

**Mayor and Council  
Regular Meeting  
April 16, 2008**

Mayor Little called the meeting to order at 7:13 P.M.

Mrs. Flannery read the following statement: As per requirement of P.L. 1975, Chapter. Notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council 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, Mayor Little

**Absent:** Mr. Nolan

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

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**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. **Litigation: Mazzella vs. Knox**
2. **Personnel: L. Grecca Final RCA Pymt, Temp. Tax Clerk Hours, Result of Court Case for DPW Employee, DPW Summer Employees**
- 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:

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.

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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. Caizza and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Nolan

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Little called the Regular Meeting back to order at 8:23 P.M.

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

**ROLL CALL:**

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

**Absent: Mr. Nolan**

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

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**Public Participation on Agenda Items:**

Chris Francy of 36 Fifth Street questioned Resolution R-08-82 for Professional Service Agreement for Edward McKenna and requested that it be pulled from the Consent Agenda for discussion. He then questioned if the Personnel Policy would be available on the website for the public to view.

Mr. Hilling explained that it was a Borough Employee Manual and that it is not on the website.

Mrs. Flannery stated that it's available for public inspection in the office.

Rosemary Flannery of 1 Central Avenue questioned Resolution R-08-88 for Appointments to the Environmental Commission.

Mayor Little stated that she will note to allow her to discuss this item when we get to it this evening.

Michelle Pezzullo of 115 Highland Avenue questioned R-08-78 Assignment of the Seastreak Mercantile License She stated that items cannot be addressed by the Council unless the minutes for a certain item are made public.

Mayor Little thanked her for comments. She then stated that they will try to address the issue of the meeting minutes. She also explained that the assignment of the ferry license is temporary until the application process is completed.

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The Governing Body discussed the Seastreak licenses and Mrs. Flannery stated that this resolution is for the assignment of all licenses (mercantile and ferry license).

Mr. Oxley further explained the assignment of the license.

Lori Dibble of 32 Paradise Park questioned R-08-82 and R-08-88.

Mayor Little – there has been a request from the public to remove R-08-82 from the consent agenda to allow for discussion which would be for Council discussion and not the public. She then wanted to know why we were hiring McKenna at this point.

Mr. Urbanski explained that this is due to ongoing litigation and questioned the dollar amount of the Resolution.

Mayor Little explained that its an hourly rate.

Mr. Oxley explained that Professional Services are exempt from going out to Bid. He also stated that he is not sure of a court date for the ongoing litigation and he is not sure what is going on next in this litigation matter.

Mrs. Burton questioned what this is for R-08-82.

Mr. Hilling – I spoke with McKenna and he gave me that figure and he thinks that the litigation will continue, there has been several briefs filed and he there will be more briefs filed. He gave me the figure of \$7,500 as a good estimate of what the litigation will continue to cost the borough at his rate of 135.00 per hour.

The Governing Body continued to discuss this matter.

Chris Francy questioned why Mr. Oxley is not handling this litigation matter.

Mr. Oxley explained that McKenna did a very comprehensive report on this litigation matter and his understanding is based on the time and resources that McKenna has performed.

Mayor Little – spoke about McKenna and having him finish out this litigation.

Mrs. Burton agrees with Mayor Little that if someone starts a case then they should finish it but she is concerned about the \$7,500 figure.

Lori Dibble of 32 Paradise Park questioned R-08-88 requested to be given an opportunity to discuss R-08-88 the appointments to the Environmental Services.

Mr. Oxley informed the public that he did not think it would be any cheaper than McKenna to defend the ongoing litigation.

Mayor Little spoke with Mrs. Burton about R-08-88 and offered to read the appointments that she has recommended for the Environmental Commission.

Mrs. Flannery stated that Resolution R-08-88 pertains to the appointment of an Environmental Commission and it contains several terms on this commission that are done by appointments which she explained.

Mrs. Burton then explained how she came to the recommendations for appointments to Environmental Commission.

Mayor Little then read the following names: Andrew Stockton, Karen Jarmusz, Nancy Burton, David Dowds, Sharon Butler, Stephen Zulecki, Wonda Radowski, and Arnie Fuog as Alternate. This will need to be voted on by the Council in order for those appointments to valid.

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Rosemary Flannery of 1 Central Avenue questioned the qualifications of the Environmental Commission and wanted to know why Laural McSherry was not on the list.

Mayor Little explained that there needs to be a Council and Planning Board Liaison on the Environmental Commission. She then spoke about the Governing Body receiving resume's for the Environmental Commission. She stated that once appointments are made then the resume's can be made available to the public.

Mrs. Burton then read through some of the qualifications of the potential appointees.

Rosemary Flannery complained that Laural McSherry is not on the list to be appointed and stated that she wants to see qualified people appointed.

Mayor Little stated that we put forth the people that we felt were most qualified.

Lori Dibble of 32 Paradise Park questioned if there would be a budget for the Environmental Commission and questioned if there would be a Secretary for the Commission and if the meetings would be made public and if minutes would be prepared.

Mayor Little – the Code does indicate that they are to work \_\_\_\_\_, with regard to the budget they would have to request that from the Governing Body, she hopes that they have agenda's, public meetings and minutes. There is no Designated Secretary at Borough Hall.

Arnie Fuog of 50 Valley Street stated that he did not have any questions.

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**Consent Agenda:**

Mr. Urbanski offered a motion to remove Resolution R-08-82 from the Consent Agenda, seconded by Mrs. Burton and approved on the following roll call vote:

**ROLL CALL:**

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

Mayor Little – item number 6 (R-08-82) has been removed from the consent agenda.

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

Mayor Little nominated Alice J. Solomon for Zoning Board Member Appointment for Resolution R-08-90.

Mr. Urbanski offered the approval of the consent agenda, seconded by Mrs. Burton.

Mr. Caizza – abstained on R-08-77 and questioned R-08-80 and what the Clean Communities Grant was being used for this year.

Mrs. Burton explained some funds will be used for the Earth Day Celebration which she further explained.

Mr. Caizza questioned the Mercantile License process and Mrs. Flannery explained it. Mr. Caizza questioned why the Original Oyster was not required to obtain a new license for changing the restaurant owner and Mrs. Flannery stated that the name of the business changed not the people that were operating the business.

Mayor Little questioned R-08-81.

