

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
May 21, 2008**

Mayor Little called the meeting to order at 7:08 P.M.

Mrs. Flannery made the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Regular Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Courier, the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

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

Absent: None

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

Executive Session Resolution:

Mrs. Flannery read the following Resolution for approval:

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

**RESOLUTION
EXECUTIVE SESSION**

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

1. **Real Estate: Depuration Plant**
2. **Personnel: William Little, DPW & Tim Hill, Recreation**
3. **Litigation: Richard O'Neil**
4. **Contracts: T & M Firehouse Generators**

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.
8. **Related to investigation of violations or possible violations of the law.**

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Little called the Regular Meeting back to order at 8:28 P.M.

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

ROLL CALL:

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

Absent: None

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

Public Portion – Agenda Items:

Chris Francy of 36 Fifth Street – questioned the Zoning Update and if it is on the agenda tonight.

Mayor Little – stated that this matter in on the agenda this evening under Other Business.

Mrs. Flannery stated that she has just received the new zoning update recommendations.

Connor Jennings of 27 Ralph Street – requested an explanation of Resolution R-08-96.

Mayor Little explained that this Resolution is for an amount not to exceed \$2,500 for a total contract not to exceed \$5,000. She stated that this is for an ongoing litigation matter.

Mr. Hilling stated that he was just informed by Mr. McKenna that there is a hearing scheduled before Judge Lawson in June on this matter.

Bernadine Harford of 168 Highland Avenue questioned Resolution R-08-104 and asked if this was in support of the Memoria Project.

Mayor Little, I don't think it's for the Memoria Project.

Mrs. Burton, it's for improvements to the decking and other improvements.

Michelle Pezzulo of 115 Highland Avenue – questioned the improvements?

Mrs. Burton, it's for also handicap accessible improvements along the waterfront.

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Mr. Urbanski questioned the refund of bulk fee permit Resolution and requested that no refunds be issued in the future.

Mrs. Flannery – we could amend the ordinance to that effect.

Mr. Urbanski offered a motion to amend the bulk fee ordinance, seconded by Mr. Caizza.

Mrs. Burton offered a motion to amend the motion to also include no refunds for the upcoming tree ordinance, seconded by Mr. Nolan.

Mr. Oxley stated that with regard to the upcoming tree ordinance this amendment is minor and republication would not be required.

ROLL CALL:

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

Consent Agenda – Resolutions:

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

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

**R-08-91
RESOLUTION AUTHORIZING
REFUNDS OF UNUSED ZONING BOARD ESCROW FEES FOR
MATTHEW BLASKOVICH FOR ZB\$2008-1
BLOCK 100 LOT 26.42, 42 GRAVELLY POINT ROAD**

WHEREAS, the Board Secretary has reviewed the Blaskovich ZB Escrow Account #9500-9-1-08 and has determined there is a remaining balance of \$3,410.40; and

WHEREAS, no further review is needed for this Zoning Board Application and the applicant has requested that his remaining funds be refunded to him.

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 Matthew Blaskovich the amount of \$3,410.40 for remaining unused Zoning Board escrow funds.

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

ROLL CALL:

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

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

**R-08-92
RESOLUTION AUTHORIZING
REFUNDS OF UNUSED PLANNING BOARD ESCROW FEES FOR**

**BOROUGH OF HIGHLANDS
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PAUL MAZZELLA, OBJECTOR SPECIAL MEETING ESCROW FOR KNOX PB
APPLICATION**

WHEREAS, the Board Secretary has reviewed the Paul Mazzella PB Special Meeting Escrow Account #9000-9-00-0 and has determined there is a remaining balance of \$925.79; and

WHEREAS, no further special meeting fees will be charged since the Special Meeting was canceled and the applicant has requested that his remaining funds be refunded to him.

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 Paul Mazzella the amount of \$925.79 for remaining unused Special Meeting Planning Board escrow funds.

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

ROLL CALL:

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

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

**R-08-94
RESOLUTION AUTHORIZING
REFUNDS OF UNUSED ZONING BOARD ESCROW FEES FOR
PETER MORALES FOR ZB #2007-8
BLOCK 108 LOT 1, 440-B NAVESINK AVENUE**

WHEREAS, the Board Secretary has received a written withdrawal of the Morales ZB Application 2007-8 and a refund of the Zoning Board Escrow Fees; and

WHEREAS, the Board Secretary has reviewed the Morales ZB Escrow Account #9500-9-8-07 and has determined there is a remaining balance of \$881.00; and

WHEREAS, there are no outstanding professional legal or engineering invoices for this matter.

