

**MAYOR AND COUNCIL
REGULAR MEETING
November 12, 2007**

Mr. Nolan 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,

Absent: None

Late Arrival: Mayor O'Neil

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:

Mr. Nolan 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: Shadow Lawn; Goldman Property**
- 2. Personnel: Zoning Officer; Tax Clerk; Court Administrator; DPW**

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.

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

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ROLL CALL:

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

Introduction SFY 2008 Municipal Budget

Mrs. Flannery read the introduction of the SFY 2008 Municipal Budget for introduction and setting of a public hearing date for December 5, 2008.

Mayor O'Neil offered the a motion to introduce the SFY 2008 Municipal Budget and that a P.H. Date be set for December 5, 2008.

The Budget was introduced on the following roll call vote:

ROLL CALL:

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

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Insert budget here

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Consent Agenda: Resolutions

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

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

**R-07-187
RESOLUTION APPOINTING TAX CLERK**

WHEREAS, Donna Conrad has submitted her resignation as Tax Clerk; and

WHEREAS, Donna Conrad has been gracious enough to remain working until a replacement is hired and trained; and

WHEREAS, it is with both regret and gratitude that the Mayor and Council of the Borough of Highlands accepts Donna's resignation; and

WHEREAS, advertisement was made and interviews conducted by the Borough Administrator and presented to the Governing Body for their review; and

WHEREAS, Bruce Hilling, Borough Administrator has recommended the appointment of Marian Kuhlmeier as Tax Collection Clerk (full-time) provisional; and

WHEREAS, the Governing Body of the Borough of Highlands agrees with that recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Marian Kuhlmeier be and hereby is appointed Tax Collection Clerk (full-time) provisional effective November 5, 2007; and

BE IT FURTHER RESOLVED that compensation for said position be set at \$24,500 per year with full benefits according to Borough Policy;

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

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

R-07-188

**RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO
AMEND THE EQUIPMENT LIST FOR THE PURCHASE AGREEMENT WITH
THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY**

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough of Highlands to acquire the following equipment including accessories (if applicable) for use by various Borough Departments; and

Snow Plow
Salt Dome Storage Building (Shed) including site work and installation

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WHEREAS, the Mayor and Council have also determined that it is in the best interest of the Borough of Highlands to delete the following equipment including accessories (if applicable); and

Snow Sanders

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer Stephen Pfeffer is hereby authorized and directed to amend the Equipment List for the 2003 and 2005 Lease Purchase Agreements with the Monmouth County Improvement Authority to include the above equipment including accessories (if applicable) and to execute all documents necessary to make such amendments.

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

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

**R-07-189
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
WASHINGTON AVENUE PHASE II RECONSTRUCTION
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional engineering services for the Washington Avenue Phase II Reconstruction as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$21,000 plus reimbursable expenses per T & M Associates proposal dated April 30, 2007 for Professional Engineering Services for the Washington Avenue Phase II Reconstruction provided to the Borough of Highlands for the period of one year; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

I hereby certify funds are available from Bond Ordinance 07-21.

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Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$21,000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mr. 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

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

**R-07-190
RESOLUTION AMENDING RESOLUTIONS R-06-120
EXTENDING PROFESSIONAL ENGINEERING SERVICES FOR
VALLEY STREET PUMP STATION**

WHEREAS, the Borough of Highlands has a need to acquire contract administrative and construction observation engineering services for the Valley Street Pump Station as a non fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; 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 June 28, 2006 for an amount not to exceed \$22,500 for the Professional Engineering Services for contract administrative and construction observation engineering services for the Valley Street Pump Station; 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 June 28, 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

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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, 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 June 28, 2008 with no change in the amount not to exceed of \$22,500.
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

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

**R-07-191
RESOLUTION AUTHORIZING
REFUNDS OF REMAINING
UNUSED ZONING BOARD ESCROW FUNDS**

WHEREAS, the Board Secretary has reviewed the following escrow accounts and has received authorization from both the Board Attorney and Board Engineer that there are no outstanding invoices due to them; and

| <u>Account #</u> | <u>Name</u> | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|------------------|-------------|--------------|------------|---------------|
| 9500-9-6-07 | Patel, Atul | 38.01 | 13 | \$905.00 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund the above referenced applicants their remaining escrow funds.

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

ROLL CALL:

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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-07-192
RESOLUTION AUTHORIZING DISPOSAL OF
OFFICE EQUIPMENT**

WHEREAS, the Dell Monitor D-1028L, Serial # 84779-A8P46-C8 assigned to the Finance Office is no longer useable; and

WHEREAS, because of the age and condition of the equipment it is determined that it is of little or no value;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that said equipment may be disposed of.