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

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**R-08-76  
RESOLUTION ADOPTING THE REVISED  
BOROUGH OF HIGHLANDS PERSONNEL POLICY MANUAL**

**WHEREAS**, the Borough of Highlands Personnel Policy Manual has been revised and updated by the Special Counsel and the Governing Body has reviewed the revisions and updates;

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, a Municipal Corporation of the State of New Jersey, as follows:

- a. The Borough of Highlands Personnel Policy Manual dated April 16, 2008 is hereby adopted by the Borough of Highlands as a guide and reference for all managers and employees of the Borough of Highlands.
- b. The Borough Administrator is hereby charged with promulgation and enforcement of the Personnel Policy Manual, and with recommending timely changes to this manual to the Mayor and Council.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Nolan

**ABSTAIN:** None

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

**R-08-77  
RESOLUTION APPROVING LIST OF VOLUNTEER FIREMEN AND FIRST AID  
SQUAD MEMBERS WHO QUALIFY FOR THE BOROUGH OF HIGHLANDS  
LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR THE YEAR 2007**

**WHEREAS**, the Borough of Highlands (Sponsoring Agency) has a Length of Service Award Program which provides tax-deferred income benefits to active members of the Borough's volunteer fire company and first aid squad; and

**WHEREAS**, the Highlands Fire Department and the Highlands First Aid Squad are required, pursuant to N.J.S.A. 40A:14-191, to annually certify to the Sponsoring Agency a list of all volunteer members who have qualified for credit under the LOSAP for the previous year; and

**WHEREAS**, the Highlands Fire Department and the Highlands First Aid Squad have submitted certified lists of qualified volunteers for the year 2007; and

**WHEREAS**, the Chief Financial Officer has reviewed the lists and found them to be accurate;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, that the certified lists provided by the Highlands Fire Department and the Highlands First Aid Squad of qualified volunteers for the year 2007 are hereby approved.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Nolan

**ABSTAIN:** Mr. Caizza

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**Attach listing of Fire Department HERE**

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

**R-08-78  
RESOLUTION APPROVING THE ASSIGNMENT OF LICENSES  
FROM SEASTREAK AMERICA, INC. TO SEASTREAK, LLC.  
CONCERNING THE ANNUAL COMMUTER FERRY SERVICE  
IN THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Borough of Highlands oversees the operation of the commuter ferry service in the Borough of Highlands, County of Monmouth, State of New Jersey; and

**WHEREAS**, the daily commuter services provided heretofore by SeaStreak America, Inc. have greatly benefited the Borough of Highlands, the economy of the Borough of Highlands and the economy of the County of Monmouth; and

**WHEREAS**, SeaStreak America, Inc. has contracted to sell their ferry commuter business and assets to SeaStreak, LLC, a Delaware limited liability company; and

**WHEREAS**, the representatives of SeaStreak, LLC have expressed its desire to maintain the exclusive ferry commuter service business from the Borough of Highlands; and

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey hereby approve and consent to the assignment of any and all rights from SeaStreak America, Inc. to SeaStreak, LLC regarding any licenses from the Borough; and

**BE IT FURTHER RESOLVED** Ferry License fees previously paid to the Borough of Highlands by SeaStreak America, Inc. shall be considered transferred and paid by SeaStreak, LLC, however, fees for the mercantile license review shall be payable when due.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Nolan

**ABSTAIN:** None

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

**R-08-80  
RESOLUTION - SPECIAL ITEM OF REVENUE  
STATE OF NEW JERSEY  
CLEAN COMMUNITIES PROGRAM**

**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 \$6,574.32 which is now available from the State of New Jersey Department of Environmental Protection.

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**BE IT FURTHER RESOLVED** that a like sum of \$6,574.32 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:	
Clean Communities Program	\$6,574.32

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

**ROLL CALL:**

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

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

**R-08-81  
RESOLUTION AUTHORIZING  
REFUNDS OF OVERPAYMENT OF FEES FOR NEW MERCANTILE LICENSE  
APPLICATION FOR PIZZA PLUS – JAMES AGUIAR**

**WHEREAS**, the Deputy Clerk has reviewed the mercantile license application of Pizza Plus for James Aguiar for 300 Bay Avenue and has determined that the applicant overpaid by \$50.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund James Aguiar the amount of \$50.00 for overpayment of fees to the Borough for a Mercantile License Application.

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

**ROLL CALL:**

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

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

**R-08-83  
RESOLUTION – CHANGE ORDER #1 FINAL  
VALLEY STREET STORMWATER PUMP STATION UPGRADES  
ELECTRICAL DESIGN AND CONSTRUCTION CORPORATION  
DECREASE OF \$3,375.00**

**WHEREAS**, a contract was awarded to Electrical Design & Construction Corporation as follows

Resolution 06-115 on June 28, 2006 for \$332,000.00

**WHEREAS**, change order # 1 Final dated November 19, 2007 prepared by T & M Associates sets forth reasons (reduce item #4 to reflect final 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 contract amount by \$3,375.00 is hereby

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authorized for Valley Street Stormwater Pump Station Upgrades. The contract price is amended to \$328,625.00.

**NOW, FURTHER BE IT RESOLVED** that the Borough of Highlands does hereby accept the maintenance bond from International Fidelity Insurance Company in amount of \$82,156.25 for two years commencing on the date of substantial completion which is June 5,

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

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Nolan

**ABSTAIN:** None

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**INSERT RESOLUTIONS**

**R-08-84**

**&**

**R-08-85**

**HERE**

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

**R-08-86  
RESOLUTION – CHANGE ORDER #1 FINAL  
NATIONAL WATER MAIN CLEANING COMPANY  
DECREASE OF \$42,084.21  
BASIN 8 SANITARY SEWER REHABILITATION (PROPOSAL B)**

**WHEREAS**, a contract was awarded for National Water Main Cleaning Company as follows:

R-07-168 September 5, 2007 \$99,303.88

**WHEREAS**, change order # 1 final dated January 21, 2008 prepared by T & M Associates, professional engineers, sets forth reasons (final as-built conditions and additional TV inspection of 38 LF of storm sewer on Portland Road) 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 \$42,084.21 is hereby authorized for the Basin 8 Sanitary Sewer Rehabilitation Project (Proposal B). The contract is hereby amended to \$57,219.59.

