

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
JANUARY 23, 2008**

This Meeting was held at the Community Center located on Snug Harbor Avenue, Highlands.

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 posted on the public bulletin board and transmitted to the Courier, Asbury Park Press and The Two River Times.

**Roll Call:**

**Present:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little

**Absent:** None

**Also Present:** Nina Light Flannery, Borough Clerk  
Bruce Hilling, Borough Administrator  
Dominick Manco, Esq., Borough Attorney  
Stephen Pfeffer, CFO

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**Executive Session Resolution**

Mrs. Flannery read the following Resolution for approval:

Mayor Little 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: RE: Shadow Lawn; Goldman Property;**

**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:

9.Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.

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

**ROLL CALL:**

**AYES:** All

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**NAYES:       None**  
**ABSTAIN:     None**

The Governing Body then entered into Executive Session.

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Mayor Little called the Regular Meeting back to order at 8:10 PM.

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

**Roll Call:**

**Present:       Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little**

**Absent:       None**

**Also Present: Nina Light Flannery, Borough Clerk  
Bruce Hilling, Borough Administrator  
Dominick Manco, Esq., Borough Attorney  
Stephen Pfeffer, CFO**

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**Presentation to former Sewerage Authority Members, service to the community**

Mr. Donald H. Manrodt, Sr., five years Sewerage Authority, 30 some odd years; planning board, 9 years on housing authority, 9 years on the Board of Education, 6 years council. Was serving the community before some of the council members were born.

Ms. Roberta McEntee, 11 years on Sewerage authority, missed only one meeting, loved my job and I loved the working with the people that were there.

Mayor Little

Present to Donald H. Manrodt, Sr., in recognition of your dedicated service to the residents of our community as a member of the Atlantic Highlands/Highlands Regional Sewerage Authority, the Mayor and Council of the Borough of Highlands in New Jersey by January 23rd, 2008 present you this award.

(Loud applause)

Present to Roberta McEntee., in recognition of your dedicated service to the residents of our community as a member of the Atlantic Highlands/Highlands Regional Sewerage Authority, the Mayor and Council of the Borough of Highlands in New Jersey by January 23rd, 2008 present you this award.

(Loud applause)

Mayor Little expresses thanks to both recipients of awards and hopes this encourages others to participate.

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**Public Participation on Agenda items**

Mayor Little explains Public Session, the Council wants to hear from the public before action is taken by the council.

Draft resolutions of agenda items are available on the public bulletin board and the Clerk can send via email to anyone.

**Public Comments**

Ms. Dibble - Comcast, does Comcast negotiate with the town?

Mayor Little, I believe that there is a contract necessary, -- particular contract, Borough Hall will have some services provided, the fire house and I believe the school and the community center.

Mr. Hilling, and grants to the municipality and to the school.

Mayor Little, monetary grants in addition to the services provided, and there are two different amounts. One amount to the High School and the other amount to the Borough of Highlands.

Mr. Hilling, approximately 20,000 each; to the municipality, 20,000 to the high school the technology grant.

UNIDENTIFIED: why was grant not made to elementary school for our technology.

Mr. Hilling, part of the negotiation basically, they gave us the \_\_\_\_\_ the 20,000 to the high school was given to the high school as a result of a combined renewal on the part of Atlantic Highlands and Highlands, Atlantic Highlands had already passed their ordinance, granting Comcast a 15 year contract. They will then forward a 20,000 grant to the high school.

UNIDENTIFIED: the elementary school, can it be considered in the future?

Ms. Dibble - 15 year contract exclusive rights to run cable -- to provide the hardware -- other companies can provide service using that service .

Councilmember - typically it's non exclusive.

Mr. Manrodt, 268 Bayside Drive spoke about same subject Both Board of Ed's notified about this agreement, this is a 15 year agreement.

Mayor Little, we asked for many things that we were denied, because they were unable to get agreement by the Superiors at Comcast to provide those items.

UNIDENTIFIED: this was a long negotiation, three or four years.

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Ms. Flannery reads "during each year of operation under the consent grant herein paid to the municipality two percent of the gross revenue from all recurring charges". So in addition to the grants that we've gotten and the free service we do get 2 percent of their recurring rent from

UNIDENTIFIED: like a royalty.