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

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

**R-07-193
RESOLUTION APPOINTING ZONING OFFICER
(PART-TIME PROVISIONAL)**

WHEREAS, Mary Tangolics, Zoning Officer has submitted her resignation; and

WHEREAS, advertisement was made and interviews conducted by the Borough Administrator and presented to the Governing Body for their review; and

WHEREAS, Bruce Hilling, Borough Administrator has recommended the appointment of Michael Mullin, 24 Gulf Road, East Brunswick, NJ 08816 as Zoning Officer (part-time) provisional; and

WHEREAS, the Governing Body of the Borough of Highlands agrees with that recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Michael Mullin be and hereby is appointed Zoning Officer (part-time/provisional) effective November 29, 2007; and

BE IT FURTHER RESOLVED that compensation for said position be set at \$10,400.00 per year.

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

ROLL CALL:

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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 on its adoption:

**R-07-194
RESOLUTION
AWARDING CONTRACT FOR THE BOROUGH OF HIGHLANDS
WASHINGTON AVENUE PHASE II PROJECT**

WHEREAS, the Borough of Highlands has advertised for bids for the Waterwitch Avenue Phase II project in accordance with the Local Public Contracts Law; and

WHEREAS, two (2) bids were received and reviewed by the Borough Engineer and the Borough Attorney; and

WHEREAS, the lowest responsible bid appears to be from F&P Contractors, Inc., 659 Washington Avenue, South Amboy, NJ 08879 in the sum of \$45,790.72 base project bid ; and

WHEREAS, funds are available in municipal bond ordinance adopted for said purpose:

Washington Avenue Phase II Bond Ordinance

Stephen Pfeffer, CFO

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the contract is hereby awarded to F&P Contractors, Inc. 659 Washington Avenue, South Amboy, NJ 08879 in the sum of \$45,790.72.

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

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

**R-07-195
RESOLUTION 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;

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NOW, THEREFORE, BE IT 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> |
|--------------|------------|-------------|---------------|---------------|
| 12 | 3.01 | 2007 | \$2,678.91 | Joan Scheider |

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

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

**R-07-196
RESOLUTION APPOINTING
RECREATION PROGRAM ASSISTANT**

WHEREAS, Raymond Vargas has submitted his resignation; and

WHEREAS, advertisement was made and interviews conducted by the Director of Recreation and presented to the Governing Body for their review; and

WHEREAS, Timothy Hill, Director of Recreation has recommended the appointment of Jennifer Cucalon as Recreation Program Aide (part-time); and

WHEREAS, the Governing Body of the Borough of Highlands agrees with that recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Jennifer Cucalon be and hereby is appointed Recreation Program Aide (part-time);

BE IT FURTHER RESOLVED that compensation for said position be set at \$7.25 per hour with no benefits according to Borough Policy;

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

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

**R-07-197
RESOLUTION AUTHORIZING DISPOSAL OF
DPW EQUIPMENT**

WHEREAS, the Department of Public Works has equipment that has a value of \$1,000 or less and cannot be of use to the Borough; and

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WHEREAS, the Borough Administrator desires to conduct a public auction to dispose of this equipment;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands the following equipment may be disposed of:

| | |
|---|-----------------------------|
| 2 | 20 yard roll off containers |
| 2 | 30 yard roll off containers |
| 1 | 40 yard roll off container |

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

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

**RECAP OF PAYMENT OF BILLS
11/12/07**

| | | | |
|----------------------------------|----------------------|-----------|-------------------|
| CURRENT: | | \$ | 58,972.72 |
| Payroll | (10/30/07) | \$ | 247,083.75 |
| | Manual Checks | \$ | 110,988.15 |
| | Voided Checks | \$ | |
| SEWER ACCOUNT: | | \$ | 67,585.09 |
| Payroll | (10/30/07) | \$ | 12,378.55 |
| Manual Checks | | \$ | 4,201.52 |
| Voided Checks | | \$ | |
| CAPITAL/GENERAL | | \$ | 27,599.71 |
| CAPITAL-MANUAL CHECKS | | \$ | |
| WATER CAPITAL ACCOUNT | | \$ | 11,722.43 |
| TRUST FUND | | \$ | 11,463.57 |
| Payroll | (10/30/07) | \$ | 3,153.12 |
| Manual Checks | | \$ | 1,424.77 |
| Voided Checks | | \$ | |
| UNEMPLOYMENT ACCT-MANUALS | | \$ | |
| DOG FUND | | \$ | 43.60 |
| GRANT FUND | | \$ | 6,495.50 |
| Payroll | (10/30/07) | \$ | |
| Manual Checks | | \$ | |
| Voided Checks | | \$ | |
| DEVELOPER’S TRUST | | \$ | 34.75 |
| Manual Checks | | \$ | 2,098.95 |
| Voided Checks | | \$ | |

THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN

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**THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE
LIST.**

Supplemental Bill List for November 12, 2007

| | | |
|------------------------------|---------------------------------------|---------------------|
| O'Neill and Lang | Partial Payment on SFY 2007 Audit | \$11,000.00 |
| A. Montone Construction | Basin 8 Sanitary Sewer Rehabilitation | \$ 61,568.50 |
| | | <hr/> |
| Total Supplemental Bill List | | <u>\$ 72,568.50</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

Ordinances: 2nd Reading, Public Hearing, Adoption

Mayor O'Neil opens the public hearing on O-07-25.

