

**Borough of Highlands
Mayor and Council
Regular Meeting
March 19, 2008**

Mayor Little called the meeting to order at 7:14pm.

Mrs. Flannery read the following statement: As per requirement of P.L. 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the 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. Urbanski, Mr. Nolan, Mayor Little

Absent: Mr. Caizza

Also Present: Nina Light Flannery, Borough Clerk
Stephen Pfeffer, CFO
Bruce Hilling, Borough Administrator
Joseph Oxley, Esq., Borough Attorney

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. **Real Estate – Clam Plant Upgrades**
2. **Mercantile License – Sandwich Shop**
3. **Labor Council – Changes to Personnel Manual**
4. **Respond to PBA Requests**
5. **Fire House Apron**

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

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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:

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
4. Deals with collective bargaining, including negotiation positions.
- 5. Deals with purchase, lease or acquisition of real property with public funds.**
6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
- 8. Related to investigation of violations or possible violations of the law.**
9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
- 10. Falls within the attorney-client privilege and confidentiality is required.**
- 11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.**
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

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

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Mayor Little called the meeting back to order at 8:33 pm.

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

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ROLL CALL:

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

Absent: Mr. Caizza

Also Present: Nina Light Flannery, Borough Clerk
Stephen Pfeffer, CFO
Bruce Hilling, Borough Administrator
Joseph Oxley, Esq., Borough Attorney

Mayor Little asked all to observe a moment of silence in memory of two citizens of the Borough of Highlands who recently passed away they are Shirley Grasso and Anthony Caizza.

Public Participation of Agenda Items:

Mayor Little then started to call names from the sign in sheet.

Michelle Pezzulo of 115 Highland Avenue questioned the T & M and A. Montone Resolutions. She also wanted to submit an article from the Courier which spoke about T & M and their work for Middletown Township. She further questioned who is watching over the contractors when they are doing Borough projects.

Mayor Little responded – the resolutions for the change orders are for separate projects which she further explained. She explained that T& M is the Borough and Planning Board Engineer. She further explained the change order process for projects.

Joseph Venezia, P.E. of T & M Associates further explained the bidding and change order process for projects.

Lori Dibble of Paradise Park questioned the salary increase resolution for the Borough Administrator and questioned the use of a Borough vehicle.

Mr. Hilling explained that it's for a salary of \$80,000 and he stated that he has a Borough vehicle that he uses within the limits of the Borough.

Lori Dibble questioned the purchase of a 2008 Dodge Durango for the OEM.

Mayor Little – this is for the Office of Emergency Management and the vehicle that he had prior to that had a need for repair and it was an aging vehicle so this is a replacement vehicle.

Lori Dibble questioned R-08-52 awarding contract for gasoline.

Mr. Urbanski explained that it's for a set price above an index that they use.

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Mr. Pfeffer further explained the pricing of gasoline.

Mr. Urbanski explained that the salary increase for the Borough Administrator is based on performance.

Mrs. Burton questioned Mr. Pfeffer about the change orders and Mr. Pfeffer explained that as far as money is concerned it is not an issue.

Mrs. Flannery stated that Resolution R-08-64 needs to be removed from the consent agenda.

Mr. Nolan stated that there are two items on the payment of bills that need to be removed which are on page 7 Rays Sports Shop and on page 3 Rays Sports Shop for further investigation.

Mr. Urbanski – with regard to Resolution R-08-64 for the Seastreak Ferry Renewal, can we approve it as long as Seastreak owns it and then the new owner would have to reapply for the license.

Mayor Little – it won't pay to negotiate with Seastreak because they are selling the business and the new entity will be looking for the license at no or minimal cost which she further explained that the new people need to come to meet with us.

Mr. Oxley explained that if the sale doesn't go through then they can still operate. So at this point to ensure the continuity of the operation it would be prudent that the Council might want to renew it.

Mayor Little – so we are going to leave Resolution R-08-64 on the consent agenda.

Mayor Little offered a motion to remove the following from the payment of bills: page 7 Rays Sports Shop and on page 3 Rays Sports Shop, seconded by Mr. Nolan and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Caizza

ABSTAIN: None

Mr. Pfeffer stated that he received a request from the HBP for an advance of their June Tax Payment so he wants to let the Council now to consider amending the bill list for the HBP payment of \$23,750.00.

Mrs. Burton explained that the HBP has to generally ask for an advanced tax payment because they are on a different fiscal year than the borough and the HBP is trying to purchase the new highway sign and it entails a large deposit.

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Mr. Pfeffer explained the process for tax payments.

The audio recording stops at 7:59 pm.

Minutes are not typed for the period of 7:59 pm to 8:18 pm.

The audio recording begins again at 8:18 pm

Highlands Business Partnership 2008 Budget – Public Hearing & Adoption:

Present: **Carla Cefalo-Braswell, HBP**

Minutes continue at 8:18 pm as follow:

Mayor Little questioned if there was going to be connection this year between the main land in Highlands and Sandy Hook.

Ms. Braswell – we are this close but last year we had a problem with the Sandy Hook Landing and with the landing, it wasn't safe for us to go there. Now we have the landing resolved which we are going to purchase a used one but we are just waiting for one final meeting and then we should have the final answer. We feel that we do need to go to Sandy Hook.

Mayor Little – we have a bridge that may or may not be constructed and in the event that it is constructed we need to be able to get our people to Sandy Hook with some regularity and she would also like to see people directed to our business in Highlands. So she wants to see the water taxi connect with Sandy Hook.

There were no further questions from the public; therefore the public hearing on the HBP Budget was closed.