Chris Francy, 36 Fifth St. Not an exclusive agreement at all. Vios which is Verizon's cable can come in here also and they would end up instead of the 2 percent they would be paying us 6 percent. There is this agreement that was worked out in the State that make cable tv licensing non exclusive. Vios is installing as fast as they can, and they will come in here.

UNIDENTIFIED: section 19 about other franchises.

Mr. Parlin, technology changes so fast, stuck with an old technology

UNIDENTIFIED: "the company shall strive to meet or exceed all voluntary company industry standards and the delivery customer service", that's as broad as it gets.

Mr. Manrodt, give senior citizens a reduced rate.

Mrs. Flannery, Comcast does offer that to senior citizens on their own, so they may do that --

Mr. Hilling, will call Mr. Clifton (Comcast) and will get back to Mr. Manrodt.

Ms. Dibble, inquire about elementary school.

Karen Horner, eligible for free service, Mayor Little, emergency services only. Three connections instead of just 2, we had before and that's because we have a separate building for the firehouse now.

UNIDENTIFIED: 50 Valley St., funds go into general fund or do they go to specific.

Mayor Little, it's used for technology.

Maureen Kramer 200 Portland Rd, questioned Mayor's committee for the DOT and Borough.

Mayor Little, discussion this evening, regarding emergency routes, during possible construction.

Michele Pezzulo 115 Highland Ave., CDBG, Community Development Block Grant, Federal Funds

Mr. Hilling explained that it was for the awarding of the generators, two pump stations and the community center.

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Tara Ryan 17 Ocean St. discussion on agenda Re: Library

Mayor Little, limiting comment to what's on the agenda

Mr. Parlin; DOT committee; volunteers from public?

Donna Callahan, 29 South Bay Ave., questioned the DOT committee and litigation

Mayor Little, public will be participating in committee discussion.

Maureen Kramer, to form this committee behoove the council to have meeting with the public

Carol Bucco, 330 Shore Drive spoke about 80 articles regarding the Bridge.

Michele Pezzulo, spoke about models regarding task force.

Steven Cassidy 7 K St. question secret meeting and Public committee.

Mayor Little no one has ever used that word secret, concern by the public but have not witnessed any of that activity. Committee meetings would be public.

Connor Jennings, 27 Ralph, remind the Mayor & council, there is such a thing as a community center which can accommodate 120 person -- venue accommodate members of public who wish to attend, such a venue important generate type of exchange

CFO REPORT Stephen Pfeffer

1/17/08 3,259,085 sold bond anticipation notes, to fund various projects, capital projects going on within the Borough. Low bidder was Commerce Capital Market 2.6577 term of note, 1 year note, January 30th, 2008 to January 29, 2009.

More detailed report available see Ms. Flannery

**Mr. Pfeffer leaves meeting**

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**Consent Agenda Resolutions**

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

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

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
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R-08-26**

**RESOLUTION AMENDING RESOLUTION 07-160  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR  
PROFESSIONAL LABOR RELATIONS COUNSEL AND OTHER SPECIAL COUNSEL  
SERVICES  
APRUZZESE, McDERMOTT, MASTRO & MURPHY**

**WHEREAS**, the Borough of Highlands adopted Resolution R-07-160 at a meeting held on September 5, 2007 awarding the above contract to Apruzzese, McDermott, Mastro & Murphy, 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938 for an amount not to exceed \$35,000 plus reimbursable expenses for professional labor relations counsel and other special counsel services; and

**WHEREAS**, ongoing labor negotiations and litigation necessitate that this contract be amended for an amount not to exceed an additional \$25,000 for professional labor relations counsel and other special counsel services for a total contract not to exceed \$60,000 plus reimbursable expenses; and

I hereby certify funds are available as follows:  
Current Fund: Legal

Bond Ordinance O-98-11

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Stephen Pfeffer, Chief Financial Officer

**WHEREAS**, the term of the contract has expired and the Governing Body desires to extend term of the contract for an additional six months until June 30, 2008; and

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

**WHEREAS**, the firm of Apruzzese, McDermott, Mastro & Murphy has completed and submitted a Business Entity Disclosure Certification which certifies that Apruzzese, McDermott, Mastro & Murphy has not made any reportable contributions to a political candidate, local party committee or candidate committee in the Borough of Highlands in the previous year and that the contract will prohibit Apruzzese, McDermott, Mastro & Murphy from making any reportable contributions through the term of the contract; and