Maureen Kramer – inaudible @ 09:43.

Mr. Nolan offered a motion to carry all Ordinances scheduled for public hearing tonight to the December 5th, 2007, seconded by Mayor O'Neil and all were in favor.

The Ordinances that are being carried are as follows:

**Ordinance O-07-25 – Ordinance Vacating a Portion of Osborn Street
Ordinance O-07-27 – Ordinance Supplementing Chapter II – Fire Dept.
Ordinance O-07-28 – Ordinance Vacating a Portion of Unnamed Right of
Way**

Mr. Manco explained that because there was no meeting the prior week due to lack of quorum, the ordinances that were supposed to be heard last week on November 7th, cannot be heard this week and will be carried to the week of December 5th.

Ordinances: Introduction & Set Public Hearing Date

Ordinance O-07-29

Mrs. Flannery read the title of Ordinance O-07-29 for introduction and setting of a public hearing date.

Mr. Nolan offered the following ordinance and moved on its introduction and setting of a public hearing date for December 5, 2007 at 8:00 P.M. and authorized its publication according to law:

O- 07-29

**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.**

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[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 two items or 2 cubic yards, whichever is the lesser.

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. Caizza 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

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. The final punchlist items have been addressed and final project closeout documentation is being completed.
2. **NJDEP Stormwater Management Regulations:** As previously stated, we have 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.
3. **South Bay Avenue Pumpstation:** The remaining pump failed October 26th, 2007. As such, Pumping Services removed both pumps to further evaluate and repair them. In the interim, they have installed a temporary system to keep the station operational. Further, as requested, we are researching prior projects and evaluating the current condition of the pumpstation in an effort to develop a complete rehabilitation project for the same.

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4. **Sanitary Sewer Investigation at Waterwich Avenue and Route 36:** Oswald Enterprises has videotaped the condition of the sanitary sewer system in this vicinity. We have reviewed the data and provided a report to the Borough summarizing the findings and recommendations to correct the deficiencies.

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 that the outstanding items have been satisfactorily addressed. As such, we are currently completing the final project closeout documentation.
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. We anticipate the final punchlist items to be addressed in its entirety by the end of November.
3. **Washington Avenue Phase II:** We have successfully received bids on October 30, 2007 and have provided a Recommendation of Award to the Governing Body for consideration. Weather permitting, we are anticipating constructing this project prior to the winter season.
4. **Basin Eight Sanitary Sewer Rehabilitation Project:** The majority of the project has been completed for all three portions. Final punchlists are to be generated in the near future.
5. **Basin Two Sanitary Sewer Rehabilitation Project:** The report has been finalized and sent to the Borough for review. As requested, we are currently comprising a proposal for consideration to design a project to implement the recommended improvements 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 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

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explore funding opportunities for various sanitary sewer infrastructure improvements.

Mayor O'Neil asked if there was a question as to a cross connection on Route 36 and Waterwich and that none was found.

Mr. Nolan stated that they did find a couple of small areas that dislodged up in that area but that there was nothing that would verify any kind of cross connection between the two. He stated that perhaps a State storm sewer line might be broken and that the two utilities are "co-mingling".

Miss Thomas asked who would be patching at the manhole covers on Ocean Street and Beach.

Mr. Nolan stated that it would be Montone. Mr. Nolan elaborated as to other work that needs to be done.

The Governing Body discussed different work that needs to be done.

Mr. Nolan stated that what was originally slated to be spent on Phase Two is much less than what was actually spent and therefore, he would like to reprogram that money into another road in the Borough.

Mayor O'Neil suggested allocating the money to Waterwich Avenue.

**Request for Performance Bond Waiver
Block 82, Lots 6.01 & 1.01 – Claddagh of Highlands**

The Governing Body reviewed the written request for a waiver of performance bonds.