Mayor Little offered the following HBP 2008 Budget and moved on its adoption:

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2008– December 31, 2008
(12 months)**

COMMERCIAL DISTRICT
PROGRAM BUDGET

2008
EXPENSES

Visual Improvement.....30,000.00

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Marketing & Communications..... 10,000.00
• Sponsorship Income
• Barter Goods & Services (approx. \$12k)

Economic Development (no profit 1st yr) 2,500.00
• Water Taxi service

TOTAL Income \$70,000.00

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

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

ROLL CALL:

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

Mrs. Flannery – budget passed.

Consent Agenda Resolutions as Amended

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

Mr. Nolan offered a motion to remove Resolution R-08-53 from the consent agenda but there was no second on that motion.

Mrs. Burton offered a motion to move on the adoption of the consent agenda, seconded by Mayor Little and approved on the following roll call vote:

ROLL CALLL:

AYES: Mrs. Burton, Mr. Urbanski, Mr. Nolan, Mayor Little
NAYES: Mr. Urbanski for R-08-65, HBP Payment

Mrs. Burton offered the following resolution and moved its adoption:

**R-08-52
RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
GASOLINE AND DIESEL FUEL**

WHEREAS, bids were received on February 26, 2008; and

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WHEREAS, one (1) bid was picked up by vendor and one (1)

Responsive Bid was received as follows:

VENDOR

- 1. J.SWANTON FUEL OIL CO. INC.
214 SLEEPY HOLLOW ROAD
RED BANK, N.J. 07701**

Bids were advertised as per N.J. State Statutes and affidavit of publication is

on file in the Office of the Borough Clerk.

J. SWANTON FUEL OIL CO., INC., 214 SLEEPY HOLLOW ROAD, RED BANK, N.J. 07701 shall Furnish, and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated February 26, 2008. said bidder being the Lowest Responsible Bidder.

DESCRIPTION

VENDOR

PROVIDE GASOLINE AND DIESEL FUEL FOR A TWENTY FOUR (24) MONTH PERIOD

**J. SWANTON FUEL OIL CO., INC.
214 SLEEPY HOLLOW ROAD
RED BANK, N.J. 07701**

WHEREAS, bids have been reviewed by the Purchasing Agent and it is his recommendation that the contract be awarded to **J. SWANTON FUEL OIL CO., INC., 214 SLEEPY HOLLOW ROAD, RED BANK, N.J. 07701.**

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

1. It hereby awards the contract for "Gasoline and Diesel Fuel" to J. Swanton Fuel Oil Co., Inc., 214 Sleepy Hollow Road, Red Bank, N.J. 07701.

BE IT FURTHER RESOLVED, this contract is awarded pursuant to a Fair and Open process in accordance with N.J.S.A. 19:44A-20-5 et seq

BE IT FURTHER RESOLVED, this contract is open-ended pursuant to N.J.A.C. 5:34-5-2(B) with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase orders prior to each request for service.

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

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- A) Purchasing Agent**
- B) Comptroller**
- C) Administrator**
- D) Bidders**

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

Mrs. Burton offered the following Resolution and moved on its adoption:

R-08-53

**RESOLUTION AUTHORIZING MEDICAL LEAVE OF ABSENCE FOR TAX CLERK
AND APPOINTING TEMPORARY PART/TIME TAX CLERK**

WHEREAS, Marian Kuhlmeier, Tax Clerk has requested a Medical Leave of Absence for the period of March 27, 2008 through May 27, 2008, approximately two months; and

WHEREAS, it is in the best interest of the Borough to appoint a temporary part/time Tax Clerk to cover the Tax Office during Ms. Kuhlmeier's Medical leave of absence; and

WHEREAS, it is the recommendation of Bruce Hilling, Borough Administrator that Donna Conrad (previous Tax Clerk) be appointed as a Temporary Part/Time Tax Clerk.

NOW, THEREFORE BE IT RESOLVED, by the Borough of Highlands Governing Body that the Medical Leave of Marian Kuhlmeier is hereby approved for the period of March 27, 2008 through May 27, 2008. Employee will only receive salary for leave based on the accrued number of sick/vacation hours. After accrued sick/vacation hours are used employee

BE IT FURTHER RESOLVED that Donna Conrad is hereby appointed as Temporary Part/Time Tax Clerk effective March 24, 2008 at a rate of \$12.00 per hour for six hours a day.

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

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ABSTAIN: None

Mrs. Burton offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-08-54

**RESOLUTION CANCELING UNEXPENDED BALANCES OF THE
GENERAL CAPITAL FUND**

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

**AMOUNTS TO BE
CANCELED**

ORDINANCE NUMBER	PROJECT DESCRIPTION	CAPITAL SURPLUS	UNFUNDED
O-01-01	Various Improvements		\$89,656.90

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Caizza

ABSTAIN: None

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HIGHLANDSNJ.COM

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**INSERT RESOLUTION R-08-55
HERE
CAPITAL BUDGE AMENDMENT**

HIGHLANDSNJ.COM

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Mrs. Burton offered the following Resolution and moved its adoption:

**R-08-56
RESOLUTION APPROVING DISABLED PARKING SPACE
FOR 72 SEADRIFT AVENUE**

WHEREAS, an application for a Disabled Parking Designation was submitted to the Highlands Police Department by Mr. Joseph R. Kulakowski, 72 Seadrift Avenue; and

WHEREAS, the Chief of Police has reviewed the application and recommends the approval of said Disabled Parking Designation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the application for Disabled Parking Designation for 72 Seadrift Avenue is hereby approved; and

