

**Mayor and Council
Regular Meeting
February 20, 2008**

Mayor Little called the meeting to order at 7:31 pm.

Mrs. Flannery made 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 Courier, the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

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
Joseph Oxley, Esq., Borough Attorney

Executive Session Resolution

Mrs. Flannery read the following Resolution for approval:

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

**RESOLUTION
EXECUTIVE SESSION**

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

1. **Personnel: Administrative Assistant in Code Enforcement Office**
- 2.
- 3.

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:

- **Falls within the attorney-client privilege and confidentiality is required.**
- **Deals with personnel matters of public employees and employee has not requested that the matter be made public.**

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Little called the Regular Meeting back to order at 8:15 pm.

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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
Joseph Oxley, Esq., Borough Attorney

Public Portion on Agenda Items

Mayor Little opened up the public portion on the agenda items.

Michelle Pezzullo stated that she just received a copy of the agenda.

Mayor Little advised the public that the agenda is available on our website.

Roberta McEntee of Fifth Street questioned the Bid Budget amount for 2008. She also spoke about the high number of businesses that have closed in Highlands in the past three years. Mayor Little explained the Bid Budget report and stated that proposed 2008 budget amount is \$95,000, which is the same as last year.

Mrs. Burton spoke about the previous Bid budge increase from \$90,000 to \$95,000. She also stated that we don't have the facts about the number of businesses that have closed in the past three years.

Mr. Nolan stated that we don't know why the businesses went out of business, they could have closed because they had a poor business plan, etc.

Roberta McEntee stated that there should be some visual improvement made on Bay Avenue and stated that the Bid money should be used for improvements.

Mrs. Burton – we are working on that which she further explained.

Roberta McEntee continued to question the bid budget and expenses. She also questioned grease traps.

Mayor Little stated that Borough is working on an ordinance.

Donald Manrodt of 268 Bayside Drive questioned the purchasing of two Durango's.

Mrs. Burton explained that the purchase of two Dodge Durango's is on the agenda for discussion for the Office of Emergency Management but actual Resolution and Consent Agenda is to purchase two vehicles.

Mayor Little explained that the one Durango is for the K-9 unit that we discussed at the last meeting and the Durango is required for cage for the dog. She believes that the second vehicle is for the O.E.M. Department that we have to discuss.

Donald Manrodt – who pays for the gas for the vehicles.

Mr. Caizza – the town does.

Mr. Manrodt spoke about problems with the gas that occurred years ago. He stated that he believes that the vehicles should be restricted to borough use.

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Mrs. Flannery stated that there is a typo in Resolution R-08-48 in the title, it should say for one Dodge Durango.

Michelle Pezzullo of Highland Avenue questioned the 2% of the gross revenues on page three of the Comcast Ordinance and wanted to know what that comes to.

Mayor Little – I can have the Chief Financial Officer call you tomorrow with that figure.

Mr. Caizza stated that we received a check for about \$21,000 for last year's fees.

There were no further questions from the public on the agenda items; therefore the Mayor closed this public portion.

Consent Agenda Resolutions

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

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

R-08-32

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

RESOLUTION - APPROVAL OF CORRECTIVE ACTION PLAN FOR SFY 2007

WHEREAS, the Directive by the Division of Local Government Services, Local Finance Notice 92-15 dated August 9, 1992, requires that the Chief Financial Officer must submit a Corrective Action Plan, relative to the findings and recommendation in the annual audit report; and

WHEREAS, the Governing Body of the Borough of Highlands has reviewed said Corrective Action Plan for the State Fiscal Year 2007;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that said Corrective Action Plan is hereby approved.

NOW, THEREFORE BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, the Director of the Division of Local Government Services, and all appropriate Borough Officials.

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

ROLL CALL:

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

**CORRECTIVE ACTION PLAN - SFY 2007
BOROUGH OF HIGHLANDS**

SFY 2006 Recommendations:

Municipal Court:
Finding #1

1. That the Municipal Court makes all remittances to various agencies by the fifteenth day of the month following receipt as required by the Administrative Office of the Court.

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2. Analysis: The Municipal Court has one full time employee and a part time employee once a week. The Court Administrator cannot always comply with the above requirements because other Court duties take priority.
3. Corrective Action: The Governing Body has hired a part time employee for 25 hours a week. The employee received the proper training in 2005/2006. As a result the Court Administrator was able to resolve this comment.
4. Implementation Date: March 2006.

