstation:** Pumping Services has completed the repairs outlined in their proposal dated May 3, 2007. It should be noted that this work only resolved a portion of the problems surrounding the station. As such, Pumping Services has been requested to submit an additional proposal outlining the necessary work to repair/replace all components of the pump station control panel. Once received, we will review the proposal and compare the items to items still responsible by the original contractor. Further, if the panel is not made operational solely by these repairs, then the repair/replacement of the remaining items may fall under the maintenance bond posted by the original contractor.
6. **Valley Avenue Emergency Sewer Repair:** The Borough has authorized PMK Group to perform a subsurface investigation and develop a recommendation for permanent slope stabilization in this area. PMK has performed their investigation and has submitted a final report pertaining to their investigation and proposed methods of slope stabilization. If the Borough has any questions with regard to this, please let us know. The next step would be for the Borough to review the recommendations and proceed with the repair accordingly.
7. **Sanitary Sewer Investigation at Waterwich Avenue and Route 36:** We have prepared and submitted a Traffic Control Plan to the NJDOT, as required, for their approval to televise the sanitary sewer in this vicinity to accurately assess the repair area. The NJDOT has approved the plan and will issue a permit for the same. We do not have the permit in hand, once we have the permit, we will proceed with the sanitary sewer investigation. Once this work is complete, we will advise the Governing Body of our findings, suggested repair method and the possibility of including this repair in the Basin Eight repair project.

Capital Improvement Projects

1. **Valley Street Pumpstation Rehabilitation Project:** The project has been awarded to EDC. EDC has most recently told us that they will complete the remaining punch list items by Friday.
2. **2006 Road Program:** The project has been awarded to A. Montone Construction. The Contractor has completed the curb and paving of Miller Street between Shore Drive and Route 36. Additionally, Washington Avenue, Recreation Place and the Recreation Place/Barberie Avenue intersection have been paved with the base course. During milling operations, the Contractor damaged a gas main that was located within 6" of the bottom of the existing pavement. As such NJNG has notified the Borough that they are currently in the process of scheduling the lowering of the gas main. Once the gas company is clear of the Barberie Avenue intersection, the Contractor will complete the

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top course paving of these roadways. We have been calling every day for an update from NJNG and as soon as we have a schedule from them we will let you know.

3. **Washington Avenue Phase II:** We have been verbally authorized by the Mayor to begin the design for this portion of Washington Avenue. The design will not commence until the top course pavement is applied to the Phase I portion of the project so that the design grades for Phase II will match the as-built grades for Phase 1.
4. **Basin Eight Sanitary Sewer Rehabilitation Project:** Bids were received for the re-bid of Proposal B on July 12, 2007. We issued a review letter and are recommending that the project be awarded to National Water Main for an amount of \$99,300.
5. **Basin 2 Sanitary Sewer Rehabilitation Program:** We are in design of this project and expect to have the report by the end of the month.

Grants and Loans

1. **FY2008 Community Development Block Grant:** We have completed and submitted the grant application for the above program. The grant request is for the installation of emergency generators at the Waterwitch Avenue and South Bay Avenue pump stations and at the Robert D. Wilson Community Center.
2. **FY2008 NJDOT Municipal Aid:** We have been advised by the NJDOT that these applications are due August 24, 2007. The Governing Body should determine which road(s) they wish to apply for funding in this cycle.
3. **Rural Development Program:** This program is formerly known as the Farmers Home Administration (FHA) Grant Program and is a possible source of funding for sanitary sewer rehabilitation work associated with Physical Investigation of Basin Two.

**APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR(SA)
AMERICAN LEGION TWINLIGHT POST #143
SEPTEMBER 8TH, 2007**

Mr. Nolan offered a motion to approve of the Social Affair Permit for the American Legion, seconded by Mr. Caizza and approved on the following roll call vote:

ROLL CALL:

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

**REQUEST TO CLOSE SEADRIFT AVENUE FROM
BAY AVENUE TO SHORE DRIVE FOR THE
SEADRIFT BLOCK PARTY
JULY 28TH, 2007**

Mr. Nolan offered the approval of the Request to close Seadrift Avenue, seconded by Mayor O'Neil and approved on the following roll call vote:

ROLL CALL:

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

**REQUEST BY THE LADIES AUXILIARY TO BE PLACED
ON THE BOROUGH'S INSURANCE POLICY**

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Mr. Caizza offered a motion to approve of the request, seconded by Mr. Nolan and approved on the following roll call vote:

ROLL CALL:

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

**REQUEST FOR RAFFLE LICENSE
HIGHLANDS BUSINESS PARTNERSHIP
FOR THE SUPER 50/50**

Mr. Nolan offered a motion to approve of the HBP Raffle License, seconded by Mr. Caizza and approved on the following roll call vote:

ROLL CALL:

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

**REQUEST FOR MEMBERSHIP TO THE FIRE DEPARTMENT
OF KEVIN O'DONNELL**

Mr. Caizza offered the approval of the O'Donnell Fire Department Application, seconded by Mr. Urbanski and approved on the following roll call vote:

ROLL CALL:

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

PUBLIC PORTION:

Pauline Peterson - she wants to know if people using the skate park are supposed to wear helmets and why is it not enforced. She stated that they should take the skateboard away from the person and have them or their parent come to the police station to retrieve it and they should not be able to get it back unless they have a helmet.