BE IT FURTHER RESOLVED that the Borough of Highlands install Disabled Parking Designations Signs as follows:

Forty-eight (48) feet west of pole BT40001

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Caizza

ABSTAIN: None

Mrs. Burton offered the following Resolution and moved its adoption:

**R-08-57
AUTHORIZING REFUND OF TAX OVERPAYMENT**

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

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
103	28	2008	2,550.27	Mortgage Service Center

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

Mrs. Burton offered the following Resolution and moved its adoption:

**R-08-58
RESOLUTION APPROVING SALARY INCREASE
FOR BOROUGH ADMINISTRATOR**

WHEREAS, the one year anniversary of the employment of Mr. Bruce Hilling, Borough Administrator is April 18, 2008; and

WHEREAS, the Governing Body has reviewed the performance of his duties and his dedication to the Borough of Highlands;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that effective April 18, 2008 the annual salary of Bruce Hilling, Borough Administrator shall be increased by 4.5%.

Seconded by Mayor Little and adopted on the following roll call vote:

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ROLL CALL:

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

Mrs. Burton offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-08-60
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES
SURVEY, DESIGN AND INSPECTION
FOR THE REHABILITATION OF SANITARY SEWERS IN BASIN 2
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional engineering services for the survey, design and inspection of the rehabilitation of sanitary sewers in Basin 2 of the borough's sanitary sewer system 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 \$52,750 plus reimbursable expenses per T & M Associates proposal dated November 27, 2007 for Professional Engineering Services for the survey, design and inspection of the rehabilitation of sanitary sewers in Basin 2 of the borough's sanitary sewer system 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

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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 Sewer Utility 3008-3757

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 \$52,750 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 Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Caizza

ABSTAIN: None

Mrs. Burton offered the following Resolution and moved its adoption:

**R-08-62
RESOLUTION AUTHORIZING TONNAGE GRANT APPLICATION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102 has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

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WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, recycling regulations imposed on municipalities certain requirements as conditions for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycle and to indicate the assent of the Borough of Highlands to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Borough of Highlands hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Reggie Robertson to ensure that the application is properly filed;

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

Mrs. Burton offered the following Resolution and moved its adoption:

**R-08-63
RESOLUTION AUTHORIZING THE APPLICATION FOR THE 2008 SUMMER FOOD
PROGRAM**

WHEREAS, the Mayor and Council of the Borough of Highlands have reviewed the material received from the State of New Jersey regarding the 2008 Summer Food Service Program; and

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WHEREAS, the Mayor and Council of the Borough of Highlands agree that the Borough's participation in the Summer Food Program will be of benefit to the Borough and its residents;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough Administrator and the Director of Recreation be and hereby are authorized to make application to the State of New Jersey for the 2008 Summer Food Program for the amount of \$10,428.93.

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

Mrs. Burton offered the following Resolution and moved on its adoption:

**R-08-64
RESOLUTION
APPROVING THE RENEWAL OF TWO FERRY LICENSES
FOR HIGHLANDS LANDING CORP
d.b.a. Seastreak America, Inc.**

WHEREAS, Seastreak America, Inc. has submitted the required fees for the renewal of the Ferry Licenses to operate at both 326 Shore Drive and Willow Street; and

WHEREAS, Seastreak America, Inc has also submitted a copy of the Certificate of Liability Insurance for both sites to the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Ferry Licenses for Seastreak America, Inc. are hereby renewed for the calendar year 2008 for two sites located at 326 Shore Drive and Willow Street and the Borough Clerk is hereby authorized to issue the proper licenses.

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

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ABSTAIN: None

Mrs. Burton offered the following resolution and moved its adoption:

**R-08-65
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:**

- 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 thereunder, 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 OFFICE OF EMERGENCY MANAGEMENT**

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.**

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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 Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

Mrs. Burton offered the following resolution and moved for its adoption:

**R-08-66
RESOLUTION - SPECIAL ITEM OF REVENUE
U.S. DEPARTMENT OF HOMELAND SECURITY
ASSISTANCE TO FIREFIGHTERS GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the state fiscal year 2008 in the amount of \$42,864.00 which is now available from the U.S. Department of Homeland Security. The Borough's required match of \$2,256.00 will be provided for from the Fire Department's SFY 2008 current budget appropriation.

BE IT FURTHER RESOLVED that a like sum of \$42,864.00 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:	
U.S. Department of Homeland Security	
Assistance to Firefighters Grant	\$42,864.00

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BE IT FURTHER RESOLVED that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

Mrs. Burton offered the following Resolution and moved its adoption:

**R-08-67
RESOLUTION – CHANGE ORDER #5 FINAL
WASHINGTON AVENUE & RECREATION PLACE ROADWAY
RECONSTRUCTION &
MILLER STREET ROADWAY IMPROVEMENTS
A. MONTONE CONSTRUCTION, INC.
NET DECREASE OF \$5,885.84**

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

Resolution 06-188 on December 14, 2006 for \$253,512.80
Resolution 07-83 on May 2, 2007 for \$7,600.00
Resolution 07-147 on August 15, 2007 for \$7,500.00
Resolution 07-147 on August 15, 2007 for (\$531.00)
Resolution 07-183 on October 17, 2007 for (\$244.64)

WHEREAS, change order # 5 Final dated January 18, 2008 prepared by T & M Associates sets forth reasons (Increases and decreases various items to provide for as built quantities.) for said change order,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #5 Final decreasing the contract amount by \$5,885.84 is hereby authorized for Washington Avenue & Recreation Place Roadway Reconstruction & Miller Street Roadway Improvements. The contract price is amended to \$261,951.32.