**WHEREAS**, the firm of Apruzzese, McDermott, Mastro & Murphy has completed and submitted  
A Political Contribution Disclosure form in accordance with P.L. 2005, c.271; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands as follows:

1. Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide professional labor relations counsel and other special counsel services as described above for an additional six months until June 30, 2008 at an increased amount of \$25,000.
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 Mrs. Burton and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Mr. Nolan offered the following and moved its adoption:

**R-08-27  
RESOLUTION – CHANGE ORDER #1  
A. MONTONE CONSTRUCTION, INC.  
INCREASE OF \$6,390.21  
BASIN 8 SANITARY SEWER REHABILITATION (PROPOSAL A)**

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

R-07-102 June 6, 2007 \$346,510.00

**WHEREAS**, change order # 1 dated January 7, 2008 prepared by T & M Associates, professional engineers, sets forth reasons (additional timber sheeting removal work associated with repair on Bay Avenue near Central Avenue and also depicts adjustments of the original bid quantities to reflect as built quantities) for said change order ,

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that change order #1 increasing the original contract amount by \$6,390.21 is hereby

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authorized for the Basin 8 Sanitary Sewer Rehabilitation Project. The contract is hereby amended to \$352,900.21.

Certification of Funds:

I hereby certify that funds are available for this contract from Ordinance 06-06 and Ordinance 07-15.

Stephen Pfeffer  
Chief Financial Officer

Seconded by Mrs. Burton and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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

**R-08-28  
RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO  
EXECUTE CONTRACT AGREEMENT WITH COMMERCE  
RISK CONTROL SERVICES**

**WHEREAS**, annually the Borough of Highlands contracts for random drug and alcohol testing for employees that carry a CDL drivers license (heavy equipment); and

**WHEREAS**, Commerce Risk Control Services has supplied the Borough of Highlands with a quotation for this service for the year 2008;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Mayor and Municipal Clerk be and hereby are authorized to execute the 2008 contract agreement with Commerce Risk Control Services for the sum of \$65.02 per CDL holder.

Seconded by Mrs. Burton and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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



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**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-08-29**

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR  
TO SIGN A CERTIFICATION PROHIBITING THE USE  
OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING  
THE USE OF FEDERAL FUNDS FOR LOBBYING**

**WHEREAS**, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for **FY 2008**; and

**WHEREAS**, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

**WHEREAS**, it is required that the **Borough of Highlands** execute a project agreement with Monmouth County to undertake a project known as **Emergency Generators**; and

**WHEREAS**, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the **Borough of Highlands** sign additional certifications in order to receive these funds; and

**WHEREAS**, the **Borough of Highlands** has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

**WHEREAS**, a copy of that policy is attached to and made part of this resolution.

**NOW, THEREFORE, BE IT RESOLVED**, that the **Borough of Highlands** has met the conditions of receiving a **FY 2008** allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

**BE IT FURTHER RESOLVED**, that the Mayor of the **Borough of Highlands** is hereby authorized to sign the attached certifications which will become part of the **FY 2008** Project Agreement.

Seconded by Mrs. Burton and adopted on the following roll call vote:

**ROLL CALL:**

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**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-08-30**

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR AND  
BOROUGH CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH  
COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2008 COMMUNITY  
DEVELOPMENT PROJECTS**

**WHEREAS**, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, the County of Monmouth expects to receive an allocation for **FY 2008** from the United States Department of Housing and Urban Development; and

**WHEREAS**, the County of Monmouth has submitted its Annual Plan for FY 2007 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as **Borough of Highlands** with a grant allocation of **\$185,200.00**.

**WHEREAS**, the Borough of Highlands hereby met all requirements for the release of funds to begin incurring costs for the project; and

**WHEREAS**, the **Borough of Highlands** has filed with the Monmouth County Community Development Program an acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS", which is included as Appendix I of the Project Agreement.

**NOW, THEREFORE, BE IT ORDAINED**, that the Mayor and Borough Clerk of the **Borough of Highlands** are authorized to execute with the County of Monmouth the attached Project Agreement.