**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 \$28,609.79 for two years commencing on the date of substantial completion which is December 26, 2007. Said acceptance is contingent upon the Borough Attorney's approval of said maintenance bond.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Nolan

**ABSTAIN:** None

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

**R-08-87  
RESOLUTION SUPPORTING HIGHLANDS ELEMENTARY SCHOOL  
AND ATLANTIC HIGHLANDS ELEMENTARY SCHOOL  
IN THE APPLICATION FOR A SHARE GRANT**

**WHEREAS**, the Highlands Elementary School Board of Education and the Atlantic Highlands Elementary School Board of Education have each authorized the Superintendents of their schools to prepare an application for a Sharing Available Resources Efficiently (SHARE) Grant, for the 2009 Fiscal Year, and

**WHEREAS**, severely constricted budgets in the Borough of Highlands, County of Monmouth and State of New Jersey make it desirable to share available resources wherever possible; and

**WHEREAS**, the Governing Body of the Borough of Highlands encourages the submission of grant applications whenever possible;

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that it supports the Highlands Elementary School District in its application of a SHARE Grant.

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

**ROLL CALL:**

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

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

**R-08-89  
RESOLUTION  
AUTHORIZING SALE OF PERSONAL PROPERTY**

**WHEREAS**, the Borough of Tinton Falls and other surrounding municipalities have joined together to bring surplus vehicles and miscellaneous equipment to one location on the same day, Saturday, May 5, 2008; and

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough Highlands that the Borough of Tinton Falls be authorized to dispose of the following vehicles and other miscellaneous equipment through the process of a public auction to be held of Saturday, May 3, 2008 at 10:00 AM rain or shine at the Borough of Tinton Falls Department of Public Works yard.

DEPARTMENT OF PUBLIC WORKS:

1978	Generator	Type 1, Class 1, Size 60 KW-60	Diesel FZ-07620
1994	Dump Truck	Ford 350 4x4	Diesel 1FDKF38MRNB15963
Plows (2)	Western 60390		60390-8'0" PRO

DEPARTMENT OF RECREATION:

Vicro Stacking Chairs ( 80 )

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

**ROLL CALL:**

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

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

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**R-08-90  
RESOLUTION APPOINTING MEMBER OF  
THE ZONING BOARD OF ADJUSTMENT**

**WHEREAS**, David Mintzer has resigned his position on the Zoning Board of Adjustment; and

**WHEREAS**, the Governing Body of the Borough of Highlands has the need to appointment a new member of the Zoning Board for the unexpired term of Mr. Mintzer;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Alice J. Solomon, of 102 Marina Bay Court, Highlands, NJ 07732 be and hereby is appointed a Regular Member of the Zoning Board of the Borough of Highlands to expire 12/31/2010.

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

**ROLL CALL:**

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

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

**RECAP OF PAYMENT OF BILLS  
04 /16/08**

<b>CURRENT:</b>	\$ 1,232,253.44
Payroll (03/30/08)	\$ 121,034.52
<b>Manual Checks</b>	<b>\$ 12,562.41</b>
<b>Voided Checks</b>	<b>\$</b>
<b>SEWER ACCOUNT:</b>	\$ 108,473.08
Payroll (03/30/08)	\$ 1,614.75
Manual Checks	\$ 5,314.58
Voided Checks	\$
<b>CAPITAL/GENERAL</b>	\$ 12,650.75
<b>CAPITAL-MANUAL CHECKS</b>	\$
<b>WATER CAPITAL ACCOUNT</b>	\$ 57,219.59
<b>TRUST FUND</b>	\$ 11,295.75
Payroll (03/30/08)	\$ 660.00
Manual Checks	\$
Voided Checks	\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>	\$
<b>DOG FUND</b>	\$ 67.20
Voided Checks	\$
<b>GRANT FUND</b>	\$
Payroll (03/30/08)	\$ 2,242.08
Manual Checks	\$
<b>DEVELOPER'S TRUST</b>	\$ 184.50
Manual Checks	\$

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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 April 16, 2008

Scarinci & Hollenbeck, LLC	Legal Retainer - March	\$ 4,129.05
EDC Electric Corp.	Electrical services – Recycling Yard	3,390.00
County of Monmouth	9-1-1 Shared Service Fee	7,530.72
Gibbons	Bond Ordinance Preparation	400.00
Total Supplemental Bill List		<u>\$ 15,449.77</u>

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Nolan

**ABSTAIN:** None

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**Other Resolutions:**

**Resolution R-08-82**

Mr. Urbanski – we should have Mr. McKenna come in to explain what this amount is for, seconded by Mayor Little.

Mr. Pfeffer – we had one bill for McKenna outside of the \$7,500.00 for tonight which is for \$2,500.00.

Mr. Hilling – Mayor Little, do you want me to ask him to come in for Workshop Executive Session.

Mayor Little – yes, please.

Mr. Pfeffer – we had a \$3,00 Purchase Order set up for his original work on the ordinance and that bill came in around \$2,000. Then that contract was closed out. He is not sure if there was authorization from the Council for the services for the \$2,500 invoice.

Mayor Little –that is an issue that I want addressed when McKenna comes in.

Mr. Pfeffer – anything under \$17,500 does not have to be done by Resolution but he prefers a Resolution.

Mr. Hilling – I assume that the Council will authorize McKenna to continue until the next meeting in case there are issues that come up on this litigation.

The Governing Body discussed the McKenna Professional Services Resolution.

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

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**R-08-82  
RESOLUTION PROFESSIONAL SPECIAL COUNSEL  
MCKENNA, DUPONT, HIGGINS & STONE**

**WHEREAS**, the Borough of Highlands has a need for professional special counsel services for litigation related to a zoning ordinance; and

**WHEREAS**, such professional legal services can only be provided by licensed professionals and the firm of McKenna, Du Pont, Higgins & Stone, 229 Broad Street, Red Bank, N.J. 07701 is so recognized; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$2,500 plus reimbursable expenses for professional special counsel services provided to the Borough of Highlands for the period April 1, 2008 through April 1, 2009, 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:

Current Fund: Legal

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Stephen Pfeffer, Chief Financial Officer

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

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

1. The firm of McKenna, Du Pont, Higgins & Stone are hereby retained to provide professional special counsel services as described above for an amount not to exceed \$2,500 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. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** Mr. Nolan

**ABSTAIN:** None

**Resolution R-08-88**

Mrs. Flannery read the following Resolution for approval:

**Failed Adoption**

Mayor Little offered the following Resolution and moved its adoption:

**R-08-88  
APPOINTING ENVIRONMENTAL COMMISSION**

**BE IT RESOLVED** that the following listed persons be appointed to the Highlands Environmental Commission:

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Andrew Stockton, PB Rep.	3 years to expire 12/31/2009
Karen Jarmuz	3 years to expire 12/31/2009
Nancy Burton	3 years to expire 12/31/2009
David Dowds	2 years to expire 12/31/2008
Sharon Butler	2 years to expire 12/31/2008
Steven Suzelecki	1 year to expire 12/31/2007
Wanda Rudowski	1 year to expire 12/31/2007

Seconded by Mrs. Burton and **NOT adopted** on the following roll call vote:

**ROLL CALL:**

**AYES:** Mrs. Burton, Mayor Little

**NAYES:** Mr. Caizza, Mr. Urbanski

**ABSENT:** Mr. Nolan

**ABSTAIN:** None

Mrs. Flannery – motion does not carry.

