

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
OCTOBER 17, 2007**

Mayor O'Neil called the meeting to order at 7:28 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: Mr. Nolan, Miss Thomas, 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: Branin Litigation; Goldman Property**
- 2. Personnel: Zoning Officer; Tax Clerk; Court Administrator**
- 3. Public Safety: Slope Stabilization – Valley Street**

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:

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

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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

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Regular Meeting back to order at 8:36 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

O-07-26 2nd Reading, P.H. & Adoption

Mrs. Flannery read the title of Ordinance O-07-26 for the second reading and public hearing.

Mayor O'Neil opens the public hearing on O-07-26.

Donna O'Callahan – 29 So. Bay Avenue – asked with regard to the drawings, how much is air space and how much encroaches on property, specifically block 8, lot 2.

Mr. Nolan stated that the right of way line is supposed to have changed, and he explained that it is approximately 68 feet from the existing right of way.

Ms. O'Callahan also asked the council if it is true, according to this ordinance, that they are giving away the entire block 8, lot 2 and lot 2.01.

Mr. Manco stated that there is a temporary construction easement which will last for the duration of the construction.

Ms. O'Callahan asked if there are copies available and if she could have them by the end of tonight.

Mr. Manco stated that there are copies available.

Ms. O'Callahan asked, with regard to the amount the Borough was compensated a monetary amount and asked if there were any other forms of compensation, not monetary, that she should be aware of.

Mr. Urbanski stated that for that parcel, no, but for mitigation in conjunction with the project, yes.

Ms. O'Callahan asked what that would be and if it is in writing.

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Mr. Urbanski stated that any route that touches the construction access has to be mitigated and restored.

Ms. O'Callahan asked again if it is in writing and can she have a copy of that.

Mr. Urbanski stated that it is not in writing here, and that it is a State standard.

Ms. O'Callahan stated that there have been so many changes that she would like to see something in writing that says the Borough is going to get what they are showing her in the artists renditions.

Mr. Manco stated that should this ordinance pass tonight, specifically stated, on the condition that, all other agreements with the State are complied with, including but not limited to.....

Mr. Urbanski stated that the agreement is between the State and Green Acres.

Tara Ryan – 17 Ocean Street – asked why it would be okay to trade that particular block and lot for what we are doing with Green Acres.

Mr. Urbanski stated that the Borough could take the money too.

Mayor O'Neil said that the Borough has the option to take the money instead of the property.

Ms. Ryan stated that if the Borough takes that particular piece of land, it will either sit there or the Borough will need to spend more money to fix it. She feels that the Borough should be getting money and property and something much nicer. She also stated that it all needs to be in writing.

Miss Thomas read into the record a letter that she wrote to the DOT.

Dear Commissioner Colori;

I would like to state that I do not support the property diversion that your agency is proposing to the Borough of Highlands, the value of the land does not add up. The people of Highlands should be getting nothing less than what they deserve for the loss of their water front, commercial property.

At the time the diversion was proposed to the town, we did not have the same opportunities that we have now. I feel that the improvements that you are making to lot 3-01 on South Bay Avenue are compensation for using the town as a staging area.

I look forward to meeting with you and Rick Hammer in the near future. I hope you can come with an open mind and consider some of the ideas that I will be proposing.

Councilwoman Nancy Thomas

Miss Thomas stated that she does not agree with adding to this resolution that they will have to make the necessary road improvements.

Jim Parla – asked if the Borough Attorney has had a chance to review the protest petition that has been filed with the three points of interest.

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Mr. Manco stated that he has seen the petition and that he has looked at the laws pertaining to ordinances conveying municipal land, and he did not find any requirement in the statutes, specifically 48:12-13 about the conveyance of municipal land to other government entities that require a notice provision to notice everyone within 200 feet of the property. He stated that he then went to the statute dealing with the adoption of ordinances generally, procedure for passage, and again, he did not see a notice requirement in that for an ordinance conveying land to notice people within 200 feet. Mr. Manco said that he did know of a requirement pertaining to land use ordinances, which this is not, which would require notification to people within 200 feet.

Mr. Manco went on to explain the requirements and procedures of ordinances.