Municipal Court:
Finding #2

1. That monthly bank reconciliations for the Municipal Court accounts be performed on a timely basis.
2. Analysis: The Municipal Court has one full time employee and a part time employee once a week. The Court Administrator cannot always comply with the above requirements because other Court duties take priority.
3. Corrective Action: The Governing Body has hired a part time employee for 25 hours a week. The employee received the proper training in 2005/2006. As a result the Court Administrator was able to resolve this comment.
4. Implementation Date: Not Implemented in SFY 2007.

SFY 2007 Recommendations:

Municipal Court:
Finding #1

1. That monthly bank reconciliations for the Municipal Court accounts be performed on a timely basis.
2. Analysis: The Court Administrator cannot always comply with the above requirements because other Court duties take priority.
3. Corrective Action: The Governing Body has recently hired a new Court Administrator who was able to resolve this comment.
4. Implementation Date: January 2008.

Municipal Court:
Finding #2

1. The Municipal Court ticket error reports contain numerous items that have not been cleared on a timely basis.
2. Analysis: The Court Administrator cannot always comply with the above requirements because other Court duties take priority.
3. Corrective Action: The Governing Body has recently hired a new Court Administrator who was able to resolve this comment.
4. Implementation Date: January 2008.

WHEREAS, the applicant currently has a lease agreement with the Borough of Highlands for the rental of Borough Property located at Block 56 Lot 13 (Fifth Street Parking Lot). The applicant Dan-Rob Property Associates is behind in rent payments to the Borough and has given written Mr. Nolan offered the following resolution and moved its adoption:

**R-08-33
RESOLUTION AUTHORIZING REFUND OF UNUSED BULK
PERMIT FEE**

WHEREAS, the Borough reviewed the following Bulk Permit and has received verification for Borough Departments that there are no outstanding invoices or fees due to the resident; and

WHEREAS, the permit was purchased by Mr. John Maggi who resides at 114 Navesink Avenue, Highlands, NJ and returned to the Building Department; and

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WHEREAS, Mr. Maggi has requested a refund of the purchase price for the permit;

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Chief Financial Officer is authorized to immediately refund and pay the refund the Bulk Pickup fee to Mr. John Maggi.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-08-36
RESOLUTION ACCEPTING AUDIT
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year ended June 30, 2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

Auditors' Opinions

and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

Auditors' Opinions

as evidenced by the group affidavit form of the governing body: and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

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WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

“R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Highlands, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

ROLL CALL:

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

Mr. Nolan offered the following and moved its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-08-37

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

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

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$65,000 plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands for the period January 1, 2008 through June 30, 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

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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 as follows contingent upon adoption of the SFY 2008 budget:

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

Stephen Pfeffer, Chief Financial Officer

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

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

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$65,000 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. Caizza and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-08-38
AUTHORIZING REFUND OF TAX OVERPAYMENT**

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

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

NOW, THEREFORE BE IT 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

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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> |
|--------------|------------|-------------|---------------|---------------------------|
| 19 | 10 | 2008 | \$ 541.89 | Douglas & Jill Widman |
| 14 | 2.014 | 2007 | \$ 2565.44 | John Huhn & Angele Monaco |
| 115 | 9.123 | 2007 | \$ 61.51 | William & Melinda Scarso |

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

ROLL CALL:

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

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

R-08-39

**RESOLUTION AUTHORIZING AN EXTENSION OF TIME
FOR PAYMENT OF MUNICIPAL TAXES WITHOUT
INTEREST TO MARCH 5, 2008**

WHEREAS, the Borough of Highlands mailed Municipal tax bills in January, 2008 to all property owners; and

WHEREAS, the delay of the mailing of the Municipal tax bills will result in the imposition of interest payments if a further extension of time for the payment of the bills is not granted to the residents of the Borough of Highlands.