Mayor Little – then we will have to put this on the agenda again.

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**Ordinance: 2<sup>nd</sup> Reading, Public, Adoption**

**Ordinance O-08-02**

Mrs. Flannery read the title of Bond Ordinance O-08-02 for the 2<sup>nd</sup> Reading and Public Hearing. She stated that this ordinance was published in the April 3, 2008 issue of the Courier.

Mayor Little opened up the public hearing on Ordinance O-08-02.

Donald Manrodt of 168 Bayside Drive questioned the generators.

Mr. Bucco – they will automatically go on once the electric goes out for all three generators.

Arnie Fuog of 50 Valley Street questioned the grant portion.

Mr. Bucco – only the generators.

Lori Dibble of 32 Paradise Park questioned the grant for the generator is how much.

Mr. Pfeffer - \$25,200.

Lori Dibble asked if there was a way to do this for less.

Mr. Bucco explained the electrical requirements needed for the generators.

Lori Dibble continued to question the Governing Body with regard to the cost of this project and if any more grant funds could be obtained in which the Council and Engineer responded.

\_\_\_\_\_ of \_\_\_ Bay Avenue questioned if the Borough will obtain insurance for the generators quality.

Joe Venezia, P.E. of T & M Assoc – explained that the Borough will obtain that.

There were no further questions or comments from the public for Ordinance O-08-02; therefore Mayor Little closed the public hearing on it.

Mrs. Flannery read the title of Bond Ordinance O-08-02 for the third and final reading and adoption.

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Mr. Caizza questioned the Borough Engineer Mr. Bucco about his decision to go with natural gas and diesel fuel tanks for these generators.

Mr. Bucco – it's cleaner and cheaper.

The Governing Body and Mr. Bucco and Mr. Venezia further discussed the generators and the issue of going with natural gas.

Mr. Venezia – they would be more than happy to bring whatever basis of design is prior to proceeding with one design (gas or diesel) and we will do a cost associated with it as well.

Mrs. Burton offered the following pass third and final reading and moved on its adoption, 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 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:

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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 therefor 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 Year

(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 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.

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(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.

**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. Urbanski and adopted on the following roll call vote:

**ROLL CALL:**

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

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**Ordinance: Introduction, Set P.H. Date**

**Ordinance O-08-03**

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

The governing Body discussed the Grease Trap Ordinance.

Mrs. Burton – is the our Plumbing Inspector going to do the inspections.

Mr. Hilling – I will discuss this with Al Hoppins.

Mrs. Burton - I would like to get that straightened out before the public hearing.

Mr. Hilling – I will talk to the Plumbing Inspector.

Mr. Urbanski offered the following Ordinance be introduced and moved on setting a public hearing date for Wednesday, May 21, 2008 at 8:00 P.M. and authorized its publication according to law:

**GREASE TRAP ORDINANCE  
ORDINANCE NO. O-08-03**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI  
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF  
HIGHLANDS AND MORE PARTICULARLY 16.3.5 GREASE TRAP  
REQUIRED TO ADD ADDITIONAL REQUIREMENTS**

BE IT ORDAINED by the Borough Council of the Borough of Highlands that Chapter 16.3.5 of the Revised General Ordinances of the Borough of Highlands be amended and supplemented to read as follows:

New text denoted by Underline, deletions by ~~Strikeover~~.

**~~16-3.5 Grease Trap Required.~~**

~~Each food handling or preparation establishment shall at all times have a grease intercepter device commonly called a grease trap, which devise and installation shall be approved by the plumbing subcode official of the Borough of Highlands. Exempted herefrom are self-contained single family living units.~~

~~a. Each grease trap shall be cleaned and maintained by the retail food handling or preparation establishment as often as necessary to insure its proper operation.~~

~~b. Each grease trap must be accessible for inspection by the plumbing subcode official, and sanitary sewer personnel during all hours when work is conducted on the premises.~~

~~c. A violation of this subsection, in addition to the provisions of subsection 16-3.4e., shall be punishable by a fine of not less than two hundred fifty (\$250.00) dollars for a first offense and not less than five hundred (\$500.00) dollars for each subsequent offense. Each day a particular violation continues shall constitute a separate offense.~~

**~~16-3.6 Time for Compliance.~~**

~~All food establishments subject to the provisions of this Chapter 16, section 163 shall have 90 days from the date of adoption of this subsection with which to comply.~~

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Section 1: Purpose

The purpose of this ordinance is to control discharges into the public sewerage collection system and wastewater treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant.

Section 2: Definitions

A: Grease

Material composed primarily of fats, oil and grease (FOG) from animal or vegetable sources. The terms fats, oil, and grease shall be deemed as Grease by definition. Grease does not include petroleum based products.

B: Grease Trap

A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

C: Food Service Facilities

Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, or any other sewer users as determined by the Plumbing Subcode Official who discharge applicable waste. Exempted herefrom are self-contained single family living units.

D: User

Any person or establishment including those located outside the jurisdictional limits of the Borough who contributes, causes, or permits the contribution or discharge of wastewater into the Borough's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

E: Oil/Water Separator

An approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the Plumbing Subcode Official.

Section 3: Control Plan for (FOG) and Food Waste

A: Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the Borough a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

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B: Any existing Food Service Facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this ordinance. There will be no "Grandfathering".

Section 4: General Criteria

A: Installation Requirements

All existing, proposed, or newly remodeled Food Service Facilities inside the Borough of Highlands wastewater service area shall be required to install, at the user's expense, an approved, properly operated and maintained grease trap.

B: Sanitary Sewer Flows

Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

C: Floor Drains

Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

D: Garbage Grinders/Disposers

It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

E: Dishwashers

Commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

F: Location

Grease trap shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the Plumbing Subcode Official.