Seconded by Mrs. Burton and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little  
**NAYES:** None  
**ABSENT:** None

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**ABSTAIN: None**

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

**R-08-31  
RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO  
EXECUTE CONTRACT AGREEMENT WITH THE BOARD OF CHOSEN  
FREEHOLDERS, COUNTY OF MONMOUTH FOR SENIOR AREA TRANSPORT  
(SCAT) SERVICES**

**WHEREAS**, annually the Borough of Highlands contracts for Senior Area Transport Services (SCAT) for senior residents of the Borough of Highlands; and

**WHEREAS**, the Board of Chosen Freeholders, County of Monmouth has supplied the Borough of Highlands with a quotation for this service for the year 2008;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Mayor and Municipal Clerk be and hereby are authorized to execute the 2008 contract agreement with the Board of Chosen Freeholders, County of Monmouth for SCAT services at the rate of one half day per week at \$110.72 per half day.

Seconded by Mrs. Burton and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little**  
**NAYES: None**  
**ABSENT: None**  
**ABSTAIN: None**

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**Ordinances: Introduction & Set Public Hearing Date**

**Ordinance O-08-01**

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

Mr. Nolan offered the following Ordinance pass introduction, be published according to law and that a public hearing date be set for February 20, 2008; stipulation regarding community center and grammar school

**O-08-01  
AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO**

**BOROUGH OF HIGHLANDS  
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COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE  
TELEVISION AND COMMUNICATIONS SYSTEM IN THE  
BOROUGH OF HIGHLANDS, NEW JERSEY**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HIGHLANDS, as follows:**

**SECTION 1. PURPOSE OF THE ORDINANCE**

The Municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

**SECTION 2. DEFINITIONS**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal communications commission (“FCC”) rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et. seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et. seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. “Town” or “Municipality” is the Borough of Highlands, County of Monmouth, State of New Jersey
- b. “Company” is the grantee of rights under this Ordinance and is know as Comcast of Monmouth County.
- c. “Act” or “Cable Television Act” is chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. “FCC” is the Federal Communications Commission.
- e. “Board” or “BPU” is the Board of Public Utilities, State of New Jersey.
- f. “Office” or “OCTV” is the Office of Cable Television of the Board.
- g. “Basic Cable Service” means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. “Application” is the Company’s Application for Renewal of Municipal Consent.

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- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

**SECTION 3. STATEMENT OF FINDINGS**

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company where held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the board adopted pursuant thereto. Said hearings, having been fully open to the public and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal,

technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

**SECTION 4. DURATION OF FRANCHISE**

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

**SECTION 5. FRANCHISE FEE**

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

**SECTION 6. FRANCHISE TERRITORY**

The consent granted under this Ordinance to the renewal of the franchise shall apply in the entirety of the Municipality and any property subsequently annexed hereto.

**SECTION 7. EXTENSION OF SERVICE**

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The Company shall be required to proffer service along the public right-of-way to any person's residence or business located in those areas of the Primary Service Area as set forth herein. Any extension of the cable television system beyond the PSA will be made in accordance with the Office of Cable Television's ("OCTV") Line Extension Policy ("LEP"). For purposes of the LEP, the minimum density of homes-per mile shall be thirty-five (35).

**SECTION 8. CONSTRUCTION REQUIREMENTS**

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

**SECTION 9. CUSTOMER SERVICE**

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1 et. seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and

shall be prepared to report on it to the municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).

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- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

**SECTION 10. MUNICIPAL COMPLIANT OFFICER**

The Office of Cable Television is hereby designed as the Compliant Officer to the Municipality pursuant to N.J.S.A. 48:5a-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

**SECTION 11. LOCAL OFFICE**

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

**SECTION 12. PERFORMANCE BONDS**

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

**SECTION 13. SUBSCRIBER RATES**

The rates of the Company shall be subject to regulation as permitted by federal and state law.

**SECTION 14. COMMITMENTS BY THE COMPANY**

- a. The Company shall provide Total Preferred cable television services on one (1) outlet at no cost to each school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 175 feet of active cable distribution plant.
- b. The Company shall provide Total Preferred cable television service at no cost on one (1) outlet to each police, fire, emergency management facility and public library in the Municipality, provided the facility is located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a

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materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets.