Mr. Parla stated that his group opposes the diversion of Green Acres property for anything other than for Green Acres use. He also asked if he understood correctly that the Borough has the option of taking approximately \$270,000 instead...

Mayor O'Neil stated that whatever the value of the property is.

Chris Francy – 35 5th Street – questioned if, at the end of the project, are we the owner of the property, and are we giving easements to the State?

Mr. Urbanski stated that it will be a temporary construction easement and that the Borough does and will own this property.

Mr. Francy then asked if the part of the property that the Borough will no longer own, is that what is valued at approximately \$270,000?

Mr. Urbanski stated that it is.

Rosemary Ryan – 117 Highland Avenue – with regard to the paragraph, **WHEREAS**, the Borough Council has considered the above and concluded that the dedication of Block 8 Lots 2 & 2.01 to the State of New Jersey, and acquisition of Block 40 Lot 11.01 by the Borough from the State in accordance with the above terms and conditions is in the public interest, in the ordinance, where is block 40 lot 11.01? She feels that the Borough is not getting the proper value for the property should they take the money.

Maureen Kramer – 200 Portland Road – she wanted to know what exactly is it that we are getting besides swapping the land? What is the State doing for us?

Mayor O'Neil stated that a list will be provided after the vote.

Tom Callahan – 29 So. Bay Avenue – he asked if there are restrictions on this property, such as Green Acres restrictions, he feels that \$270,000 on a buildable lot, may not be the right price.

Miss Thomas stated that it is not a buildable lot.

Mayor O'Neil stated that there are easements on the property due to the drainage on the hill.

Steve Szlecki – gave an example of how the DOT operates, he spoke to someone at the DOT regarding a large tree leaning against the concrete basin on the Route 36 property and that it poses a hazard, which is the responsibility of the DOT, and he was told by the DOT that at this time there is no damage, and that perhaps if the Borough Engineer were to say that the tree needs to come down, that the DOT would consider that.

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With regard to the property under the bridge on South Bay Avenue, Mr. Szlecki asked that after the construction of the bridge, if the State will be returning a portion of the property back to the Borough.

Mayor O'Neil stated that that is correct.

Mr. Szlecki asked if anyone had considered the diminished use of the property?

Regina Smith – 200 Portland Road – she asked if when Mayor O'Neil and Mr. Urbanski met with the State to discuss that the bridge was now a good idea, did they have legal counsel with them?

Mayor O'Neil stated that they did not.

Ms. Smith stated that with regard to the property where the Careless Navigator is, will the State Department be using that property during the construction process?

Mayor O'Neil stated that is privately owned property and he has no knowledge of that.

Ms. Smith asked what was the Mayor and Council thinking to give our only piece of leverage away.

Mr. Urbanski stated that the State was willing to work with the Borough on anything but the final structural designs.

Ms. Smith asked if there was any way to negotiate to get something better since we now have to live with this bridge.

Mayor O'Neil believes that we will now be in a working relationship with the State. He said that Mr. Colori told him that we can buy your property, trade your property or take your property, and the Borough has to decide which way it plays out. Mr. Colori stated that he would work with the Borough on the look, but that the hard design of the bridge can not change.

Ms. Smith asked Mayor O'Neil if the lawyer that was hired to represent the Borough regarding the bridge made aware of the meeting with the State and what is the status of our relationship with this lawyer.

Mayor O'Neil stated that she was not made aware of the meeting. He stated that Mr. Urbanski and he met with Mr. Hammer from the DOT to discuss some things, and that he did not need legal counsel.

Mr. Urbanski stated that the lawyer's advice was for the Borough to write a letter to the Governor asking for his help. He feels that the best choice is to work with the DOT rather than against them.

Ms. Smith stated that what the Borough is going to be left with is, in her words, a monstrosity, a city bridge.

Don Mandrodt – 268 Bayside Drive – if the Borough refuses to give the State property, do they have the right for eminent domain?

Mr. Manco replied that the State has the right for eminent domain.

Mr. Mandrodt asked Mr. Manco what the lawyer was working for.

Miss Thomas stated that it was for fact finding.