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

1. That the Mayor and Council hereby authorize the extension of time for payment of the Municipal tax bills to March 5, 2008.
2. In the event that the tax bills are not paid by a resident on March 5, 2008 interest shall be retroactive to the February 1, 2008 due date.
3. That the Borough Clerk shall forward certified copies of this resolution to the following:
 - A. Director, Division of Local Government Services
Department of Community Affairs
 - B. Tax Collector

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

ROLL CALL:

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

Mr. Nolan offered the following and moved its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-08-40

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**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
SURVEY, DESIGN AND INSPECTION
FOR THE RECONSTRUCTION OF HILLSIDE AVENUE
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional engineering services for the survey, design and inspection of the reconstruction of Hillside Avenue (New Jersey American Water Company project) 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 \$65,400 per T & M Associates proposal dated November 5, 2007 for Professional Engineering Services for the survey, design and inspection of the reconstruction of Hillside Avenue (New Jersey American Water Company project) 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 New Jersey American Water Company.
Trust Fund Escrow 9800-9869

Stephen Pfeffer, Chief Financial Officer

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

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

5. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$65,400.
6. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

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ROLL CALL:

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

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

R-08-41

**RESOLUTION AMENDING RESOLUTIONS R-06-179
EXTENDING PROFESSIONAL ENGINEERING SERVICES OF A NON-FAIR AND
OPEN CONTRACT FOR WASHINGTON AVENUE, RECREATION PLACE
AND MILLER STREET RECONSTRUCTION**

WHEREAS, there exists the need for Professional Engineering Services for the Washington Avenue, Recreation Place and Miller Street 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 T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

WHEREAS, a contract was awarded on November 1, 2006 for an amount not to exceed \$75,200 plus reimbursable expenses for the Professional Engineering Services for the Washington Avenue, Recreation Place and Miller Street Reconstruction; 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 November 1, 2008; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands of the following:

1. T & M Associates' contract for professional engineering services is hereby extended for an additional year until November 1, 2008 with no change in the amount not to exceed of \$75,200 plus reimbursable expenses.
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.

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4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

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

**R-08-42
RESOLUTION
AUTHORIZING RELEASE OF MAINTENANCE GUARANTEES
FOR DAN-ROB PROPERTY ASSOCIATES, LLC LOCATED
AT BLOCK 50 LOT 4 ON SHREWSBURY AVENUE**

WHEREAS, the applicant has requested the release of Maintenance Guarantees in the amount of \$8,404.92 (Posted via Maintenance Bond No. S05560M) and the release of any remaining engineering or legal fees for Block 50 Lot 4; and

WHEREAS, since this maintenance bond expired back in 2004 there is no need for an Engineers inspection to be performed for the release. Notification of this release has been transmitted via email dated 2/4/08 to the Borough Engineers Office and Borough has received no objection from Borough Engineers Office; and

authorization for the Borough to apply his engineering escrow refund amount of \$828.60 to past rent due to the Borough for the rental of Block 56 Lot 13.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Borough Clerk is hereby authorized to release the Maintenance Bond No. SO5560M for Dan-Rob Property Associates, LLC and the Chief Financial Officer is hereby authorized to apply the Engineering Escrow Refund for Dan-Rob Property Associates for Block 50 Lot 4 toward the delinquent Rent due to the Borough by the applicant for the rental of Block 56 Lot 13 (Fifth St. Parking Lot) in the amount of \$828.60 (\$729.29 Aug 2007 Rent & \$99.31 applied to Sept. 2007 Rent).

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

ROLL CALL:

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

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

**R-08-43
RESOLUTION CHANGING EMPLOYMENT STATUS OF
POLICE COMMUNICATIONS OPERATORS**

WHEREAS, the Chief of Police, Joseph R. Blewett, has advised the Governing Body that John Wankel and Mandi Velasquez have given him notice that they can no longer continue working on a part-time status but would like to be affiliated with the department; and

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WHEREAS, Chief Blewett has recommended that the employment status of John Wankel and Mandi Velasquez be changed to fill-in positions; and

WHEREAS, the Governing Body concurs with Chief Blewett's recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the employment status of John Wankel and Mandi Velasquez be and hereby is Police Communications Operator (fill-in); and

BE IT FURTHER RESOLVED that said appointment is effective immediately and that the salary be set as per the current contract rate.

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

ROLL CALL:

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

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

**R-08-44
RESOLUTION APPOINTING
POLICE COMMUNICATIONS OPERATOR (part-time)
SAMANTHA STASKOWSKI**

WHEREAS, the Chief of Police, Joseph R. Blewett, has advised the Governing Body that there is a need to hire a part-time Police Communications Operator; and

WHEREAS, Chief Blewett has recommended Samantha Staskowski, 386 Highway 36, Highlands, NJ to fill that position; and

WHEREAS, the Governing Body concurs with Chief Blewett's recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Samantha Staskowski be and hereby is appointed Police Communications Operator (part-time);

BE IT FURTHER RESOLVED that said appointment is effective immediately and that the salary be set as per the current contract rate.