NOW, FURTHER BE IT RESOLVED that the Borough of Highlands does hereby accept the maintenance bond from Westchester Fire Insurance Company in amount of \$65,487.83 for two years commencing on the date of substantial completion that is October 5,

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2007. Said acceptance is contingent upon the Borough Attorney's approval of said maintenance bond.

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

Mrs. Burton offered the following Resolution and moved its adoption:

R-08-68

**RESOLUTION – REQUESTING CHANGE IN TITLE, TEXT OR AMOUNT OF
APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-85**

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey that in accordance with the provisions of N.J.S.A. 40A:4-85, the Borough of Highlands hereby requests the Director of the Division of Local Government Services to make the following correction in the SFY 2008 budget:

Implementing compliance with Chapter 92 of 2007 (LFN 2007-28 Section C):

	Original Budget	Requested Budget
Operations within "CAPS":		
Legal Services and Costs		
Salaries & Wages	\$ 54,115.00	\$ 32,115.00
Other Expenses	\$122,300.00	\$144,300.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the Governing Body of the Borough of Highlands, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Borough of Highlands for the reasons set forth:

The original budget was adopted prior to the enactment of regulations promulgated by the Division of Local Government Services in Local Finance Notice 2007-28.

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

Mrs. Burton offered the following Resolution and moved on its adoption:

**R-08-69
RESOLUTION AUTHORIZING PERSON-TO-PERSON
PLACE TO PLACE TRANSFER OF LIQUOR LICENSE 1317-33-005-001
FROM THE CHART HOUSE
TO SANDY HOOK HOLDINGS, LLC LOCATED AT 1 WILLOW STREET**

WHEREAS, an application has been filed for a Person-to-Person and Place-to-Place transfer of Liquor License 1317-33-005-001, hereto issued to The Chart House; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated hereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with license business;

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Highlands does hereby approve, effective March 19, 2008, the Person-to-Person and Place-to-Place transfer of the aforesaid Liquor License #1317-33-005-001 to Sandy Hook Holdings, LLC to be located at 1 Willow Street, Highlands, NJ; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to endorse the license certificate to the new ownership.

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

Mrs. Burton offered the following Resolution and moved its adoption:

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R-08-70**

**RESOLUTION – CHANGE ORDER #1 FINAL
REYNOLDS INLINER LLC
DECREASE OF \$6,400
BASIN 8 SANITARY SEWER REHABILITATION (PROPOSAL C)**

WHEREAS, a contract was awarded for Reynolds Inliner LLC as follows:

R-07-103 June 6, 2007 \$95,900.00

WHEREAS, change order # 1 final dated February 29, 2008 prepared by T & M Associates, professional engineers, sets forth reasons (final as-built conditions) for said change order ,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #1 Final decreasing the original contract amount by \$6,400.00 is hereby authorized for the Basin 8 Sanitary Sewer Rehabilitation Project (Proposal c). The contract is hereby amended to \$89,500.00.

NOW, FURTHER BE IT RESOLVED that the Borough of Highlands does hereby accept the maintenance bond from Travelers Casualty and Surety Company of America in amount of \$44,750.00 for two years commencing on the date of substantial completion which is October 24, 2007. Said acceptance is contingent upon the Borough Attorney's approval of said maintenance bond.

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Caizza

ABSTAIN: None

Mrs. Burton offered the following Resolution and moved its adoption:

**R-08-71
RESOLUTION – CHANGE ORDER #2
A. MONTONE CONSTRUCTION, INC.
INCREASE OF \$6,661.91
BASIN 8 SANITARY SEWER REHABILITATION (PROPOSAL A)**

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

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R-07-102 June 6, 2007 \$346,510.00
R-08-27 January 23, 2008 \$ 6,390.21

WHEREAS, change order # 2 dated February 27, 2008 prepared by T & M Associates, professional engineers, sets forth reasons (for excavation and spot repair to the sanitary sewer main at Waterwitch Avenue and Route 36) for said change order ,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #2 increasing the original contract amount by \$6,661.91 is hereby authorized for the Basin 8 Sanitary Sewer Rehabilitation Project. The contract is hereby amended to \$359,562.12.

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 Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

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

**R-08-72
RESOLUTION AMENDING RESOLUTION R-07-43
PROFESSIONAL ENGINEERING SERVICES OF CONTRACT FOR BASIN 8
SANITARY SEWER REHABILITATION CONTRACT ADMINISTRATION AND
INSPECTION
T & M ASSOCIATES**

WHEREAS, there exists the need for Professional Engineering Services for the Basin 8 Sanitary Sewer Rehabilitation Contract administration and inspection 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

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WHEREAS, a contract was awarded on February 21, 2007 for an amount not to exceed \$51,000 plus reimbursable expenses for the Professional Engineering Services for the Basin 8 Sanitary Sewer Rehabilitation Contract administration and inspection; 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 February 21, 2009; and

WHEREAS, T & M Associates has requested an additional \$6,500 per their letter dated February 20, 2008 for services performed beyond the scope of the Basin 8 contract on Waterwitch Avenue and Route 36 and on Bay Avenue between Central Avenue and Snug Harbor Avenue; and

Certification of Funds: Bond Ordinance 06-06

Stephen Pfeffer, Chief Financial Officer

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 February 21, 2008. The contract amount is increased by \$6,500 for a total contract amount not to exceed of \$57,500 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.