- c. A one-time technology grant in the amount of \$20,500 to be paid within 12 months of NJBPU approval of the franchise renewal.

**SECTION 15. TWO WAY SERVICES AND INTERCONNECTION**

In the event that the Municipality determines that it is necessary and feasible for it to contract with the Company for the purpose of providing two-way or interconnection services, the Company shall be required to apply to the BPU for approval to enter into and establish the terms and conditions of such contract. All costs for such application to the BPU shall be borne by the Municipality.

**SECTION 16. EMERGENCY USES**

The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

**SECTION 17. LIABILITY INSURANCE**

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or “umbrella”) policy in the amount of \$5,000,000.

**SECTION 18. INCORPORATION OF THE APPLICATION**

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

**SECTION 19. COMPETITIVE EQUITY**

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.



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**SECTION 20. SEPARABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 21. THIRD PARTY BENEFICIARIES**

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

**SECTION 22. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

**Schedule A**

The Company agrees to provide a one-time grant of \$20,000 to the Henry Hudson High School in the names of the Borough of Highlands and Atlantic Highlands within twelve months of the issuance of a Renewal Certificate of Approval to the second of the two municipalities, if both municipalities adopt a term of 15 years.

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

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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**Other Business:**

**Mayors Committee to coordinate between DOT and Borough of Highlands**

Mayor Little is concerned about emergency management Re: storms but also individual emergencies that might impact a resident or particular business. Representative of the Fire Dept., Office of Emergency Management, Highlands First Aid Squad, DPW for obvious reasons. Mr. Hill also from the recreation department and Mr. Hilling

Mr. Hilling, two members of the Council putting on committee,

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Mayor Little, Mrs. Burton and Mr. Urbanski, Chief of Police

Mrs. Burton, frequency of meetings?

Mayor Little schedule as soon as possible to allow adequate notice.

Mr. Urbanski: this committee work with DOT (inaudible) Chief traffic issues, can report meeting times, traffic, landscaping, fire chief, first aid --

Mr. Nolan, make meetings as public as possible. Perception is out there, behind closed doors. Need a new bridge, just not the one they are giving us. (applause)

Mr. Urbanski: I'm just saying, if you are going to ask me to give my time up during the day to go take care of something with the \_\_\_\_\_ and for anybody to think \_\_\_\_\_.

Mr. Nolan, recommend perception standpoint, we all have jobs, that's why I believe the State always schedule things like this during the day.

Mr. Urbanski: DOT, I don't believe they are going to meet with the public.

Mr. Nolan - that's part of the problem.

Mayor Little explain to the public, we are not in public portion right now. I know I've confused things, by giving you a public portion before we took action on the consent agenda. But at this moment we are in the other business portion of the agenda, and the council is making their discussions and we are going to open to the public when we finish.

Mrs. Burton agree be a large public participation, evening meetings, DOT meetings with committee members who are available and the DOT, also open to the public for who can attend. So sort of participation from the appointed committee to attend and report, like the Chief has done in the past.

Mayor Little, add comment healthy discussion, I'm encouraged and welcomes all comments.

Mrs. Burton, Chairperson similar to other committees

Mr. Urbanski, my vision was the committee be formed and then the committee be its own separate entity and elect their own spokesperson to run to coordinator with DOT, member of the public as part of that committee, part of decision making process

Mrs. Burton, where the Chief traffic and OEM

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Mr. Urbanski someone needs to be in charge.

**Chief Blewett – Remodel Space**

Mayor Little move on to # 2, Chief Blewett remodel space.

Chief Blewett Re: Construction for Radar room, quotes \$21,028.

Mr. Hilling: I think we have the funds that are available to cover those estimates, I believe

Chief Blewett, Mr. Pfeffer he did give me amount that would cover that.

Mr. Nolan, we approved this about waiting for the OEM to get out.

Chief Blewett, after this is done we will also save just shy of \$500 a month that we are using to lease a radio frequency. This also includes a repeater system that we are hoping to put (inaudible)

Mrs. Burton (inaudible) will be moved to the current dispatch area. Other improvements to any of the office spaces or the \_\_\_\_\_.

Chief Blewett, the old OEM room will be the new radio room, the locker room now will be the computer room,

Mr. Nolan questioned if it will be digitally recorded with all the newest stuff, links with the County.