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

ROLL CALL:

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

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

**R-08-45
RESOLUTION APPOINTING
POLICE COMMUNICATIONS OPERATOR (part-time)**

WHEREAS, the Chief of Police, Joseph R. Blewett, has advised the Governing Body that there is a need to hire a part-time Police Communications Operator; and

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WHEREAS, Chief Blewett has recommended that Kevin O'Donnell, 274 Navesink Avenue, Highlands, NJ 07732 (currently a back-up Police Communications Operator) to fill that position; and

WHEREAS, the Governing Body concurs with Chief Blewett's recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Kevin O'Donnell be and hereby is appointed Police Communications Operator (part-time);

BE IT FURTHER RESOLVED that said appointment is effective immediately and that the salary be set as per the current contract rate.

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

ROLL CALL:

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

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

**R-08-46
RESOLUTION APPOINTING
CROSSING GUARD
(Permanent part-time)**

WHEREAS, the Chief of Police, Joseph R. Blewett, has advised the Governing Body that there is a need to hire a part-time Crossing Guard; and

WHEREAS, Chief Blewett has recommended that the employment status of Wallace H. Hartsgrove be changed from Crossing Guard (fill-in) to Crossing Guard (permanent part-time) to fill that position; and

WHEREAS, the Governing Body concurs with Chief Blewett's recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the employment status of Wallace H. Hartsgrove be and hereby is changed to Crossing Guard (permanent part-time);

BE IT FURTHER RESOLVED that said appointment is effective immediately and that the salary be set as per the current contract rate.

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

ROLL CALL:

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

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

**R-08-47
RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR(S) WITH STATE CONTRACT
FOR POLICE CAR**

BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands,

**Mayor and Council
Regular Meeting
February 20, 2008**

County of Monmouth, State of New Jersey as follows:

1. In accordance with the requirements of the Local Public Contracts Law N.J.S.A. 40A11-12 et seq; and the regulations promulgated there under, the following purchase without competitive bids from vendor(s) with State **Contract is** hereby approved.

VENDOR

WINNER FORD
250 HADDONFIELD – BERLIN ROAD
CHERRY HILL, N.J. 08034

STATE CONTRACT # A70462

AMOUNT \$ 25,130.00

DESCRIPTION

ONE (1) POLICE CAR FOR
THE POLICE DEPARTMENT

WHEREAS, the Chief Financial Officer for the Borough of Highlands has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. 0003. A copy of the said certification is attached hereto and made a part hereof and the funds to be expended herein are assigned to line item no. 0155A. A copy of the within resolution and certification shall be certified by the Borough Clerk.

2. The Borough Attorney is satisfied that the availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

3. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:

- A. Chief Financial Officer
- B. Administrator
- C. Purchasing Agent
- D. Chief of Police

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

ROLL CALL:

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

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

**R-08-48
RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR(S) WITH STATE CONTRACT
FOR ONE (1) 2008 DODGE DURANGO**

BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

**Mayor and Council
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1. In accordance with the requirements of the Local Public Contracts Law N.J.S.A. 40A:11-12 et seq., and the regulations promulgated there under, the following purchase without competitive bids from vendor(s) with State Contract is hereby approved.

ITEM # 1

VENDOR

WARNOCK AUTO GROUP
P.O. BOX 524
EAST HANOVER, N.J. 07936

STATE CONTRACT # A70852

AMOUNT \$ 28,853.80

DESCRIPTION

ONE (1) 2008 DODGE DURANGO
FOR THE POLICE DEPARTMENT

WHEREAS, the Chief Financial Officer of the Borough of Highlands has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. 0003. A copy of the said certification is attached hereto and made a part hereof and the funds to be expended herein are assigned to line item no. 0155A. A copy of the within resolution and certification shall be certified by the Borough Clerk.

2. The Borough Attorney is satisfied that the availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.
3. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:
 - A. Purchasing Agent
 - B. Chief Financial Officer
 - C. Bruce Hilling, Administrator
 - D. Vendor

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

ROLL CALL:

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

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

**R-08-49
RESOLUTION APPOINTING TEMPORARY
PART-TIME EMPLOYEE BARRY J. McKELLAR
FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, there exists the need to appoint a part-time (temporary) employee for the Department of Public Works; and

WHEREAS, the Borough Administrator recommends the appointment of Barry J. McKellar as Temporary Part-Time Employee for the DPW; and

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WHEREAS, the Mayor and Council of the Borough of Highlands agrees with this recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Barry J. McKellar, is hereby appointed Temporary Part-Time Employee for the DPW; and

BE IT FURTHER RESOLVED that this appointment for Barry McKellar is effective Tuesday, February 19, 2008 and shall terminate on Friday, March 7, 2008 and compensation shall be set at \$09.00/hour.