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Mr. Manco stated that she was hired for fact finding and to make recommendations as to what the best way to proceed would be. To that end, she worked with the DEP process, the Historic Sites Council, and there were some delays that went into the project.

Mr. Mandrodt stated that his personal opinion is that the State is going to do what they want and that we are not going to have a say at all. If we can negotiate with them, then let's negotiate.

Carolyn Conover – 26 Twin Lights Terrace – what is it that we can do right now to delay this decision or have it reconsidered by the counsel?

Mr. Manco stated that this is a public hearing that has to be held by law. After the public hearing has closed, the counsel has various options. The public makes their requests at the public hearing, put forth their information and questions. Ultimately, the decision is made by the governing body. The governing body can move the ordinance as it is written, they can move to make amendments to the ordinance, they can table the ordinance or they can move to defeat the ordinance.

Ms. Conover asked Mayor O'Neil if there was a reason that this needs to be determined today and perhaps consider some of the opinions heard hear tonight.

Mayor O'Neil stated that this is not the first time that this has been discussed, he has heard these opinions and considered them. It now needs to be put to rest.

Ms. Conover asked Mr. Caizza why he voted for this.

Mr. Caizza stated that he has been hear for seven years, and that he has listened to everything regarding the bridge, and it is all about safety, that the current bridge is very dangerous.

Mayor O'Neil and Ms. Conover had a brief discussion regarding how long this bridge issue has been going on and the fact that the bridge is still going to be replaced.

Mayor O'Neil asked the council if they would like to address the public.

Mr. Nolan stated that he hopes no one has the impression that there was some deep, dark meeting with Mayor O'Neil, Mr. Urbanski and Mr. Hammer. He stated that he believes the bridge is unsafe and needs to be replaced, but not with what the State wants to give. He believes that this bridge is coming no matter what happens.

Miss Thomas said that she would like to see her fellow council members perhaps amend this ordinance and not include the property on Route 36 and to look into other options.

Mr. Urbanski stated that at this point, he feels that it is time to move forward.

Mr. Caizza reiterated that this is an unsafe bridge and it needs to be replaced.

Miss Thomas stated that although a working relationship with the State is very important, but that is not the issue. The issue is the conveyance of the property, and she feels that the ordinance should be amended to include the wording that we are not interested in the property on Route 36.

Mrs. Flannery read the title of Ordinance O-07-26 for the third and final reading and adoption.

Mayor O'Neil offered the following ordinance pass third and final reading and moved on its adoption:

O-07-26

**BOROUGH OF HIGHLANDS
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**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE COUNTY OF
MONMOUTH AND STATE OF NEW JERSEY AUTHORIZING THE
CONVEYANCE OF TAX BLOCK 8, LOTS 2 & 2.01 IN THE BOROUGH OF
HIGHLANDS, AND AUTHORIZING THE ACCEPTANCE OF AND
DEDICATION OF BLOCK 40, LOT 1.01 IN THE BOROUGH OF HIGHLANDS
BY THE BOROUGH PURSUANT TO N.J.S.A. 40A:12- 1, ET SEQ. IN
CONNECTION WITH THE ROUTE 36 HIGHLANDS BRIDGE
CONSTRUCTION PROJECT, AND ALL AGREEMENTS BETWEEN THE
STATE OF NEW JERSEY AND THE BOROUGH OF HIGHLANDS IN
CONNECTION THEREWITH**

WHEREAS, the State of New Jersey and the Borough of Highlands have entered into agreements to facilitate the construction of a new fixed span bridge on Route 36 connecting the Boroughs of Highlands and Sea Bright, which require, among other things, the use of Borough owned property known as Block 8, Lots 2 & 2.01; and

WHEREAS, said premises is encumbered by the NJ DEP Green Acres Program and is subject to a diversion application, which requires, among other things, the replacement of diverted land; and

WHEREAS, the State of New Jersey is the owner of Block 40, Lot 11.01 which is proposed as replacement land, in addition to other significant enhancements to Borough owned park land, as consideration for the conveyance of said land, in whole or part to the State of New Jersey in connection with the aforesaid project; and

WHEREAS, the Borough Council has considered the above and concluded that the dedication of Block 8 Lots 2 & 2.01 to the State of New Jersey, and acquisition of Block 40 Lot 11.01 by the Borough from the State in accordance with the above terms and conditions is in the public interest,

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

1. That the dedication of aforementioned Borough owned premises to the State of New Jersey be and hereby is authorized on behalf of the Borough pursuant to and in accordance with N.J.S.A. 40A:12-1, et seq. N.J.S.A. 27:12-4 et seq, inter alia.