Mayor O'Neil stated that he will discuss this with Chief Blewett.

Elaine Hoffman - 19 Laurel Drive – questioned the amendments to the Zoning Ordinance.

Mr. Manco stated that the Ordinance preserves the statutory rates as to relocation. There has to be a finding made by the Zoning or Planning Board in the context of the application that there is adequate relocation in the area.

Ms. Hoffman asked what is reasonable.

Mr. Manco stated that it is the judgment of the board that is approving the application after taking testimony from planners as to availability and they will make a decision. That particular Board has that power, this Council does not.

Ms. Hoffman asked where the money would come from for this.

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Mr. Manco stated that there are certain requirements under the statute that the land owner would have to provide.

Laura Horn - 4 Laurel Drive - how much time would be given to people to evacuate the premises regarding this ordinance?

Mayor O'Neil stated that it is set in Statute 2 and he believes that it is a minimum of 18 months.

Jim Parla - Portland Road - Concerned with the density of the Borough. And also he was confused with regard to compensation of trailer owners versus renters, from the developer.

Mayor O'Neil believes that there are two different formulas for people who rent and people who own their trailers. However, under the current statute they are both covered by a statute that is set, not set by us. With regard to the density, Mayor O'Neil stated that is yet to be worked out in the resolution.

Connie Silver - 1 Scenic Drive - attended the Planning Board meeting last week and was surprised to hear the Mayor say that Eastpointe was not really a part of the Highlands community.

Mayor O'Neil stated that is not what he said.

Miss Silver stated that there are 166 units at Eastpointe, many patronize the restaurants downtown, the Farmer's Market, etc. She was hopeful that the Mayor will rethink his position that Eastpointe is not a part of the Highlands community.

Mayor O'Neil stated that all he was trying to say was that, although Eastpointe is part of the community, there are never any problems up there. Ms. Silver may have misinterpreted what he said.

Rosemary Ryan - 117 Highland Avenue - with regard to the condominiums on the highway, has there been any thought to the problem with sewage?

Mayor O'Neil stated that the runoff is not sewage, that it is storm water runoff. He stated that all areas will be addressed prior to any development.

Ms. Ryan stated that the sewage/drainage from South Peak into downtown Highlands was just revamped approximately 10 years ago, and the problem has not been resolved due to the drains not being hooked up from uptown to downtown.

Mayor O'Neil stated that the only thing replaced was by the old Ice Cream store. He stated that the problem with Highland Ave., is that one side goes into the catch basin and the other side goes across the street and comes across to the same catch basin. The problem is that the pipe is too small and there is a gas main there, a water main there, and many things involved in that area. He added that since there is a change of elevation at Bay Ave., it can cause head pressure to back-up.

Ms. Ryan suggested that the old problem be fixed before work begins on a new project.

Mayor O'Neil stated that the Borough is fixing problems.

Kathryn DuPont - 4th Street - during every full-moon, there is flooding. With all the developing and fixing of house and such, where does all the water go?

Laurel McSherry - 21 Ocean Street - would like to know where the language came from regarding the Ordinance.

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Mayor O'Neil stated that he believes the language came from the Eastpointe resolution. One of the changes that was offered by the Planning Board was to make it not solely for high rises, but for multi-family and single family and for trailer parks, in case the engineering did not support high rises.

Ms. McSherry asked then if this would apply to any site in town that is currently a mobile home.

Mayor O'Neil stated that he believed this to be site specific. The other mobile home park near the water is not the same zoning.

Ms. McSherry suggested that there be a reconsideration of the bulk that is being suggested in this resolution. Ms. McSherry also suggested that the Borough consider changing the domain for the Borough website from dot com to dot gov in the interest of information sharing. Also, she would appreciate the Borough allowing her to have access to the drawings regarding the bridge and also access to a copy machine.

Mayor O'Neil asked Ms. McSherry what the difference is between a dot com and a dot gov.

Ms. McSherry stated that a dot com is more of a business website. With a dot gov there is more of a level of separation with filters and the like.

Louise Sykes - 1 Scenic Drive - regarding the Planning Board meeting and the ordinance that addressed sloping and slump rock, and also a report from Atlantic Highlands was handed out to the members of the planning board, she questioned if there is going to a second reading and adoption of this ordinance, how this can be done without an ordinance in Highlands to protect the community. She also stated regarding her interpretation of the Mayor's comments that Eastpointe is not part of the community.

Mayor O'Neil apologized if that is the way anyone interpreted his comments. He stated that that is sincerely not what he meant.

Marilyn - Linden Ave. - @ 9:24:23 in audible.

Pat Walgreen - 20 Ralph Street - @9:26 in audible.

Barberie Avenue - she would like to see the helmet law enforced with regard to the kids on skateboards. She is concerned about the flooding on Barberie Avenue. She also stated that she would like to see the trailer park stay where it is.