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

ROLL CALL:

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

Mr. Nolan offered the following and moved its adoption:

**R-08-50
RESOLUTION – CHANGE ORDER
F & P CONTRACTORS INC.
EXTENSION OF CONTRACT COMPLETION DATE
WASHINGTON AVENUE PHASE II PROJECT**

WHEREAS, Resolution R-07-194 awarded a contract to F & P Contractors Inc. on November 12, 2007 for \$45,790.72 for the Washington Avenue Phase II Project and;

WHEREAS, change order # 1 dated December 21, 2007 prepared by T & M Associates, Borough Engineer, sets forth reasons for said change order (extension of contract completion time until April 30, 2008 at no additional cost to the Borough),

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #1 granting an extension of the contract completion time until April 30, 2008 at no additional cost to the Borough of Highlands is hereby authorized for the Washington Avenue Phase II Project.

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

ROLL CALL:

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

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

**R-08-51
RESOLUTION SUPPORTING THE APPLICATION OF THE HIGHLANDS
POLICE DEPARTMENT FOR INTERACTIVE TEEN DRIVING SIMULATOR
GRANT**

WHEREAS, Highlands Police Department Captain Henry Clagett has made application to the NJ Division of Highway Traffic Safety for a grant to institute a Driver Simulator Program

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that will be utilized by the current driver education instructor and Highlands Police Department at Henry Hudson Regional School; and

WHEREAS, Henry Hudson Regional School has the only school based behind the wheel driver education course in Monmouth County; and

WHEREAS, in 2007, Monmouth County experienced a devastating blow due to death of teenagers in vehicular accidents; and

WHEREAS, with the funds from the grant the HPD will be able to provide the equipment needed and the instructors required to run an interactive driver education program; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Highlands support the Driver Education project as administered by the Highlands Police Department, support their efforts to obtain the NJHTS grant and Congratulate Captain Clagett and the HPD for their foresight to develop the concept of this very important project.

Seconded by Mr. Caizza 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: Mr. Urbanski on R-08-48

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

**RECAP OF PAYMENT OF BILLS
02/20/08**

| | | |
|----------------------------------|----|-------------------|
| CURRENT: | \$ | 37,825.91 |
| Payroll (02/15/08) | \$ | 127,457.48 |
| Manual Checks | \$ | 141,345.36 |
| Voided Checks | \$ | |
| | | |
| SEWER ACCOUNT: | \$ | 78,096.00 |
| Payroll (02/15/08) | \$ | 4,426.69 |
| Manual Checks | \$ | 23,073.52 |
| Voided Checks | \$ | |
| | | |
| CAPITAL/GENERAL | \$ | |
| CAPITAL-MANUAL CHECKS | \$ | |
| WATER CAPITAL ACCOUNT | \$ | |
| | | |
| TRUST FUND | \$ | 13,274.27 |
| Payroll (02/15/08) | \$ | 2,920.00 |
| Manual Checks | \$ | |
| Voided Checks | \$ | |
| | | |
| UNEMPLOYMENT ACCT-MANUALS | \$ | |
| | | |
| DOG FUND | \$ | 261.60 |
| Voided Checks | \$ | |
| GRANT FUND | \$ | 888.62 |
| Payroll (02/15/08) | \$ | |
| Manual Checks | \$ | |

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| | | |
|--------------------------|----|--------|
| DEVELOPER'S TRUST | \$ | 425.25 |
| Manual Checks | \$ | 118.75 |
| Voided Checks | \$ | |

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

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Ordinances: 2nd Reading, Public Hearing, Adoption

Ordinance O-08-01

Mrs. Flannery read the title of Ordinance O-08-01 for the second reading and public hearing.

Mayor Little opened up the public hearing for Ordinance O-08-01.

Michelle Pezzullo of 115 Highland Avenue asked why with his agreement service will be given to the High School but not the Grammar School.