2. That the acceptance of the dedication by the State to the Borough of Block 40 Lot 11.01 be and hereby is authorized.

3. That the Mayor and Borough Clerk be and hereby are authorized to execute, accept and record any and all documents necessary to effectuate the above in a form approved by the Borough Attorney, including but not limited to the deeds appended hereto as Exhibits 1,2 & 3.

4. That this Ordinance shall take effect after final and adoption and publication.

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

ROLL CALL:

AYES: Mr. Caizza, Mr. Urbanski, Mayor O'Neil

NAYES: Miss Thomas, Mr. Nolan

ABSENT: None

ABSTAIN: None

CONSENT AGENDA - RESOLUTIONS:

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

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

**R-07-179
RESOLUTION AUTHORIZING ADVANCE
FOR EXPENSES FOR BOROUGH OFFICIALS**

WHEREAS, NJSA 40A:5-16.1 provides for the lawful advancement of funds to officials and employees of the Borough for their expenses for authorized travel and incidents thereto; and

WHEREAS, the following officials of the Borough of Highlands will be traveling to the New Jersey League of Municipalities Convention during the week of November 12, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following officials and employees be given an advance in the amount set forth next to their names and positions and said officials are required to submit there receipts for expenses and/or return any unused moneys:

Richard O'Neil – Mayor	\$400.00
Frank Nolan – Councilman	\$400.00
Nancy Thomas – Councilwoman	\$200.00

BE IT FURTHER RESOVLED that other Borough Official and Employees will be reimbursed for such expenses up to \$100.00 a day with a maximum of 4 –days \$400.00 for the convention upon submission of receipts to the Borough.

Seconded by Mr. Urbanski 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

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

**R-07-180
RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
BETWEEN THE STATE OF NEW JERSEY DEPARTMENT OF
TRANSPORTATION AND THE BOROUGH OF HIGHLANDS**

WHEREAS, the State of New Jersey intends to construct the Highlands-Sea Bright Bridge within the Borough of Highlands; and

WHEREAS, the project proposed by the State of New Jersey Department of Transportation may require the use of municipal police for work zone safety operations supplementing the traffic control plan established under the contract for construction of the project; and

WHEREAS, the State of New Jersey Department of Transportation has requested that the Borough of Highlands enter into a Police Agreement and Statement of Costs for Traffic Directors. The costs incurred by the Borough of Highlands Police Department in connection with the project shall be paid directly to the Borough of Highlands by the State of New Jersey Department of Transportation pursuant to an agreement attached hereto;

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth and the State of New Jersey, that the Borough Administrator (D. Bruce Hilling) and the Borough Clerk (Nina Light Flannery) are hereby authorized to execute an agreement between the State of New Jersey Department of Transportation and the Borough of Highlands to provide for the direct payment to the Borough of Highlands of costs incurred on the Highlands-Sea Bright Bridge construction project for municipal police services in the form attached hereto.

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

ROLL CALL:

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

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

**R-07-181
RESOLUTION – CHANGE ORDER #2
WHIRL CONSTRUCTION CO. INC.
REDUCTION OF CONTRACT AMOUNT BY \$14,112
COMMUNITY CENTER PLAYGROUND PROJECT**

WHEREAS, Resolution R-07-86 awarded a contract to Whirl Construction Co. Inc. on May 2, 2007 for \$202,531.00 for the Community Center Playground Project and;

WHEREAS, change order # 1 dated July 6, 2007 prepared by T & M Associates, Borough Engineer, sets forth reasons for said change order (extension of contract completion time until September 30, 2007 at no additional cost to the Borough),

WHEREAS, change order # 2 dated September 26, 2007 prepared by T & M Associates, Borough Engineer, sets forth reasons for said change order,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #2 reducing the contract amount by \$14,112 is hereby authorized for the Community Center Playground Project. The adjusted contract price is \$188,419.