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

Seconded by Mayor Little and adopted on the following roll call vote:

ROLL CALL:

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

Mr. Burton offered the following Payment of Bills and moved on its approval for payment subject to the removal of the two following Bills: (1) Page 3 Ray's Sports Shop \$450.00 (2) Page 7 Ray's Sports Shop \$190.02:

**RECAP OF PAYMENT OF BILLS
03/19/08**

CURRENT:	\$	53,697.46
Payroll (03/15/08)	\$	
Manual Checks	\$	28,341.77
Voided Checks	\$	
SEWER ACCOUNT:	\$	78,096.00
Payroll (03/15/08)	\$	
Manual Checks	\$	8.50
Voided Checks	\$	
CAPITAL/GENERAL	\$	24,258.48
CAPITAL-MANUAL CHECKS	\$	
WATER CAPITAL ACCOUNT	\$	8,950.00
Manual Checks	\$	
TRUST FUND	\$	8,572.10
Payroll (03/15/08)	\$	
Manual Checks	\$	
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	97.80
Voided Checks	\$	
GRANT FUND	\$	

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Payroll (03/15/08)	\$
Manual Checks	\$
Voided Checks	\$
DEVELOPER'S TRUST	\$
Manual Checks	\$
Voided Checks	\$

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

BOROUGH OF HIGHLANDS

Supplemental Bill List for March 19, 2008

Division of Pensions	Delayed Appropriation/Enrollments	\$ 7,905.75
Cover-All Buildings of N.J.	Salt & Sand Storage Facility	\$ 44,100.00
Total Supplemental Bill List		<u>\$ 52,005.75</u>
Highlands Business Partnership – Advance on June Payment		\$23,750.00

Seconded by Mayor Little and approved for payment on the following roll call vote:

ROLL CALL:

AYES: Mrs. Burton, Mr. Nolan, Mr. Urbanski, Mayor Little
NAYES: Mr. Urbanski – HBP Payment of \$23,750
ABSENT: Mr. Caizza
ABSTAIN: None

Ordinance: Introduction, Set Public Hearing Date for April 16, 2008

Bond Ordinance O-08-02

Mrs. Flannery read the title of Bond Ordinance O-08-02 for introduction and setting of a public hearing date and stated that the Supplemental Debt Statement was filed this afternoon:

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Mayor Little spoke about Bond Ordinance O-08-02 and stated that there are grant monies for this project.

Mrs. Flannery – the amount of the grant for this is \$185,200.00.

Mr. Hilling – the bond ordinance does not include a generator for this building but we can add one for this building via a bond ordinance amendment.

Mayor offered the following Ordinance on Introduction and set the Public Hearing Date for Wednesday, April 16, 2008 at 8:00 p.m. and directed publication according to law:

O-08-02

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$515,000 FOR VARIOUS IMPROVEMENTS AT CERTAIN PUMP STATIONS AND COMMUNITY CENTER FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$313,300 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the “Borough”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$515,000, such sum includes the sum of (a) \$185,200 expected to be received as a Community Development Block Grant and (b) \$16,500 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$313,300 pursuant to the provisions of the Local Bond Law (the “Bonds”). In

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anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$313,300 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Improvements to Waterwitch Avenue Pump Station, South Bay Pump Station and the Community Center, including but not limited to acquisition and installation of emergency generators, electrical upgrades, equipment upgrades, including all work or materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$515,000	\$313,300	15 Years

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$313,300.

(c) The estimated cost of the Improvements is \$515,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements over the grant expected to be received and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall

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be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services,

Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$313,300 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

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SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$313,300.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Caizza

ABSTAIN: None

Other Business:

Engineers Report

Joseph Venezia, P.E. of T & M Associates gave the following status report to the Council:

HGHL-G0801

March 17, 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

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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. **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 has processed the same. We have
3. submitted a change order for consideration by the Governing Body to perform a spot repair on the sanitary sewer main in this area under the current construction contract for Sanitary Sewer Basin 8.

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 completed. Final documentation and maintenance bond has been submitted to the Borough. Final NJDOT closeout documentation is being compiled for submission to allow the Borough to receive the remaining 25% of the NJDOT grant associated with this project.
3. **Washington Avenue Phase II:** The Contract was awarded to F&P Construction, South Amboy, NJ. Although we intended to construct the project late last year, incimate weather did not provide an opportunity to do so. As such, the project will be constructed in the spring of this year.
4. **Basin Eight Sanitary Sewer Rehabilitation Project:** The Contract portions of the project for all three proposals have been completed. Final closeout documentation has been compiled for Proposals "B" and "C". The Contractor for Proposal "A" will be performing a spot repair on the sanitary sewer main in the vicinity of the intersection of Route 36 and Waterwitch Avenue as a part of this contract, if authorized to do so by the Governing Body.
5. **Hillside Avenue Between Portland Road and South Bay Avenue:** NJAW has completed the watermain installation between Sea Bright and the Borough. The design of the roadway reconstruction project for this portion of the roadway is underway.

Mr. Venezia – this will not include sidewalks, probably curbs they are looking at the design now.

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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.

7. **The Resurfacing of Shore Drive and the Borough Recycling Yard:** As requested, we have submitted a proposal to provide design and contract administration services for this project for consideration by the Governing Body.

Robert Bucco stated that this item should be discussed at a Workshop Meeting.

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 \$185,000.00 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 \$210,000.00 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.

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

Mr. Bucco spoke about the Hillside Avenue Project and New Jersey American Water Co. going through the borough right-of-way.

Mr. Bucco then stated that he was asked to give a presentation to the Governing Body and residents on the various capital budget improvement projects that have been bonded over the past five years.