Mayor Little – correct, and the service will be provided to the Elementary School in similar fashion. We were unable to get an additional grant for the elementary school because the contract negotiations in Atlantic were already closed. So what we are going to have to do with the grant money is determine its grant use whether we can attribute some portion of that grant money for use at the Elementary School or whether it will all be used in the Borough and the Elementary School children will have access through that way. We need to discuss it. The Community Center, Fire House and borough hall, the High School and Elementary School are all provided service.

Arnie Fuog of 50 Valley Street questioned the percentage with the grant.

Mayor Little explained that there was percentage revenue and grant money from this which she further explained.

Mr. Nolan further explained the 2% revenues.

There were no further questions from the public for Ordinance O-08-01.

Mayor O'Neil closed the public hearing up for Ordinance O-08-01.

Mrs. Flannery read the title of Ordinance O-08-01 for third and final reading and adoption.

Mr. Nolan offered the following for adoption after publication according to law:

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

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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.
- 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

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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

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.

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- 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).
- 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 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

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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.

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.

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Seconded by Mr. Caizza 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

Other Business:

Borough Engineers Report

Catherine Britell, P.E. of T & M Associates read through the following status report:

HGHL-G0801

February 15, 2008

Via Facsimile (732) 872-0670 and First Class Mail

Mr. Bruce Hilling
Borough Administrator
Borough of Highlands
171 Bay Avenue
Highlands, New Jersey 07732-1405

Re: Engineer's Status Report

Dear Mr. Hilling:

The following is the status of various projects in which we are involved as Borough Engineer:

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. Although the project has been completed, there are a couple of issues that must be revisited in the spring. Therefore, the project will remain open until the outstanding items are satisfactorily addressed.
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 including the erection of a salt storage facility.
3. **South Bay Avenue Pumpstation:** The remaining pump failed October 26, 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. The Borough has since contracted with Pumping Services to supply and install the replacement pumps for this facility.
4. **Sanitary Sewer Investigation at Waterwitch Avenue and Route 36:** We have prepared a Traffic Control Plan for consideration by the NJDOT for a Utility Opening Permit. The NJDOT has approved the permit and is in the process of executing same. Once the executed permit is obtained, we intend to perform two small spot repairs to the sanitary sewer main as a part of the Basin 8 rehabilitation project.

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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. We have received the maintenance bond from the Contractor and are compiling the final closeout documentation to forward to the Borough for processing. In a related matter, please be advised that we are continuing to monitor the pump floats as necessary.
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. The sole remaining item on the punchlist is to restore the area around the concrete slab for the park bench on Miller Street.
3. **Washington Avenue Phase II:** The Contract was awarded to F&P Construction, South Amboy, NJ. Although we intended to construct the project this year, recent incimate weather has not provided an opportunity to do so. As such, the project will be constructed in the spring of 2008.
4. **Basin Eight Sanitary Sewer Rehabilitation Project:** The Contract portions of the project for all three proposals have been completed. Final closeout documentation is currently being compiled for Proposals "B" and "C". The Contractor for Proposal "A" has expressed interest in performing the repairs at the intersection of Route 36 and Waterwitch Avenue once the NJDOT Utility Opening Permit is obtained. We have obtained pricing from the Contractor and have provided the Borough with a recommendation to have the Contractor perform this repair under the Basin 8 Contract.
5. **Hillside Avenue:** NJAW has completed the watermain installation between Sea Bright and the Borough. As such, we have completed the survey of the roadway and have started the overall design of the roadway reconstruction portion of the project.
6. **Basin Two Sanitary Sewer Rehabilitation Project:** The report has been finalized and sent to the Borough for review. As requested, we have submitted a proposal for consideration by the governing body to design a project to implement the recommended improvements outlined in the report and provide contract administration services for the same.

Grants and Loans

1. **FY2008 Community Development Block Grant:** The grant request was submitted for the installation of emergency generators at the Waterwitch Avenue and South Bay Avenue pump stations and at the Robert D. Wilson Community Center. The Borough has been notified that they will receive \$185,000 in funding for this project. As a result, we are currently preparing a proposal for design and contract administration services for this project.
2. **FY2008 NJDOT Municipal Aid:** We have been informed by the NJDOT that the Borough will receive funding in the amount of \$210,000 for the rehabilitation of Shore Drive between Miller Street and Waterwitch Avenue. As requested we are currently preparing a proposal for this project to submit for consideration by the Governing Body.

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If you have any questions or require additional information, please do not hesitate to call.