Seconded by Mr. Urbanski 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

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

**R-07-182
RESOLUTION – RESCINDING RESOLUTION 07-174
APPROPRIATION RESERVE TRANSFER**

WHEREAS, the Chief Financial Officer has determined that Resolution 07-174 was prepared in error.

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that Resolution 07-174 is hereby rescinded.

Seconded by Mr. Urbanski 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

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

**R-07-183
RESOLUTION – CHANGE ORDER #4
WASHINGTON AVENUE & RECREATION PLACE ROADWAY
RECONSTRUCTION &
MILLER STREET ROADWAY IMPROVEMENTS
A. MONTONE CONSTRUCTION, INC.
NET DECREASE OF \$244.64**

WHEREAS, a contract was awarded for A. Montone Construction Inc. as follows

Resolution 06-188 on December 14, 2006 for \$253,512.80
Resolution 07-83 on May 2, 2007 for \$7,600.00
Resolution 07-147 on August 15, 2007 for \$7,500
Resolution 07-147 on August 15, 2007 for (\$531)

WHEREAS, change order # 4 dated September 18, 2007 prepared by T & M Associates sets forth reasons (Increases and decreases various items to provide for as built quantities, Provides for supplemental items S-1 remobilization for the change in concrete curb placement on Washington Avenue. Item S-2 lateral repair on Miller Street, the existing lateral was in the new pavement box and was therefore lowered. Item S-3 resetting of drainage chamber top slab, this item is introduced to provide for the resetting of the unforeseen drainage chamber top slab on Miller Street.) for said change order ,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #4 decreasing the contract amount by \$244.64 is hereby authorized for Washington Avenue & Recreation Place Roadway Reconstruction & Miller Street Roadway Improvements. The contract price is amended to \$267,837.16.

Certification of Funds:

I hereby certify that funds are available from Bond Ordinance 06-13.

Stephen Pfeffer, Chief Financial Officer

Seconded by Mr. Urbanski 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

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

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**R-07-184
RESOLUTION
AUTHORIZING SALE OF PERSONAL PROPERTY**

WHEREAS, the Borough of Highlands and other surrounding municipalities have joined together to bring surplus vehicles and miscellaneous equipment to one location on the same day, Saturday, November 3, 2007; and

WHEREAS, Local Public Contracts Law NJSA 40A:11-36 requires authorization of a sale of said personal property via adoption of a Resolution; and

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough be authorized to dispose of the following vehicles through the process of a public auction to be held on Saturday, November 3, 2007 at 10:00 AM rain or shine at the Borough of Tinton Falls Police Complex,, 556 Tinton Avenue, Tinton Falls, NJ 07724:

PUBLIC WORKS EQUIPMENT

Year	make/model	vin
1984	Chevy Blazer – K5 Diesel	1G8ED13JXGF124162
1986	Mack Roll-Off Diesel	2M2P139COGC014604

Seconded by Mr. Urbanski 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

**R-07-185
APPOINTING ENVIRONMENTAL COMMISSION**

Tabled to November 3rd, 2007

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

**R-07-186
RESOLUTION**

WHEREAS, the Monmouth County Board of chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Highlands desires to obtain County Open space Trust Funds in the amount of \$250,000.00 to fund the Veteran’s Memorial Park Improvements Project; and

WHEREAS, the total costs of the project including all matching funds is \$500,00.00; and

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WHEREAS, the Borough of Highlands is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Council of the Borough of Highlands that:

1. Timothy Hill, Recreation Director is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and
2. The Borough of Highlands is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Timothy Hill is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

Seconded by Mr. Urbanski 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

Mayor O'Neil offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
10/17/07**

CURRENT:		\$ 1,095,556.44
Payroll	(09/30/07)	\$ 130,809.51
Manual Checks		\$ 32,088.30
Voided Checks		\$
SEWER ACCOUNT:		\$ 78,011.62
Payroll	(09/30/07)	\$ 6,057.48
Manual Checks		\$ 268.66
Voided Checks		\$
CAPITAL/GENERAL		\$ 244,951.12
CAPITAL-MANUAL CHECKS		\$
WATER CAPITAL ACCOUNT		\$ 10,329.20