Chief Blewett, recording equipment we lease, right now because of the state of our radio system, we can't record radio conversations only telephone calls.

Mr. Nolan like Atlantic Highlands.

Chief Blewett, nothing to do with mobile data terminus. He spoke about the Accreditation efforts, Chief of Police Organization increase our service to the people, help standardize our policy, procedure, training, hiring. Lower our liability insurance by 5 percent, cut down on lawsuits, lawsuits are failure to train properly; failure hire properly, failure to supervise properly. Nationally recognized standards. Financial considerations, needs a generator, automatic -- \$100,000 we don't know, we didn't get quotes on that yet. Smaller considerations every year \$3500 annually, after accreditation it's \$1,166, a year, \$300 a year to belong to a coalition of agencies, software system costs \$1600 a year. Yearly total to just belong to this accreditation process, \$3,166 a year.

Mayor Little, in exchange for a state of the art police department.

Mr. Nolan, is the County?

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Chief Blewett, County Sheriff is accredited through the State and National (inaudible)

Mr. Nolan, how long.

Chief Blewett as short as 18 months as long as 2, 2 1/2 years. Chief feels it's a win/win situation -- automatic generator major cost, currently takes 2 to 3 hours without power, using cell phones to communicate.

Mayor Little, discussion or questions for Chief Blewett? Mayor thanks Chief for report.

**Borough Engineer's Report**

Catherine Britell, P.E. of T & M Associates gave the following report to the Governing Body:

Re: Community Center and playground improvement Wall Construction, almost completed.

Project remains open until all items are satisfactorily addressed.

Re: DEP stormwater management, no change Borough is working to correct all deficiencies including construction of self storage facility.

Re: South Bay Avenue Pump Station, failed on 10/26/07, both pumps removed to be evaluated and repair, temporary system to keep station operational. Replace the pumps, waiting for delivery.

Re: Sanitary Sewer investigation Waterwitch Avenue and 36, traffic control plan for DOT consideration by the DOT -- small spot repairs

Re: Valley Street Pump Station Rehab Awarded to EDC Electrical contractors, waiting for maintenance bond

Re: 2006 Road program, Miller Street and Washington Awarded to Montone Construction, project is substantially complete, final punch list items, which are being addressed.

Re: DOT walk through was held on Washington Ave and that has been approved as constructed.

Re: Remaining item, to restore the area around the bench on Miller Street.

Re: Washington Ave phase II, F&P Construction on hold until Spring of '08 when weather breaks.

Re: Sanitary Sewer Rehab, almost complete final close out documentation is currently being compiled by our office, B and C. Proposal A

Re: Basin Sanitary Sewer Rehab, the report was finalized sent to the Borough for review.

Re: Grants and loans, Community Development Block Grant, installation of emergency generators at the Waterwitch Avenue and South Bay Avenue pump stations and the community center. It's our understanding that the county CDBG committee is recommending partial funding of the project to the Board of Freeholders.

Re: DOT informed receive funding a grant in the amount of \$210,000 for rehabilitation of Shore Drive between Miller St and Waterwitch Ave.

**Public Library**

Mayor Little, establishment of library is very important to the Borough, leads to expansion of programming beyond recreation, supplement to education and very often it is a center not only for children and youth but for adults to congregate socialize to discuss community issues.

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County of Monmouth through their library system will provide a certain amount of assistance to the Borough part time library volunteer, paid person. Mayor continues Association Library as a possibility, public and private funds. No building available Borough will finance, but public needs to assist with financing. Mayor Little asks Mr. Nolan to additional comments. Funding best vehicle for private maybe a non profit 501C3 Ms. Tara Ryan to assist.

Mr. Nolan. Highlands Education and Literacy Program, HELP, report from clerk. Lowest education level second only to Keansburg, lowest per household income, second only to Keansburg, household, \$46,000, least stability 52% have lived here less than five years. Poverty level is 12.2, unemployment 4.0. Library we all need to learn more, one of the most important issues in town. Whatever we can do, legally to do it, we need to do it.

Mayor Little opens to council.

Mrs. Burton possible locations, we have a great, but small media room at the community center that I think we can give consideration to. I know it's very small right now, but with the technology grant coming up, adding computer systems, etc.,

Councilman: pursue corporate sponsorship

Mayor Little, both ideas good for funding.