Very truly yours,

T&M ASSOCIATES
ROBERT W. BUCCO, JR., P.E.,
C.M.E.
HIGHLANDS BOROUGH ENGINEER

Salt Dome

Mr. Hilling – the actual dome has been erected and we are waiting for the contractor to come and install the doors. We are in the process of placing cinder blocks inside the dome to actually put the salt inside the dome in accordance with DEP requirements. We are hoping to have this done within two weeks.

Hillside Avenue Reconstruction

Mr. Urbanski – I saw two proposals to inspect the sewer line on Hillside.

Ms. Britell – I believe that we solicited three bids and received two of them. She recommended that the Borough award a contract to Oswald .

The Council briefly discussed the bids for the sewer lines on Hillside and discussed Oswald's bid of \$1,500 and because its only \$1500 a Resolution is not required.

Public Library

Mayor Little explained that she had a meeting with Tara Ryan who has experience with fund raising such as the Association Library that she is proposing that we set up. They will be having a meeting with Tim Hill, Recreation Director with regard to the possibility of very small temporary space in the Community Center so that we can begin to show an idea of what we are trying to establish. Beyond that we have also agreed to go together to the Monmouth County Library Headquarters in Manalapan. We need to set up that meeting for next week so that Tara can hear the same presentation that she heard with regard to what Monmouth County Library System offers to municipalities and what the requirements are to obtain those benefits. Beyond that Ms. Ryan is going to contact an Attorney who is donating his time for the purpose of establishing 501-C3 Corporation that can be used for the private fund raising part of the effort in the formation of an Association Library. That is as far as she has gotten to date. She does believe that we can make the Library, the physical building of the Library part of the new Borough Hall, which she has also committed to moving forward with.

Mrs. Burton – stated that the Mayor has her support and stated that she would be interested in attending the Meeting with Tim Hill.

Mr. Nolan – we need a Library.

Introduce HBP Budget

Mrs. Flannery - the Council has the opportunity to discuss the budget. It will be advertised after this meeting and the public hearing will be held in March.

Mr. Nolan – stated that the budget is for the same amount as the past two years and offered a motion to introduce it.

Mr. Nolan offered the following HBP 2008 Budget and moved on its introduction and setting of a public hearing date for March 19, 2008 at 8:00 P.M.

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- Water Taxi service

TOTAL Income \$70,000.00

TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE -\$95,000.00

Seconded by Mayor Little and introduced 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

Vehicle Purchase – Office of Emergency Management

Mayor Little explained that Dave Parker is looking for an OEM vehicle and she thinks that it includes a command center and it's that extra Dodge Durango that we spoke about.

Mr. Caizza – in response to Mr. Manrodt's earlier comments that the vehicle shouldn't leave town. He doesn't see a problem with that, if something happens the vehicle will stay in town. He explained the work that Mr. Parker does as Emergency Coordinator and the responsibilities that he has and he supports the purchase of the vehicle.

Mr. Nolan asked if there were any other borough vehicles that could be used instead.

Mr. Caizza and Mr. Hilling stated that there were none in good shape.

Mrs. Burton explained that the purchase of this vehicle is in his budget at this time so it's not going to increase his budget.

Mr. Urbanski – stated that Mr. Parker does a good job but we pay him to do the job and he feels that the purchase of a vehicle is an unnecessary evil.

The Governing Body discussed this further.

Mayor O'Neil stated that she feels that this is a necessary purchase for the tax payers and she does not feel that it should be a take home vehicle and that it should be used and stay in town and she spoke with Mr. Parker about this intended use.

Mr. Nolan – if we control the usage of this vehicle it can be a tool.

Mayor O'Neil offered a motion to purchase this vehicle at this time, seconded by Mr. Nolan and approved on the following roll call vote:

ROLL CALL:

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

A resolution will be put on the next meeting agenda for adoption.

Approval of Raffle License for Clean Ocean Action

Mrs. Flannery there are two raffle license for Clean Ocean Action for April 5, 2008 at Bahrs Restaurant.

Mr. Caizza offered a motion to approve the Clean Ocean Action Raffle Licenses, seconded by Mrs. Burton and all were in favor.