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TRUST FUND	\$	8,457.15
Payroll (09/30/07)	\$	3,300.00
Manual Checks	\$	
Voided Checks	\$	
 UNEMPLOYMENT ACCT-MANUALS \$		
 DOG FUND		
	\$	6.60
 GRANT FUND		
	\$	3,959.65
Payroll (09/30/07)	\$	
Manual Checks	\$	
Voided Checks	\$	
 DEVELOPER'S TRUST		
	\$	
Manual Checks	\$	
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 October 17, 2007

EDC Electric Corp.	Valley St. Pump Station Upgrades	\$ 16,880.50
A. Montone Construction	Basin 8 Sanitary Sewer Rehabilitation	\$ 198,184.42
<hr style="width: 20%; margin-left: 0;"/>		
Total Supplemental Bill List		<u>\$ 215,064.92</u>

Seconded by Mr. Urbanski 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

ORDINANCES: 2nd Reading, Public Hearing, Adoption

Ordinance O-07-16

Mrs. Flannery read the title of Ordinance O-07-16 for the second reading and public hearing.

Mayor O'Neil opens the public hearing on O-07-16.

Maureen Kramer – 200 Portland Road – she asked if this means she can call two times per year for a pick up?

Mr. Urbanski stated that yes, she can.

Mrs. Flannery read the title of Ordinance O-07-16 for the third and final reading and adoption.

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Mr. Urbanski offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O- 07-16
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3-7A OF
THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS
ENTITLED "COLLECTION OF BULK GARBAGE" TO ESTABLISH
APPOINTMENT FEES.**

[additions shown in underline, deletions shown by ~~strikeout~~]

WHEREAS, it has been determined by the Governing Body of the Borough of Highlands that in order to better serve and to advance the interests of the health, safety and welfare of the general public, that procedures for the collection of bulk waste be amended so as to promote efficiency, safety, and the public health and welfare;

THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Highlands that Chapter 3-7A, of the Revised General Ordinances of the Borough of Highlands, be amended and supplemented in following part only:

§3-7A.2 Collection of Bulk Garbage

- a. no change
- b. Subsection 2 shall be amended and supplemented in following part only:

2. Every property owner, including landlords, shall be entitled to two annual bulk garbage collections ~~without charge~~ upon payment of a TWENTY DOLLAR (\$20.00) appointment fee per collection, provided that the materials collected do not exceed Five cubic yards for each pick up.

BE IT FURTHER ORDAINED THAT all other provisions of Ordinance 3-7A which are not expressly amended herein shall remain in full force and effect, except to the extent modified hereby.

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

=====

OTHER BUSINESS:

Engineer's Status Report

Catherine Britell, Borough Engineer, gave the engineer's report:

General

1. **Community Center Playground/Sports Courts Improvements:** A contract was awarded by the Governing Body to Whirl Construction for the base bid and alternate bids 1-3. Site construction is substantially completed; final punchlist items are currently being addressed.

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2. **NJDEP Stormwater Management Regulations:** There is no change at this time.
3. **South Bay Avenue Pumpstation:** Pumping Services has submitted a proposal dated August 15, 2007, which we have reviewed and find acceptable. As such, we have forwarded it to the Borough for consideration. It should be noted that if the control panel for the pumpstation 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.
4. **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. The next step would be for the Borough to review the recommendations and proceed with the repair accordingly.
5. **Sanitary Sewer Investigation at Waterwich Avenue and Route 36:** Oswald Enterprises has videotaped the condition of the sanitary sewer system in this vicinity. We are currently reviewing the tape and will provide a report of findings and recommendations to the Borough the week of October 15, 2007.