Dale Leubner of T & M Associates gave a presentation of the following capital budget improvements report and mapping of everything that they have accomplished since 2003 as follows:

HGHL-G0801



TO: Honorable Anna C. Little, Mayor

FROM: Robert W. Bucco, Jr., P.E., C.M.E.

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DATE March 19, 2008

RE: Current Infrastructure Upgrade Report
 2003 Through 2008 (Anticipated)

ROADWAY IMPROVEMENTS:

1. **Cheerful Place/Recreation Place Improvements:** This project was constructed in 2004 and involved a full depth roadway reconstruction of Recreation Place between Waterwitch Avenue and Snug Harbor Avenue and Cheerful Place between Sea Drift Avenue and Barberie Avenue. The project also included drainage improvements as well as the replacement of curbs, sidewalks, ADA ramps and driveway aprons.
2. **Ocean Street/Recreation Place Improvements:** This project was constructed in 2005 and consisted of a full depth roadway reconstruction on Ocean Street that included rolled curb and gutter to allow vehicles to park along the roadway, installation of a guiderail on the northern side of the road and minor drainage improvements near the intersection with Lighthouse Road.

Additionally, Recreation Place received a full depth roadway reconstruction and drainage improvements between Waterwitch Avenue and Rodgers Avenue. The project also included replacement of concrete curbs, sidewalks and driveway aprons.

3. **Washington Avenue/Miller Street/Recreation Place:** The Washington Avenue portion of the project (also known as Washington Avenue Phase 1) involved a full depth roadway reconstruction, rolled concrete curbing along the western edge of the roadway to allow for a wider parking area and minor drainage improvements. The project extended from Cheerful Place to approximately 100 feet north of Recreation Place. The Miller Street Portion of the project extended from Route 36 to Shore Drive and included roadway resurfacing, new curbing along both edges and sidewalk along the eastern edge of the roadway as well as minor drainage improvements. The Recreation Place portion of the project extended from Washington Avenue to Sea Drift Avenue and included a full depth roadway reconstruction. This project was constructed in 2007.
4. **Washington Avenue Phase II:** This project extends from the northern limits of Washington Avenue Phase I to Marine Place and includes the same scope as well. This project will be constructed in the spring of 2008.
5. **Hillside Avenue:** This project is currently under design and is located between Portland Road and South Bay Avenue and will include a full depth roadway reconstruction as well as new curbing, sanitary sewer rehabilitation, and extensive drainage upgrades. This project will be constructed in the spring of 2008.

SANITARY SEWER IMPROVEMENTS:

1. **Waterwitch Avenue Emergency Sanitary Sewer Repair:** This project was completed in 2004 and included a trenchless-liner repair at the intersection of Waterwitch Avenue and Linden Avenue.
2. **Second Street Emergency Sewer Repair:** This project replaced approximately 70' of sanitary sewer main on Second Street from North Street to the manhole behind the AHHRSA pumpstation. The project was completed in 2005.
3. **South Bay Avenue Sanitary Sewer Pumpstation Improvements:** This project involved improvements made to the wet well and several components of the pumpstation. It should be noted that additional work should be considered for this station including a new control panel. The Borough is also installing new pumps at this location. The project was predominantly completed in 2006.
4. **Valley Avenue Emergency Sanitary Sewer Replacement:** This project is located within the unimproved portion of the Valley Avenue right-of-way between Shore Drive and Route 36. This project was completed on an emergency basis and consisted of abandoning the existing sewer main and installing a new sewer main at a higher elevation along the entire length of the project limits. Restoration work still remains at the Armstrong property on Shore Drive as promised by the prior Administration due to the damage caused to the property by the sewer break and subsequent construction project. This project was completed in 2006.
5. **Bay Avenue/Jackson Avenue Emergency Sewer Repair:** This project was constructed on Bay Avenue at the Jackson Avenue Intersection. Approximately 25' of sewer main was replaced as well as a portion of the roadway that was undermined. The Project was constructed in 2007.
- 6.
7. **Basin 8 Sanitary Sewer Improvements:** This project is virtually completed and is located predominantly in the northwestern portion of the Borough. The project included sewer

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repairs and lining, root removal and treatments as well as manhole casting replacements. A spot repair on Route 36 near the Waterwitch Avenue intersection is also scheduled to be completed over the next couple of weeks as a part of this project. This project was predominantly constructed in 2007.

8. **Basin 2 Sanitary Sewer Improvements:** This project consists of the same scope as the Basin 8 project and is located predominantly in the northeastern portion of the Borough. A sewer main replacement on Waterwitch Avenue between Route 36 and Linden Avenue is also to be completed as a part of this project. The project is scheduled to be designed and constructed in 2008.

STORM SEWER IMPROVEMENTS:

1. **Prospect Street/Osborne Street Drainage Improvements:** This project was constructed in 2003 and involved storm sewer upgrades to Prospect Street, Osborne Street between Prospect Street

and Mountain Avenue. A small portion of Valley Avenue near Osborne Street was also resurfaced.

2. **North Street Culvert Replacement:** This project was constructed in 2006 and consisted of replacing the concrete culvert with piping from the North Street Pumpstation to approximately 30' north of Shrewsbury Avenue. Roadway restoration and elongated curbing along the western edge of the roadway was also constructed as a part of this project. In a related matter the Borough also rebuilt the pump at the station as well as replaced the bulkheading and flapvalve.
3. **Valley Street Pumpstation Improvements:** This project consisted of replacing the existing pump, gear drive and diesel engine, replacing the structure that houses the pump and components, replacing the existing flap valves, repairing of the existing wet well and replacing structural supports for the pump and engine. The inflow and outfall trunk lines are in dire need of replacement as well and should be considered in future projects. The project was constructed in 2007.