Bridge Project Meetings

**Mayor and Council
Regular Meeting
February 20, 2008**

Mayor Little – we had a meeting this afternoon and it was an introductory meeting and she expects to have regular weekly meetings starting next Friday at 9:00 am in this room. The introductory meeting was of the Mayors Committee with regard to the Route 36 Bridge Construction Project which she further spoke about the Committee and meetings. The public is welcome to attend the meetings if they choose to and there is a Bridge Update button on our website and the minutes from these meetings will be on that website. If you have any questions for the meeting they can be emailed to the Borough Administrator. There will be a Project Manager placed at the Eastpointe Plaza location and we will be in contact with him with all of your concerns. She spoke about what was discussed at the introductory meeting. The next Bridge Meeting will be on February 29, 2008 at 9:00am and it will be advertised.

O.E.M.

Mayor Little stated that we received a letter from the U.S. Department of Homeland Security that we were awarded a grant for \$42,864.00 and our share of the cost will only be \$2,256.00. This is for equipment, which consist of pagers, washer/extractor and a RIT Pack and some spare cylinders for the O.E.M. Use and FEMA is the grantee.

Approval of Minutes:

Mr. Nolan offered a motion to approve the October 17, 2008 Meeting Minutes, seconded by Mrs. Burton and approved all were in favor except for Mayor Little who abstained.

Public Portion:

Michelle Pezzullo of 115 Highland Avenue stated that her neighbor Debra Horner sent Mayor Little a letter providing an update on the safety on Highland Avenue.

Mayor Little stated that she is familiar with that and that she discussed Highland Avenue with Chief Blewett .

Michelle Pezzullo stated that the Borough needs to update the Council picture for this year.

Mayor Little – that should be posted shortly.

Pauline Jennings 27 Ralph Street asked if a Hybrid car is a possibility for the OEM. She stated that she had information on hybrids and the cost.

Mayor Little stated that she is very interested in Hybrid vehicles and asked that Mrs. Jennings provide those specifications to her.

Mr. Hilling – those vehicles are purchased under State Contract and that may be an issue.

Pauline Jennings stated that she would provide the hybrid car information to the Borough.

Maureen Kraemer of 200 Portland Road stated she requested a copy of the Stymies deed at the last meeting and wondered if the Borough obtained that yet.

Mr. Hillings stated that he did not have it yet but would have it by next week.

Maureen Kraemer asked if the Borough was concerned that they DOT has an office outside of our town and are paying rent to another town.

Mayor Little stated that she would prefer that DOT have an office in Highlands but she does not have any control over the DOT.

Maureen Kraemer – Steering Committee for the Bridge, it seems that it's a little bit late for the things that are taking place now, this should have taken place a long time ago which she further

**Mayor and Council
Regular Meeting
February 20, 2008**

explained her frustration with the DOT and the bridge project. She then asked where she could go to get answers to questions about this project that she has been waiting for.

Mayor Little stated that she understands her frustration and explained that she attended a DOT meeting and explained that this project is spread over 100 people. The design is final but when you talk about aesthetics that is not final which she further explained. We have plans available for viewing at the Borough Hall and she is trying to get this on the website.

Maureen Kraemer spoke about the traffic route during construction of the bridge and questioned it.

Mayor Little stated that her personal feeling is if we could leave the traffic flow the way it is that would be advisable. These are things that need to be discussed by the Stake Holders of Highlands pertaining to this project which she further explained.

Maureen Kraemer continued to express her concerns with construction traffic.

Jim Parla of 16 Portland Road – is anyone from the National Park Service going to attend the Bridge Meetings.

Mayor Little – they were involved separately from the Borough of Highlands in that Steering Committee Process all along and his name is Richard Wells and she believes that the DOT is working with him the way that they are working with her.

Jim Parla – he spoke with Mr. Wells at the last Clam Fest and he suggested that everyone pay on the way out of Sandy Hook and he smiled and said that it was a good suggestion. He stated that the Minutes to the Council meetings are behind.

Donald Manrodt of 268 Bayside Drive – with regard to the Basin 8 he suggested that the Borough check out that work on Matthew Street because the man hole cover does not have the bolts in.

Ms. Britell – stated that there are punch list items that have to be done and she will follow up on that.

Donald Manrodt stated that it would be good for the Borough to hold an Ethics Seminar because he just attended one and he gave a hand out to the Borough. He also stated that he believes that a member of the Council voted on the purchase of the car for Dave Parker and she is his sister-in-law and he feels that this was a conflict of interested and that she should not have voted on it.

There were no further questions or comments from the public.

Mr. Nolan offered a motion to adjourn, seconded by Mayor Little and all were in favor.

The Meeting adjourned at 9:32 pm.

CAROLYN CUMMINS, DEPUTY CLERK