G: Pass Through Limits

No User shall allow wastewater discharge concentration from grease trap to exceed 100 MgPL (milligrams per liter) as identified by EPA method 413.

Section 5: Design Criteria

A: Construction

Grease traps shall be constructed in accordance with the Borough of Highlands's standards and shall have a minimum of two compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the Plumbing Subcode Official. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

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B: Access

Access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to trap shall be provided by two manholes (one on each compartment) terminating at finished grade with cast iron frame and cover.

C: Load-Bearing Capacity

In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity. (Example: vehicular traffic in driving or parking areas.)

D: Inlet and Outlet Piping

Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one inlet and one outlet pipe.

E: Grease Trap Sizing

The required size of the grease trap shall be calculated using EPA-2 model. All grease traps shall have a capacity of not less than 1,000 gallons nor exceed a capacity of 3,000 gallons. If the calculated capacity exceeds 3,000 gallons, multiple units plumbed in series shall be installed.

Section 6: Grease Trap Maintenance

A: Cleaning/Pumping

The user, at the user's expense, shall maintain all grease traps to assure proper operation and efficiency. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be noted. Repairs shall be made at user's expense.

B: Cleaning/Pumping Frequency

The grease trap must be pumped out completely a minimum of once every four months, or more frequently, as determined by the Plumbing Subcode Official, as needed to prevent carry over of grease into the sanitary sewer system.

C: Disposal

All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the Borough's sanitary sewer collection system. All pumpage from grease traps must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain and retain a copy of the original manifest from the hauler.

D: Maintenance Log

A grease trap cleaning/maintenance log indicating each pumping for the previous 24 months shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the Plumbing Subcode Official or his representative upon request.

E: Submittal of Records

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Each user shall submit all cleaning and maintenance records to the Plumbing Subcode Official. The maintenance records shall include the following information:

1. Facility name, address, contact person, and telephone number.
2. Company name, address, telephone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
3. Types of maintenance performed.
4. Dates maintenance was performed.
5. Date of next schedule maintenance.
6. Copies of manifests.

The user shall be required to submit maintenance records to the Plumbing Subcode Official on a biannual basis (twice per year). Records shall be submitted by March 1<sup>st</sup> and September 1<sup>st</sup> of each year. The records shall be submitted to:

Plumbing Subcode Official  
Borough of Highlands  
171 Bay Avenue  
Highlands, NJ 07732.

The Plumbing Subcode Official will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the Plumbing Subcode Official, the user shall be required to perform the maintenance and records of said maintenance within 14 calendar days. Upon inspection by the Plumbing Subcode Official, the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

Section 7: Additives

Any biological additive(s) placed into the grease trap or building discharge line including, but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease shall require written approval by the Plumbing Subcode Official prior to use. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required herein.

Section 8: Chemical Treatment

Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap.

Section 9: Enforcement and Fines

A: Recovery of Damages

When the discharge from a Food Service Facility causes an obstruction, damage, or any other impairment to the treatment works, or causes any expense, fine, penalty, or damage of whatever character or nature to the Borough, the Plumbing Subcode Official shall invoice the owner for same incurred by the Borough. If the invoice is not paid, the Plumbing Subcode Official shall notify the Borough Attorney to take such actions as shall be appropriate to seek reimbursement.

B: Penalty

A violation of this chapter is subject to the Penalty provisions of Section 3-9 of the General Ordinances of the Borough of Highlands.

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C: Remedies Nonexclusive.

The remedies provided for in this Ordinance are not mutually exclusive. The Plumbing Subcode Official may take any, all, or any combination of these actions against a noncompliant person.

Section 10:

If any section or provision of this ordinance shall be held invalid in any court, the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid and shall be inseparable from the remainder or any portion thereof.

Section 11:

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 12:

This ordinance shall take effect upon final passage and publication as provided by law.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Mr. Nolan**

**ABSTAIN: None**

**Ordinance O-08-04**

Mrs. Flannery read the title of Ordinance O-08-04 for introduction and setting of a public hearing date.

Mr. Urbanski offered the following Ordinance and moved on its introduction and setting of a public hearing date for Wednesday, May 21, 2008 at 8:00 P.M. and authorized its publication according to law:

**ORDINANCE AMENDING CHAPTER III OF THE  
REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF HIGHLANDS  
AND MORE PARTICULARLY SECTION 3-9  
PENALTY**

**WHEREAS**, the Borough sets the maximum penalty for any violation of a provision of the Borough Ordinances and the current maximum penalty provided is less than that permitted pursuant to N.J.S.A. 40:49-5, and therefore this maximum penalty should be raised to give the Borough more flexibility with regard to issuing penalties for violations of ordinances.

**BE IT ORDAINED**, by the Borough Council of the Borough of Highlands that Chapter III of the revised general ordinances of the Borough of Highlands be amended and supplemented to read as follows:

New Text denoted by Underline, deletions by ~~Strikeover~~.

**SECTION ONE**

**PENALTY**

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For violation of any provision of this chapter, any other chapter of this revision, or any, other ordinance of the Borough where no such penalty is provided regarding the section or sections violated, the maximum penalty, upon conviction, shall be a fine not exceeding ~~One Thousand Dollars (\$1,000.00)~~ Two Thousand Dollars (\$2,000.00), or imprisonment for a period not exceeding ninety (90) days, or both, or to a period of community service not exceeding ninety (90) days, as the discretion of the Municipal Court Judge. (N.J.S.A. 40:49-5)

For a violation of an ordinance pertaining to unlawful solid waste disposal, at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an

amount not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) or a maximum penalty by a fine not exceeding Ten Thousand Dollars (\$10,000.00).

**SECTION TWO**

If any section or provision of this ordinance shall be held invalid in any court, the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid and shall be inseparable from the remainder or any portion thereof.

**SECTION THREE**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION FOUR**

This ordinance shall take effect upon final passage and publication as provided by law.

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

**ROLL CALL:**

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

**Ordinance O-08-05**

Mrs. Flannery read the title of Bond Ordinance O-08-05 for introduction and setting of a public hearing date.