Mr. Bucco spoke about grant monies received for numerous projects.

Mr. Pfeffer – we need to address the whole sewer utility prior to going forward on Basin 2 because of the extent of the capital repairs that have been suggested and discussions that he had with the Executive Director of the Sewerage Authority. He thinks that we need to take a bigger look at the approach on the sewerage authority and he thinks that we need to look at the rate structure to see if we can support Basin 2 and other capital repairs going forward and what potential impact we might have for the AHHRSA. He thinks that all of this has to come into discussion.

Mayor Little – it is extremely important to her that we have a rotational maintenance plan for roadways, sewers and for storm drains and that these reports will be leading us. Obviously once that rotational maintenance plan has been suggested by the engineers and this Governing Body has received that then we need to be speaking to you about funding. We need to determine what we are spending and how we are funding it.

Mr. Pfeffer – his recommendation on this going forward when we do workshop this, is probably to engage T & M in a rate study then we need to work out the financial parameter to make all of the repairs and to see if we have the appropriate sewer rate to handle all of the repairs.

FEMA Flood Map Changes

Mrs. Burton questioned the changes to the FEMA Flood Maps.

Mr. Leubner explained that the maps came out in preliminary form in January and FEMA has notified them that there is a series of meetings and our meeting date is tomorrow. The line on Shore Drive has apparently changed which he described as including more properties. He stated that there is a 60-90 day comment period.

Mr. Bucco – this is an opportunity for the Governing Body and the residents to put their concerns in writing.

Patricia Robertson of 101 Shore Drive – can a resident offer comments on the FEMA map?

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Mr. Leubner stated that he will be attending the FEMA meeting personally tomorrow and he will report back to the Governing Body.

Mr. Nolan asked Mr. Leubner to see if he can obtain a pdf copy so that we could put it on our website for the public to view.

Patricia Robertson of 101 Shore Drive questioned the Valley Street Emergency Repair Project, is the work complete because the hill is stripped of trees?

Mr. Leubner – the sewer work is complete. He explained that there was a report issued to the Borough for consideration for stabilization and he believes that the borough is digesting and is looking for ways of funding of the stabilization.

Mayor Little – I have not asked you to talk about the slopes but at some point we will have to talk about slopes. We will have to get a specific report back on this item as quickly as possible and it can be put on a workshop meeting. She then directed the Borough Clerk to put this on a Workshop Meeting.

Mayor Little asked if there were any questions from the public on the Engineers Report.

Chris Francy of 36 Fifth Street – can the engineer's reports be posted on the bulletin board or website.

The Governing Body had no objections and the Mayor said that they will look into this.

Mayor Little – why don't we make the engineers report available with the agenda when they are giving their report to the public. She will look into having an engineer update button added to the web site.

Chris Francy questioned the Basin 8 Project and Basin 2 Project the goal is to reduce the I & I. Can we make the I & I numbers part of the engineers reports.

Mr. Leubner – stated that the numbers would include Monmouth Hills.

Mayor Little – asked Mr. Leubner to do what he can.

Mr. Bucco – we will do our best.

Richard O'Neil, AHHRSA Member – so far there has been no indication that there has been a reduction. He will see to it that the Borough is copied on their infiltration reports.

Mayor Little asked Mr. Bucco if he could comment on the earlier questions about an article in the newspaper regarding a Middletown Project and T & M Associates.

Mr. Bucco stated that he does not think that it is appropriate for him to discuss Middletown issues here at Highlands but he can tell you that the article is not really accurate.

Michelle Pezzulo of 115 Highland Avenue – her concern is that with regard to contractor's coming everyone shifts the blame that "it's not my fault" and that is her concern with the Highlands Projects. She wants to find out who is actually taking responsibility when projects take place.

Mayor Little explained procedurally the process for projects.

NJDOT Leasing Property on Bay Avenue

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Mr. Hilling – the NJDOT has leased some property next to Sasha’s on Bay Avenue. What they want to do is place some equipment there and vehicles and the ordinance specifically states that a fence around that site can only be 4-feet and 6-feet on the sides. Per discussion with the DOT and the contractor he thought it would be best to secure and conceal the equipment to put an 8-ft stockade fence up. The 8-foot would be a temporary measure while they are working on the bridge. He asked the Council to approve a motion supporting the 8-foot fence.

Mr. Urbanski offered a motion to approve the installation of a temporary 8-foot stockade fence on the property next to Sasha’s on Bay Avenue subject to it being stained to preserve the appearance, seconded by Mr. Urbanski and approved on the following roll call vote:

Mrs. Burton questioned if the equipment behind the fence would stay under 8-feet.

Mayor Little – we have discussed that with the DOT.

Mr. Hilling – I think that they are going to do their best.

Mayor Little – we have asked the DOT not to put anything there that would be visible above the fence and they said there could be some difficulty.

ROLL CALL:

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

Request for Membership to Fire Dept. – Bryan Hoffman

Mrs. Flannery – the Fire Dept has requested that Council approve the membership to the Fire Department for Bryan Hoffman.

Mr. Nolan offered a motion to approve the application of Bryan Hoffman, seconded by Mr. Urbanski and approved on the following roll call vote:

ROLL CALL:

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

Approval of Minutes:

Mr. Nolan offered a motion to approve the November 12, 2007 and the February 20, 2008 Council Meeting Minutes, seconded by Mrs. Burton and all were in favor except Mayor Little who abstained on the November 12, 2007 minutes.