Ms. Francy - Fifth Street - She is concerned with the proposed condos and the slope and feels that it is political in nature and not in the best interest of Highlands.

Conner Jennings - 27 Ralph Street - stated that this is now the second postponement of Ordinance O-07-07. He stated that "we are not going away, and we will be in this until this Ordinance is rejected. He stated that an organization is being established called Highlands Association for Responsible Development and also a website. He suggested that for the next meeting that O-07-07 is being considered, that the facilities at the elementary school be utilized. Mr. Jennings also had a question he would like answered by each council member, and that is, who drafted O-07-07? What is that person's role? What was the process whereby this amendment found its' way to its' first reading in May, 2007? He also requested that Mr. Manco address these questions as well.

Mayor O'Neil stated not tonight.

Jeannine Potts - 36 Robin Road - she is concerned that the trees are protected on the hill and if they are destroyed, eventually they will decay into the ground and make whatever is built on the top weak.

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Lori Salvo - Portland Road - she is concerned with the lack of communication within the Borough, she suggested a town newsletter or paper because some people do not have access to a computer.

Sharon Butler - King Street - she asked why Scenic Road is closed.

Mayor O'Neil stated because it is washed out on one side.

Ms. Butler asked what would then happen when the tower is built.

Joan Taylor - 21 Laurel Drive - she is concerned with development and should the Borough get sued because of injury when the high rises come sliding down the hill, now the taxes go up and people can not afford to live here anymore.

Dan Campbell - 3 Barberie Avenue - Back when Eastpointe was built, he was working there and saw that there was a crack in the foundation and he is concerned should something happen, what will be done.

Jackie Jones - Atlantic Highlands - she is concerned about putting a heavy building on a hill made mostly of sand.

Ms. Zirkowski - 21 Ralph Street - concerned with building on the hill - if the structure goes, it will greatly impact her property and everyone below.

Philip Somer - Ralph Street - He thanked the police department for responding to his call regarding speeding. He also is concerned with a large structure, potentially 225 feet high, six feet from his house.

Michele Pezzulo - Highland Avenue - she is concerned that no one on the council is answering any questions tonight. She asked the council what is their vision for the Borough, and to not make it look like Miami, or Rockaway - this is the Jersey Shore - what is once was, and we should pride ourselves on what we have, our history, our good food, the sea - not put in a bunch of high rises.

Mr. Urbanski stated that he would be happy to answer questions and comment on the Ordinance, however, he does not have it in front of him as the Planning Board attorney is working on the amendments. He stated that he is taking everyone's comments and questions into consideration.

Unidentified woman stated that earlier there were concerns about the hill and the problems up there, she suggested that the landlord fix those concerns.

Maureen Kramer - 200 Portland Road - at a recent Planning Board meeting, a board member went over the master plan point by point stating why this Ordinance should not be passed, specifically regarding the trailer park. She suggested that residents go to the Borough to request Mr. Mullins' comments. Ms. Kramer spoke about Mayor O'Neil's comments at the planning board meeting regarding the Mayor of Atlantic Highlands and that he was playing politics and that Mayor O'Neil did not need to discuss the sewer issues with him, that he only need to go to Middletown.

Mayor O'Neil stated that he did not say that, Mike Kovic said that maybe we could go to Middletown to see if the sewerage goes directly to 36 to Middletown as opposed into our system, because Monmouth Hills comes into our system, and they are in Middletown.

Mr. Nolan stated that perhaps he was trying to say to somehow bill them for infiltration or sewer fees, and we did not think that we could do that. Ms. Kramer also asked about the fact that the Borough has spent approximately \$68K to change the master plan, is that what it cost the Borough?

Mayor O'Neil stated that it was somewhere around there.

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Ms. Kramer then asked how much the “spot zoning” is going to cost the taxpayers.

Mayor O’Neil did not know.

Ms. Kramer had questions with regard to the bid and the special 50/50 at the clam fest. She wanted to know where all the money is going.

Mayor O’Neil stated that what they do at this table is approve a bid budget and do not direct how the money is spent. He does not see a problem with the special 50/50 to raise money.

Roberta McEntee - 55B 5th Street - she stated that the Clam Fest was originally run by the clambers and volunteers and now it has gotten too expensive and out of hand.

Miss Thomas spoke with regard to the water taxi - that it is not meant to raise money. With regard to the raffle, she feels that it is a good idea and the money will help fund different projects in the Borough. With regard to the clam fest, she feels that the cost to attend is right up there with other towns and their fairs.

Miss Thomas spoke to Mr. Jennings stating that she respects him and that does not have any comments at this time or answers to his questions.

Mayor O’Neil stated with regard to the bid and the clam fest that he hears more from the residents that they don’t want it and not so much from the business who put the money out.

Ms. Kramer was questioning the large budget.

Mayor O’Neil feels that the majority of the people that complain about it are not the people who put in money for it, and he just does not understand that.

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

The Meeting adjourned at 9:57 P.M.

NINA LIGHT FLANNERY, BOROUGH CLERK