Mr. Urbanski offered the following Ordinance pass introduction and that a public hearing date be set for May 21, 2008 at 8:00 PM and authorized its publication according to law:

**0-08-05**

**BOND ORDINANCE PROVIDING AN APPROPRIATION  
OF \$480,000 FOR IMPROVEMENTS TO SHORE DRIVE  
FOR AND BY THE BOROUGH OF HIGHLANDS IN THE  
COUNTY OF MONMOUTH, NEW JERSEY AND,  
AUTHORIZING THE ISSUANCE OF \$256,000 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:**

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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 \$480,000, such sum includes the sum of (a) \$210,000 expected to be received from the New Jersey Department of Transportation and (b) \$14,000 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 \$256,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In 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 \$256,000 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 therefore, 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 Shore Drive from Miller Street to Waterwitch Avenue, which include drainage, installation of curbs, sidewalks, handicap accessible ramps and sanitary sewer renovations 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.	\$480,000	\$256,000	20 Year

(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 \$256,000.

(c) The estimated cost of the Improvements is \$480,000 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 therefore 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

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pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall 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 20 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 \$256,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$135,000 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.

**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 therefore 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.

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**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 \$256,000.

**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. Burton and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Nolan

**ABSTAIN:** None

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**Other Business:**

**Engineers Report**

Joe Venezia, P.E. of T & M Associates read through the following Borough Engineers Report:

**HGHL-G0801**

**April 14, 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

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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 and received NJDOT approval for a Utility Opening Permit. The Governing Body has approved a change order for the contractor 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. The Contractor is mobilizing to start the work within the next two weeks.

Mr. Venezia added that all of the concrete work is completed there and they did the \_\_\_\_\_ today and they should be paving tomorrow.

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.
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 substantially complete. We will coordinate with NJAW for the completion of the construction work.
6. **Basin Two Sanitary Sewer Rehabilitation Project:** The report was finalized and sent to the Borough for review. We have been authorized 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. The design of this project is underway.
7. **The Resurfacing of Shore Drive:** As requested, we have submitted a revised proposal and bond estimate to provide design and contract administration services for this project for consideration by the Governing Body. The proposal eliminated the improvements to the Recycling Yard. We have added traffic calming measures to the

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proposal, however, further discussion regarding the extent of the measures and NJDOT's approval of same is required.

**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. We are also including a generator for the Municipal Building as an alternate.
  
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 have submitted a proposal for this project 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

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

Mr. Hilling questioned if we were suppose to get a refund on the Basin 8 Project from AHHRSA. Mr. Palamara stated that we need a letter from the Engineer for the reimbursement from the Sewerage Authority.

Mr. Bucco – oh yes, for the reimbursement, they will get that underway.

**Mazzella vs. Borough of Highlands**

Mr. Bucco advised the Governing Body that the Borough's Special Council Greg Vella appeared before Judge Lawson on April 9, 2008 and as a result of that appearance the Judge has ordered that the Borough provide an expert Planning Report on that site within 45-days of April 9<sup>th</sup> and T & M has put a proposal in dated April 11, 2008 for \$4,500 to prepare that report and he needs authorization before preparing that report.

Mayor Little – I think that it's important that the Borough defend Zoning decisions that have been made which she further explained.

Mr. Urbanski offered a motion to authorize T & M to prepare the Planning Report on this matter for \$4,500 as part of the general engineering services, seconded by Mrs. Burton and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Nolan

**ABSTAIN:** None

**Vehicle Policy**

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Mr. Oxley – Resolution R-08-76 adopted amendments to our policy and procedural manual and based on discussions with the Borough Administrator at this point he thinks rather than drafting a comprehensive vehicle policy because we do specifically talk about the vehicles in the policy and procedural manual, I think more appropriately would be for some guidance for the Borough

Administrator in the number of take home vehicles and what they are appropriately used for. Our Policy and Procedural Manual that we just adopted specifically excludes for personal use and clearly there are potential insurance liability issues. I think beyond that I think rather than an extensive policy which I don't think that we need, what may be more appropriate is some guidance from the Borough Administrator in terms of who should be getting these vehicles and how many and where they should be going back and forth to.

Mayor Little – stated that she believes that only the Emergency Management Vehicle would be the only vehicle that she would consider the possibility of taking home which she further explained.

The Governing Body had a discussion on this matter of the vehicles not being able to be used for personal use.

Mr. Caizza – the cars that were given to people were for emergency vehicles and if they are going to an emergency situation they can't go to Borough Hall to pick up the car. He believes that all emergency vehicles should be able to park them at home such as the Fire Chief, Police Chief, OEM Officer, K-9 Unit.

Mrs. Burton – we need to determine where the cars can be parked. She stated that the Fire Chief lives out of town and she wanted to know if we should allow him to drive that vehicle home.

Mr. Urbanski – he believes that the OEM Officer does not need a car but the rest of them can have it.

Mrs. Burton – personal use is not covered under our insurance.

Mr. Caizza – these cars have been around for a long time.

Mayor Little explained that we are going through the manual and this policy came to our attention during that and we are just addressing an issue that has not been addressed.

Mr. Caizza explained his support for the emergency vehicles being allowed to park at home. He thinks that the Borough Administrator should be able to sit down with these people with the cars and explain the intent to them.

Mrs. Burton – this issue came from the public seeing a Borough vehicle at Fort Monmouth.

Mr. Urbanski – if you're getting paid for the job and then to get a car is pushing the limit a little bit.

The Governing Body continued to discuss this matter.

Mr. Hilling the two people who take the cars home is the Fire Chief and Police Chief and Paul Murphy and the Administrator park the vehicles here. Also the OEM and K-9 Unit are other vehicle and the Fire Marshal.

Mayor Little – so there would be five vehicles: Police Chief, Fire Chief, OEM, K-9 Unit and the Fire Marshal.

Mr. Urbanski – the Fire Marshall works out just fine being parked here and he would not change that.

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Mr. Caizza – he comes here all the time from Middletown and he comes here to get his car and that's not a problem.

The Governing Body continued to discuss the vehicle usage.

Mr. Hilling – we have to have no personal use or kids or dogs or other personal use of the vehicles.

Mr. Oxley – I think that you just need to give guidance to the Administrator and not amend the policy. The guidance of would be of three vehicles.

Mr. Hilling – requested authorization from the Council to prepare a letter that he will pass on to the Council and make sure that it's okay and then he will send it out.

Mayor Little – that sounds acceptable to me.

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**Public Portion:**

Debbie Thorner of 88 Highland Avenue questioned if the Council received their proposal (in audible) for 12 improvements to Highland Ave.

Mayor Little – yes we did get it.

Debbie Thorner – are we going to be on the Agenda on May 7<sup>th</sup>?