Public Portion:

Debra Thorner of 88 Highland Avenue stated that she is following up on two letters that she wrote one last July and one in February about safety concerns on Highland Avenue, speeding and such. She has not heard anything back from the Borough. She is trying to find out what we can do about the speeding up there.

Mayor Little – I did bring your information to the attention of the Police Chief and we also discussed any construction that may or may not happen with the Bridge, so I have you on my mind. She then directed the Borough Clerk to put this item on the Workshop Agenda and to have the Chief of Police present to discuss this. She also stated that she will have the Chief of Police contact Ms. Thorner.

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Mr. Hilling – he was under the assumption that we did place speed limit signs up there.

Debra Thorner – no.

Mr. Hilling – we can put permanent speed limit signs up there and he will get them up there.

Mrs. Burton explained that she brought up having small speed bumps installed up there on Highland Ave and Shore Drive.

Mayor Little – we will put this on for discussion at the Workshop Meeting.

Mr. Thorner of Highland Ave explained that part of the meetings that he had with the Police were about the road conditions and the public safety concerns. For example the sidewalks are severely

deteriorated, where the road narrows it's hard to stay on the sidewalk. Some of the conversations were about having repaving and sidewalks done as part of the bridge project.

Mayor Little – I believe Highland Avenue will definitely be revisited which she further explained.

Mr. Leubner – with regard to the water company and Highland Ave, they did post an escrow account to cover the design and a bond to cover the road repairs for their work.

Lori Dibble of 32 Paradise Park – there is a Borough Ordinance that is outdated and is not currently being enforced. This ordinance applies to Mobile Home Communities and requires the Borough to collect a pad lock fee and she requested that this ordinance be revisited and made current. She continued to express her concerns about the ordinance and the need for protection for the Mobile Home Owners.

Mayor Little – the Borough Clerk will look into the ordinance and the Governing Body will look into this matter.

Chris Francy of 36 Fifth Street questioned the OEM Durango and expressed his concerns with the purchase of it considering the budget constraints. Is it understood that this vehicle will be for Borough business only.

Mayor Little – I have discussed this and the Borough Attorney is looking into a policy.

Mr. Oxley – I am moving on this and I have a rough draft and this is something that will be a Workshop item.

Mayor Little – I would like for it to be on the next Workshop Meeting.

Chris Francy questioned the recent Mercantile License Issue where they jumped ahead of the line. He wants to know why it takes up to a year to do a criminal check for a Mercantile License. He also heard a rumor that the person who jump the line for approval has now failed the police background check. You have to pull the license if it failed.

Mr. Oxley – I have been authorized to review the Mercantile License and our process requires finger printing which is part of the hold up. He has authorization to look at the ordinance to streamline it if possible. We are aware of the license situation that you referred to and we are monitoring it.

Mr. Nolan spoke about the finger printing requirement for Mercantile License.

Mr. Oxley – with regard to the vehicle policy he will be drafting a policy and it should be on the next workshop.

Pauline Jennings of 27 Ralph Street questioned the Mayor looking into shared services and cutting back on Borough departments.

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Mayor Little explained she is involved in discussions with surrounding towns to discuss shared services which she further explained. She also stated that they are looking for cuts in the budget.

Pauline Jennings stated that she does not feel that the town needs twice a week garbage pickup.

Connor Jennings of 27 Ralph Street – will you consider hiring freezes.

Mayor Little spoke about hiring freezes and the distribution of employees.

Connor Jennings spoke about the Police Department being so costly.

Maureen Kraemmer of 200 Portland Road - questioned the 8-foot fence approval. She also wanted to know if approval is required to park heavy equipment on property.

Are people in town allowed to rent their parking lots to the DOT for them to park their equipment?

Mayor Little – I am not aware of an ordinance prohibiting parking of heavy equipment on property.

Mr. Urbanski – the question is where do they have their customer's park when they leased out their lot for something else.

Maureen Kraemmer questioned how people can just lease out their parking lot without any kind of borough approval.

Mayor Little – I think it's an issue that needs to be discussed. She then reviewed the General Ordinance Book to see if there were any violations. Perhaps there is something under the Zoning Ordinance.

Mrs. Burton – we have to be careful that more of our property owners don't lease out their lots for the DOT.

The Council discussed the bridge project equipment.

Maureen Kraemmer expressed her frustration with the Council not looking into to things.

Mayor Little explained her meeting with the DOT about the bridge project.

Maureen Kraemmer suggested that Mayor ask Mayor McKenna for some advice on how to handle the DOT with regard to the bridge project. She then asked for clarification on R-08-64.

Mayor Little explained that there was discussions prior to tonight dealing with the renewal of the license prior to the sale and the Council approved the renewal of the license at this time for Seastreak.

Michelle Pezzulo of 115 Highland Avenue – wanted to know why we aren't sharing the cost with the County or State with regard to the Police Force. She questioned the budget cuts.

Mayor Little – the K-9 unit is being paid for mostly by the PBA. As far as sharing police there is no facility to allow for that at this time which she further explained. I cannot reduce the Police presence in this town at this time.

Richard O'Neil of 224 Navesink Avenue – he agrees that with Ms. Kraemmer about the parking lots being rented out to the DOT and wants to know if the business that is renting out their lot is going to be required to close because they don't have the parking lot .

Lori Nolan of 51 Waterwitch Avenue made an announcement about the Girls Scouts Food Drive.

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Mr. Nolan offered a motion to return to Executive Session, seconded Mayor Little and all were in favor.

Mrs. Burton left the meeting.

CAROLYN CUMMINS, DEPUTY CLERK

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