Mr. Caizza, What about Borough Hall,? That would be a priority first. I really do think that Borough Hall should be considered –

Mr. Urbanski, Borough Hall is in very bad shape, it rains, it leaks, you need a peak roof over the flat roof, heating and A/C units off the roof, put them in the back, on a platform with the generator that the police department and borough halls needs. And you need to sink some serious money into this Borough Hall before you put up a library --

Mr. Nolan, some towns where they built a new borough hall with the library and historical center in it.

Mrs. Burton but in the mean time just to get something open to the public, we have the opportunity with the grant money, form the non profit, possibly look into how much we can do at the community.

Mr. Nolan, We've got to look at everything and leave no stone unturned, He agrees with Councilman Caizza and Urbanski, a new borough hall with a library and historical center, whatever else, creative ways to finance it.

Mayor Little moving on.

**Peddlers License**

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Ms. Flannery, Re: peddler's license she spoke about the license application in question and the issues of the background.

Councilman to deny several reasons; no criminal background check -

Mayor Little no specifics.

Councilman denied.

Ms. Flannery explained that to deny the license has to be a function of the Governing Body.

\_\_\_\_\_ offered a motion to deny the Peddlers License, seconded by  
\_\_\_\_\_ and denied on the following roll call vote:

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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**Minutes:**

Mrs. Flannery advised the Governing Body that the following members were present for the following minutes:

October 3<sup>rd</sup> - Mr. Nolan, Urbanski, Mr. Caizza and Mrs. Burton

\_\_\_\_\_ offered a motion to approve the minutes, seconded by  
\_\_\_\_\_ and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan,  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** Mayor Little

December 5, Mr. Nolan, Mr. Caizza, Mr. Urbanski

**ROLL CALL:**

**AYES:** Mr. Caizza, Mr. Urbanski, Mr. Nolan  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** Mrs. Burton, Mayor Little

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December 19th, Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mrs. Burton

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** Mayor Little

January 4th, All were present  
Mayor Little requests that her remarks be added.

Councilman  
Seconded by

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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**PUBLIC PORTION**

Roberta McEntee, ask the Chief about the past and not airing our crimes in town to newspaper. Drugs, machine guns, should have some manner getting information through newspaper. Bulletin

Chief Blewett stated that the neighborhood watch would be helpful, The paper used to come down every week.

Ms. McEntee stated that the newspaper was turned down too often and that's what she was told.

Chief, we do call for major things. Some things we don't put in the paper.

Councilman, I think the conversation wasn't to not put it in the paper, we were trying to eliminate erroneous comments going out. He then spoke about the 2006 St. Patrick's Day situation.

Chief Blewett, I don't know why the paper stop coming down.

Roberta McEntee, the next day the paper put in a retraction. Would you share your information with neighborhood watch?

Chief Blewett, every arrest for example are public knowledge we don't keep it from people, unless it's relevant to another investigation.

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Mrs. Burton, Borough newsletter was to remind residents lock their cars, you know things like that. Not saying where the house burglaries are, exactly the extent of them but reminding residents it's not safe to leave your home unlocked.

Mrs. Olman, spoke about the Mayor's Committee DOT/Borough and the structure of committee to have public members. Meet separately then report to public.

Mayor Little, contract has been awarded and when legal impediment is over, they are going to start construction. Rescheduled a "coffee" with contractor to at least meet. Discussing structure of committee.

Carol Bucco, 330 Shore Drive spoke about a "Letter to Editor dated 16<sup>th</sup> of January - 176 million for NJ flood prevention and beach replenishment. Local projects to be funded included Highlands Beach renourishment, Raritan and Sandy Hook Bays, Keyport, Union Beach and Port Monmouth, etc..... Sure that we get on top of this, and we get our fair share. That includes all shore line of Highlands not just -- beach is actually this side of Sandy Hook.

Mayor Little asks that Mr. Hilling to look into that.

Rita Caizza spoke about the Library grant from Comcast open media center to public as our Library.

Mayor Little discussions about opening Henry Hudson to public. Adult classes are available pass a fingerprint test. "regional" School Board has control, public access is difficult.

Ms. Caizza, it was contingent upon it being open to the public.

Mayor Little, I remember that.

Councilman me too.