Mrs. Flannery - absolutely

Debbie Thorner requested that Council come up and do a walk through.

Mr. Caizza – I seen Highland Ave is a disaster but there shouldn't be any improvements until the bridge project is completed. So if we could just patch it and put some sign up. The Police Chief does not see a lot of speeding up there but they are going to put a speed recording machine up there.

Debbie Thorner – she also requested that the speed limit be reduced on Highland Ave from 25mph to 15 mph.

The Council continued to discuss Highland Ave.

Mr. Bucco stated what they would like to start out is that they will recommend that S. Peak and Highland be a three way stop and put down some striping and see how that works for now.

Mayor Little requested that Mr. Bucco bring all of his comments and recommendations to the May 7<sup>th</sup> meeting.

Maureen Kraemmer of 200 Portland Road – questioned how much has the Borough paid McKenna to date.

Mr. Pfeffer – about \$4,500 tonight. The first was for the work that he did on the Zoning Ordinance for \$2,000 and the second is for litigation for that ordinance for \$2,500.00.

Arnie Fuog of 50 Valley Street questioned the CFO about fining the Fire House Contractor for construction delays.

Mr. Pfeffer stated that this matter is in litigation.

Mr. Pfeffer then left the meeting for the night.

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Larry Thorner of 88 Highland Ave questioned the timing of the grant application for Highland Ave. With that the sign installed we have already sensed that people are slowing down but he doesn't like the perception that is being made that people aren't going that fast.

Mr. Bucco – that grant has been submitted for Highland Ave.

Patricia Robertson of 101 Shore Drive spoke about her concerns with the hill that JCP&L cleared a couple of years ago. She is concerned with trees being cut down on the hill and questioned the tree permit process of verifying that trees belong to the people that are applying for. She then complained about a neighbor in the process of cutting down trees.

The Governing Body discussed tree cutting on hill with Ms. Robertson.

Mayor Little hopes that the Shade Tree Commission will become an active Commission and that they will come up with recommendations. Mayor Little questioned if the Tree Removal Application states the location of the tree.

Mrs. Burton stated that she has requested that Mr. Fox not issue any permits especially on slopes.

Mr. Hilling – I will tell Mr. Fox to hold off on issuing Tree Permits for trees on slopes.

Mayor Little – I have requested that Mrs. Burton look into the policy regarding cutting down on slopes.

Mrs. Burton a tree ordinance will be on for I think the June Meeting.

Mayor Little – I want the tree ordinance that was proposed and shot down previously available for the Council.

Mr. Hilling – I will suspend any tree permits for slopes and we want to ensure that the trees are on the applicants property.

Mrs. Burton – we need some sort of ordinance or workshop. The steep slope ordinance and tree trimming ordinance are two different things.

Mayor Little – I am asking for recommendations for plant life on slopes.

Mrs. Robertson then questioned a report about the new FEMA map.

Mr. Bucco –we are attempting to set up a meeting with FEMA and we need direction from the Governing Body how they want to set up a meeting. FEMA is still in a comment period it has not been adopted yet.

Mayor Little directed Mr. Bucco to try to get FEMA here for the May 7<sup>th</sup> meeting if not then the May 21, 2008 meeting.

Mr. Hilling stated that he will post the FEMA meeting out front on the Board.

Tara Ryan-Killeen – passed on her opportunity to speak.

Connor Jennings of 27 Ralph Street questioned a resolution appointing ZB Member of A.J. Solomon and if she was appointed based on experience and wanted to know if she was appointed based on her party affiliations.

Mayor Little – she was appointed based on qualifications and community involvement and not based on party affiliations.

Connor Jennings – trees and slopes, have a number of trees been removed by Kavookjian Field?

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Mrs. Burton – that is Middletown property.

Connor Jennings – he believes that a number of stable trees were removed by Kavookjian Field and he believes that this is potential danger to the road and we need a strong and active steep slope ordinance.

Mayor Little agreed that we need a strong steep ordinance.

Connor Jennings brought the Atlantic Highlands Steep Slope Ordinance to the attention of the PB and it has stayed with them but he will supply the ordinance to Governing Body because it's a strong ordinance. He then wanted to know the status of Mr. Oxley review of the minutes and transcripts regarding the conveyance of land with regard to the DOT.

Mr. Oxley – the Administrator and myself did a comprehensive review and contacted the DOT and went through the Borough records and the most recent ordinance that we came up with was Ordinance O-07-26 which was adopted October 17, 2007 and that is the ordinance that specifically dealt with the properties in questioned that were raised in that newspaper article and forgery of the deed.

Mr. Hilling – through our investigation of 122 and 123 and basically 122 has been owned by the State of New Jersey since the 60's. That does not belong to the Borough of Highlands and for some reason it was thought to have been owned by the Borough. It has belonged to the State of New Jersey and he as the deed to that effect. With regard to 123 about a year ago there was a authorization by the Council to the then Borough Administrator to work up a right of entry to the State of New Jersey for preparation for the Bridge Construction Project and that was done via a Resolution and he has a copy of that. After that there was a contract that was signed between the Borough of Highlands and the DOT involving that transaction and that document is where the actual forgery took place and that contract was deemed to be invalid by the DEP. He stated that he would get the date of the contract to Mr. Jennings. Last year we did in fact complete the ordinance there by allocating the property of Block 40 Lot 11.01 and that property was allocated to us by the State and we allocated Block 123 to the State of New Jersey through the ordinance. Yes, there was a deed signed prior to that transaction through some miscommunication through the Borough and the State of New Jersey and we recognize that, so basically that its.

Mr. Oxley – the deed would not be legal if it were done without an ordinance. A land transfer requires an ordinance.

Mayor Little – spoke about Ordinance O-07-26 which transfers block 40 lot 11.01 from the State of N.J. to the Borough of Highlands. It also transfers block 8 lots 2 and 2.01 also known as parcel 123 to the State of New Jersey and its dated October 17, 2007. The intro of this ordinance was in September 2007 and it was adopted on October 17, 2007. Pursuant to this ordinance the Borough Clerk and the Mayor were authorized to execute the deeds. The deeds were unacceptable at that time and she required that the State conform the deeds to the ordinance and she required that the improvements that were negotiated post the DEP disapproval be included in this deed. They were presented with the deed attached to this ordinance in January for my signature. What I had them do was rewrite the deed so that it conformed with this ordinance and she had them include the improvements. I am holding the DOT to the letter of our negotiations and there should have been contracts but there were not. She is not sure if this will hold up and she will rely on Mr. Oxley for that.