Capital Improvement Projects

1. **Valley Street Pumpstation Rehabilitation Project:** The project has been awarded to EDC Electrical Contractors. The pump is currently on-line and has been operating as necessary. We have performed a final punchlist inspection and found some of the items require further attention. As such, the contractor is currently completing remaining punchlist items.
2. **2006 Road Program:** The project has been awarded to A. Montone Construction. The project has been substantially completed and the final punchlist items are currently being addressed. Final NJDOT project walkthrough has been held on Washington Avenue Phase I and has been approved as constructed.
3. **Washington Avenue Phase II:** The project has been designed and the project is scheduled to be advertised for bidding on October 17, 2007 with a bid receive date of October 20, 2007. Weather permitting, we are anticipating constructing this project prior to the winter season.
4. **Basin Eight Sanitary Sewer Rehabilitation Project:** The contractors or Proposals A and C have begun with the improvements for their appropriate portions of the project. The contractor for Proposal B has also begun their appropriate portion as well.
5. **Basin Two Sanitary Sewer Rehabilitation Project:** The report has been finalized and sent to the Borough for review. The next step would be to implement the improvements and repairs outlined in the report.

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 Waterwich Avenue and South Bay Avenue pump stations and at the Robert D. Wilson Community Center. As such, we have presented the application to the County CDBG Committee on August 22, 2007 for funding consideration. It is our understanding that the County CDBG

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Committee is recommending partial funding of this project to the Board of Chosen Freeholders.

2. **FY2008 NJDOT Municipal Aid:** As requested, we have prepared the NJDOT application for Highland Avenue between Portland Road and Valley Avenue. Additionally, as directed, we have also submitted applications for Valley Avenue between Highland Avenue and the southern terminus and for Shore Drive between Miller Street and Waterwich Avenue.
3. **Rural Development Program:** This program is formally 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. Funding is for infrastructure projects for qualified communities. Based on our knowledge of the program, it may be more advantageous for the Borough to consider a larger project to gain the maximum benefit. We have met with the prior Borough Administrator and a representative from this program to explore funding opportunities for various sanitary sewer infrastructure improvements.

Shute Vacation – Mr. Manco asked that this be tabled to the November 7th, 2007 meeting.

Mayor O'Neil offered a request by the Highlands Fire Department for Raffle License.

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

APPROVAL OF MINUTES

Mr. Nolan offered a motion to approve the June 6th, 2007; September 19th, 2007 and September 27th, 2007 minutes, seconded by Mr. Caizza and all eligible members were in favor.

PUBLIC PORTION:

Tara Ryan – 17 Ocean Street – she asked why R-07-185 was postponed.

Mayor O'Neil stated so that the new mayor could assigned this commission.

Steve Szelecki – with regard to the issues he spoke on earlier, the DOT superintendant told him that if damage does occur, it is the utilities and the Township's responsibility to do repair. So if it is their responsibility to maintain the property, why do they not take responsibility if damage occurs?

Mayor O'Neil stated that he will have Mr. Hilling call on this issue.

Carla Braswell – she reminded everyone that the Breast Cancer walk is this Sunday.

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Don Mandrodt – 268 Bayside Drive – with regard to Basin Eight, he asked the engineer if there will be a test to see how much I & I is in the system.

Mr. Nolan stated that the Borough will work with the Sewer Authority regarding this issue.

George Gallagher – 221 Linden Avenue – he asked for the status of the rehab center on the highway.

Mayor O’Neil stated that it is a Zoning Board issue.

Mr. Manco stated that the Ordinance is adopted here, but that there is an application before the Zoning Board.

Regina Smith – 200 Portland Road – to set the records straight, she mentioned that Mr. Colori, at the meeting at Henry Hudson, that he apologized regarding the letter that was sent stating that the State will take the land for \$202, he said it should never have been sent. She stated that there were approximately 400 people at that meeting opposing this bridge, and she wanted the council to know that there are a lot of people who oppose this project.

Donna O’Callahan – she questioned what was said regarding the South Bay Avenue Pumpstation.

Mayor O’Neil stated that there will be an above ground back-up generator.

Maureen Kramer – she questioned if there was an ordinance in place to not allow cars to park on sidewalks and also to not allow business signs to block sidewalks.

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

The Meeting adjourned at 9:46 P.M.

The Mayor and Council returned to Executive Session.

NINA LIGHT FLANNERY, BOROUGH CLERK