Mayor Little, I can hold them to that, they have the final word, School Board, they control the assets for the school. We'll continue the discussions on that. I do believe the biggest concern is the physical presence of members of the public not fingerprinted and background in the same location as the students for liability and safety reasons. Concept.

Councilman, I remember we voted on it as a town to expand the high school and it was contingent upon us being accessed to the library, there's no question about that.

Pauline Jennings, 27 Ralph Street, spoke about the commendation of McEntee or Manrodt, poor performance of bad attendance, why are we replacing them?



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Mayor Little I have appointed new members of the sewer authority and I feel that they are qualified in performing the duties and taking us through some issues that I feel are of extreme importance there.

Ms. Jennings, not political appointments.

Mayor Little Certainly not.

Ms. Jennings, continues with discussion, "progressive Mayor"

Mayor Little I accept your comment, I don't agree with your characterization of what I've done in appointing the two gentlemen to the sewer authority and I'm sure that had they been present here to defend themselves, they would have nice qualifications to recite to you. Perhaps you will give them the opportunity to discuss the credentials with you at a later date.

Ms. Jennings, to tell me, why you appointed them.

Mayor Little reiterated previous comments.

UNIDENTIFIED: DOT committee, why not have alternates like zoning or planning.

Mayor Little, very good idea and she will give it some consideration.

Maureen Kramer 200 Portland Road, Email from (inaudible) from the NJDOT "I contacted our right of way division regarding your query about the appraisal value of (inaudible) property."

On a call was appraised at over \$800,000 "I learned that the appraisal was done by a private professional appraiser and subsequently was reviewed by the NJDOT appraisal unit. Based on their review and recommendation negotiations were carried until a final deal was reached. The details of any property owner's negotiations are protected by confidentiality rules and at this point I am unable to give any more details about the right of way." Didn't realize it was private property. Did research and calls Borough owner. 2004 - 2007 DOT owner, sale 1987, Borough of Highlands paid \$100,000 piece of property. As Dominic the attorney why this is.

Mr. Manco, she must be on the county tax board, the lady you spoke to, because I appear there for tax appeals.

Ms. Kraemer, who owns it. Us or DOT?

Mr. Manco the deeds have not been executed for transfer.

Ms. Kramer, look into.

Mayor Little let's look into it

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Chris Francy 36 Fifth Street, questioned the status of petition certification (inaudible).

Mayor Little timing question, on agenda for next meeting. We are not taking action, we want it to be on the agenda. Mr. McKenna will be here next meeting. Feb 6th meeting.

Ms. McEntee, why we were replaced with such exemplar service, your answer to more than one person was, because I'm the mayor and I can pick out who I want to put in the seat.

Mayor Little, I object to your characterization of what I have done and I object to your restatement incorrectly of what I said.

Ms. McEntee, failed to check into the action that has been going on in the sewerage for a little over two years. (inaudible) in December Mayor O'Neil was at the meeting because he's on the sewerage board, two alternatives; go to a regular judge regular courtroom, because they owe us a lot of money --

Mayor Little, let me stop you there for a minute, for the benefit of the public we are talking about (inaudible - coughing) situation authority which I'm very aware. And I do believe you are talking about the alternative between arbitration and litigation.

Ms. McEntee, we voted on arbitration, our lawyer had told us, before March and then it's to be settled one way or the other. I don't think you should have changed sailors in the middle of the trip. Going to take one year to get their feet wet and know what is going on in the sewerage authority. (applause) to keep us on at this crucial time.

Mayor Little, recognize

Michele Pezzulo, 115 Highlands Ave., Regarding other business. She totally agrees with Mr. Nolan, open to the public as much as possible

Re: computer leasing,

Councilman, none, just the cable lines in town, the existing lines that are there now. Providing cable service in the buildings.

Ms. Pezzulo, above ground or below.

Councilman, like your house, above.

Mr. Manrodt, Re: The room we are sitting in used to be the library. This room is not adequate for town meetings. (applause)

Ms. Tierney, regarding the Board of Education they are grateful the Board was.

Tara Ryan, 17 Ocean Street; Re Library over ten years, thank you for recognizing the need.

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MOTION TO ADJOURN

Offered by Councilman, seconded by Councilman

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

The Meeting adjourned at 11:07

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