Connor Jennings continued to question the deed and the date of the deed and the date of the Ordinance.

Roberta McEntee of 55 Fifth Street stated that she requested information at the last meeting demanding that the Grease Traps be addressed. She stated that Mr. Hilling met with her and Mr. Oxley and she is appreciative that the Grease Trap work in being done.

Don Manrodt of 268 Bayside Drive wanted to know if the Council is for the bridge project or not and he wants a vote from the Council.

Mr. Urbanski explained that the thinks that it should move forward

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Mr. Caizza explained that he also thinks that the bridge project should move forward.

Mayor Little – she does not like the design of the bridge but there's not much that she can do about it and she has been watching the lawsuit and she sees flaws in the procedure. If she sees an injunction or a Federal Court Argument that will stop construction she will be supporting that.

Don Manrodt questioned the Environmental Commission and spoke about some environmental issues. He then spoke about the Flood Plain and FEMA meetings that he recently attended. He spoke about the death of George Andrews and Charlie Luke and all of their wonderful contributions to this town.

Mayor Little stated that the Council will observe a moment of silence at the next meeting.

Maureen Kraemer of 200 Portland Road Unit A-14 – spoke about the deeds for the bridge and the ordinance for the conveyance of the property. She stated that she requested the deed for lot 40 and she received a document from the state on this matter and she would like to compare the documents with Mr. Hilling. She also stated that she is concerned with the State investigating the State and she wants all of the signatures verified and wants the Federal Government to look into this matter.

Mr. Little stated that the Prosecutors Office in Monmouth County is handling this matter.

Mr. Hilling spoke about the deeds for 122.

Maureen Kraemer continued to speak about investigating what went on with the forged deeds. She then spoke about the Bahrs parking lot renting out to the bridge is now being used for restaurant parking again. She found an ordinance that prohibits that use of the property in the Borough.

Mayor Little directed the Borough Administrator to look at the ordinance with the Code Enforcement Officer and we need to see if it's a permitted use and if it's a violation than a summons needs to be issued.

Maureen Kraemer spoke about the DOT chain link fence exceeding the height. She then spoke about the deeds on the County showing the transfer for a sum of \$1.00.

Donna O'Callaghan of 29 S. Bay Avenue – questioned the Borough Engineer with regard to diesel fuel tank for the S. Bay Ave Beach. She then spoke about the vehicle policy and stated that she understands that our Fire Chief lives in Millstone Twp. She hopes that each vehicle come up for a vote. She stated that there is black plastic covering the drains around the construction from the bridge and she is concerned.

Mr. Bucco described the diesel tanks and the location to the generator.

Mr. Caizza – that is correct he does live out of town.

Mr. Venezia explained that the covering of the drains is a required from the Soil and Sediment Control Plan which he further explained.

Rosemary Flannery of 1 Central Avenue made some suggestion for the Environmental Commission. She stated that she is appalled at the amount of trash she sees in Highlands. She also complained about kids playing baseball on the new tennis courts.

Mayor Little – we should look into signage up in the Skateboard Park. She spoke about closing the park when it's dirty.

Mrs. Burton – stated that we did do an electrical recycling program last year and we hope to continue to do that. She stated that she suggested registered court time and keys to be issued for the tennis courts but she had no support.

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Chris Francy of 36 Fifth Street suggested that the Council should right a comment to FEMA complaining to get your comments on the record.

Mayor Little – she will look into that.

Chris Francy spoke about the Valley Street Pump adjusting the level on the pump. He volunteered to be trained on how to use the pump.

Mr. Hilling – we do have an operators manual there. He will get someone from that company to come down and demonstrate how to use it.

Mr. Bucco – EDC has a maintenance bond and if you touch it then you void the two year maintenance bond.

Mayor Little wants the Borough to be able to operate the pump.

Arnie Fuog – he does not have any comments at this time.

Michelle Pezzullo of 115 Highland Ave commented on the DOT not having a detour on Highland Ave and she hopes that true. Commented on the ferry in town and that the commuters don't spend any money in town. She wants to know how are we going to generate funds to fix up the business district. Miller Ave and Hwy 36 thanked for the hill improvements, looks nice. There is not enough food around to support the food banks and she urged the public to donate. Rosemary Ryan wants to come in to speak with the Council about the food pantries.

Mayor Little requested that the Clerk contact Ms. Ryan to set up a date. She spoke about the ribbon cutting of the food pantry.

Mrs. Burton stated that OLPH is starting Community Gardening donations for the purpose of food donations and information can be placed on the current events on our website. She stated that every week her business is picking up from the commuters.

Mayor Little would like to see us develop a show case at the commuter location to show what's available in Highlands. She also spoke about promoting the water taxi.

Lori Dibble of Paradise Park spoke about written communications between her and the Mayor regarding notification and she questioned why the Mayor referred her to the Planning Board Attorney.

Mr. Bucco suggested that Ms. Dibble come to a PB Meeting.

Mayor Little – you want to be included in a property owner list and you need to have the PB add you to that list. She stated that the property owner receives notification not the mobile homeowners. She then questioned the obsolete borough trailer ordinance.

Mayor Little – we will take a look at it.

Erick \_\_\_\_\_ of 3 Bay Avenue commented on public owned vehicles being used for personal use and wondered if they could be electronically monitored. He then asked if there could be natural gas reserves put in for the generators. He then wanted to know of any Council initiatives regarding the drugs in Highlands and the gangs in Highlands.

Mr. Bucco – we will look into the natural gas reserves.

Mayor Little spoke about the sharing of information between the Code Enforcement Officer and the Fire Marshall and the Police Department. They are sharing information about their different fire calls, police investigations and code complaints. By sharing this information it's much easier

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to respond to the activity which she further explained. We have authorized a K-9 Unit which will be operational in the next few months. We have asked the Police Department to be more visible and to patrol on foot.

Mr. Oxley – the Monmouth County Prosecutors Office has a very pro-active gang force.

Erick \_\_\_\_\_ then commented on the forgery of the Borough Clerks signature.

Mayor Little informed him that the County Prosecutors Office is handling that.

Mr. Urbanski offered a motion to adjourn the meeting, seconded by Mr. Caizza and all were in favor.

The Meeting adjourned at 11:30 P.M.

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**CAROLYN CUMMINS, DEPUTY CLERK**

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