Mayor O'Neil offered a motion to approve the request for a waiver of performance bonds for Block 82, Lots 6.01 & 1.01 Claddagh, 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

Financial Report

Mr. Pfeffer explained the following:

TO: Governing Body
Borough Clerk

From: Stephen Pfeffer, CFO

RE: Report on Issuance of Bond Anticipation Notes \$500,000

Projects:
Rehabilitation of Sanitary Sewer System Ord. 06-06&07-15 \$500,000

Total \$500,000

**MAYOR AND COUNCIL
REGULAR MEETING
November 12, 2007**

| | | | | | |
|---------------------------------|---------------------------------|-------------------|------------------|-----------------|-------------------------|
| | | | | | Days Outstanding |
| Issuance Date | November 8, 2007 | | | | |
| Maturity Date | November 7, 2008 | | | | 359 |
| Bidder | Interest Rate | Gross Proceeds | Less: Premium | Net Interest | Net Interest Rate |
| Two River Community Bank | 3.6300% | 18,099.58 | | 18,099.58 | 3.6300% |
| Commerce Bank | 3.7500% | 18,697.92 | | 18,697.92 | 3.7500% |
| Janney Montgomery Scott, LLC | 4.1250% | 20,567.71 | 55.00 | 20,512.71 | 4.114% |
| Awarded to: | Two River Community Bank | | | | |

Approval of Minutes:

Mr. Nolan offered a motion to approve the June 20th, 2007 and June 21th, 2007 minutes, seconded by Mr. Caizza and all eligible members were in favor.

Public Portion:

Tara Ryan – 17 Ocean Street – with regard to the 19th of November, she stated that there will be a regular Board of Education meeting and that at 6:30, there will be a small ceremony in honor of the later Lillian Gordon. The student of the month ceremony will take place approximately 15 minutes later than usual. Ms. Ryan invited the Governing Body to attend.

Maureen Kramer – she passed out pictures that she had taken and she discussed a sign that she observed on highway 36 with regard to road work taking place by the DOT. She stated that some of the signs are blocked from view by a speed limit sign and a no stopping or standing sign. Ms. Kramer spoke to someone at the DOT and they later informed her that they had taken care of the situation. She then went to look and there is now no speed limit sign on Highway 36 in the Borough of Highlands on the eastbound side. Ms. Kramer stated that if there is no speed limit sign, the assumed speed limit is usually 50 mph.

Ms. Kramer then went on to speak about the sidewalk, which is the property of the State Department, not the Borough. Some of her pictures depict the cracks and deficiencies on these sidewalks.

She then asked Mr. Manco if he knew what the law is regarding the speed limit on any given street, and whether they need to be the same going in either direction.

Ms. Kramer expressed her concerns regarding the signs along the highway to the Governing Body.

Ms. Kramer further stated that she has called Mr. Hammer's office every day in order to obtain information with regard to the perks that the Borough should be receiving with regard to this project. She stated that she has not contact Mr. Colori, but that she intends to obtain a number for him to ask him the same.

Mayor O'Neil stated that he has instructed Mr. Hilling to obtain a contact person or persons to discuss this matter further.

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Roberta McEntee – 5th Street – she stated that her group's rates are in fact going to go up. She went on to say that there is a group movement to change the method for billing residents with regard to water use. She stated that the group wants to see people billed according to usage.

She also stated that NJ Water would do all the bookkeeping for a fee and perhaps that could be a cost savings to the Borough.

Mayor O'Neil asked Ms. McEntee if she knew how this would be billed.

Ms. McEntee stated that it would be on usage. She went on to say that, for example, a house that has two people in it should not be paying the same as a house that has more people, therefore, using more water.

Arnie – Valley Street – he asked Ms. McEntee if it has been figured as to how much water is used and what the revenue would be if it switches over ...

Connor Jennings of Ralph Street - @ 10:18 – hard to hear him speak.

Miss Thomas stated that she had suggested discussing some of the other uses with regard to the zoning change instead of just the sexually oriented businesses.

Mr. Manco stated that what had happened in previous months was that there were ordinances adopted as police regulations which dealt with sexually oriented businesses and rehabilitation facilities. He stated that the zoning board reviewed those ordinances and felt that they should be embodied in the zoning ordinance as well.

Miss Thomas stated that she had asked if all the ideas could be done at one time to save time and money.

Maureen Kramer – she stated that Mr. Hilling told her to call the state Department of Transportation, you know the number and then he went and got the number.

Laurie Dibble – 32 Paradise Park – she asked if the zoning meeting would be in a regular council meeting or would that be a special meeting?

Mayor O'Neil stated that any changes to the zoning would be a public meeting.

Ms. Dibble asked if the meeting with the planners would be a public meeting as well.

Mayor O'Neil stated that yes, not necessarily when the Borough meets with them, but before it can be moved it would be publically heard.

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

The Meeting adjourned at 10:22 P.M.

NINA LIGHT FLANNERY, BOROUGH CLERK