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 Peter Morales c/o Reussille, Mausner, Carotenuto, Barger, Kenny and Steel, LLC the amount of 881.00 the remaining unused Zoning Board escrow funds.

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

ROLL CALL:

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

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

**R-08-97
BOROUGH OF HIGHLANDS**

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COUNTY OF MONMOUTH

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

WHEREAS the Borough of Highlands adopted Resolution 08-80, Special Item of Revenue, Clean Communities Program \$6,574.32, on April 18, 2008, and;

WHEREAS, the actual amount of the Clean Communities Grant is \$7,398.12, and;

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 **amended** amount of \$7,398.12 which is now available from the State of New Jersey Department of Environmental Protection.

BE IT FURTHER RESOLVED that a like sum of \$7,398.12 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:	
Clean Communities Program	\$7,398.12

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, Mr. Nolan, Mayor Little
NAYES: None
ABSENT: None
ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-08-98

RESOLUTION - DEFERRAL OF LOCAL SCHOOL TAX

WHEREAS, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis; and

WHEREAS, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

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WHEREAS, it is the desire and intent of the Governing Body of the Borough of Highlands, County of Monmouth, to avail the Borough of the deferral as permitted by regulations promulgated by the Local finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

WHEREAS, fifty percent of the school tax levy of the Highlands School District is \$1,558,748.50.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands, County of Monmouth hereby authorize the Chief Financial Officer of the Borough to defer \$37,669.00 of school taxes as permitted by the aforementioned regulation.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

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

ROLL CALL:

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

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

**R-08-99
RESOLUTION RESCINDING RESOLUTION R-08-90
AND AUTHORIZING THE APPOINTMENT OF MEMBERS
TO THE ZONING BOARD OF ADJUSTMENT**

WHEREAS, the Governing Body of the Borough of Highlands adopted Resolution R-08-90 at its April 16, 2008 Meeting appointing Alice J. Solomon as a Regular Member of the Zoning Board to fill unexpired term for David Mintzer expiring 12/31/10; and

WHEREAS, it was the intent of the Governing Body to appoint Ms. Solomon as an Alternate Zoning Board Member and not as a Regular Zoning Board Member.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Resolution R-08-90 is hereby rescinded.

BE IT FURTHER RESOLVED that Arthur Gallagher be appointed as Regular Member (to fill unexpired term of David Mintzer expiring 12/31/2010) and Ryan Britton be appointed Alternate No. 1 Member of the Zoning Board (to fill unexpired term of Arthur Gallagher expiring 12/31/2008) and that Alice J. Solomon be appointed as Alternate No. 2 Member of the Zoning Board of Adjustment (to fill unexpired term of Ryan Britton expiring 12/31/2009).

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

ROLL CALL:

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

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

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**R-08-100
RESOLUTION AUTHORIZING
THE CANCELLATIONS/DISCHARGE OF MORTGAGES**

WHEREAS, the six year terms of Mortgages Note for the following have expired and same are to be canceled pursuant to the terms of the Mortgage in accordance with requirements of the Regional Contribution Agreements as established in the rules and regulations of the Council of Affordable Housing and the Department of Community Affairs Housing Rehabilitation Program; and

WHEREAS, the Mayor and Council of the Borough of Highlands hereby authorize the Borough Attorney to prepare cancellations/discharges of mortgages execution on the following Mortgage Notes.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Mayor and the Borough Clerk be and are hereby authorized to execute cancellation/discharge of Mortgages in accordance with the recommendation of the Borough Attorney, Joseph Oxley, Esq., for the following mortgages:

NAME:	Property Location:	Block	Lot	Amount
O'Neil, W & M	101 Navesink Ave	21	9	\$8,000
McCall, J.	104 Highland Ave	21	20	\$9,500
DeCamp	20 Miller Street	56	3	\$18,000

BE IT FURTHER RESOLVED that the Borough Attorney is hereby authorized to prepare Discharge Forms for execution.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-08-101
RESOLUTION AUTHORIZING MONMOUTH COUNTY MOSQUITO
EXTERMINATION COMMISSION TO APPLY PESTICIDES FROM AIRCRAFT
TO CONTROL MOSQUITO'S OVER PORTIONS OF THE BOROUGH OF
HIGHLANDS**

WHEREAS, the Borough of Highlands has received notification from the Monmouth County Mosquito Extermination Commission for the resumption of aerial surveillance and treatment on or about March 15, 2008 through November 30, 2008;

WHEREAS, regulations of the Federal Aviation Administration require that the Commission obtain written approval from the local governing body where operations are conducted.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, in the County of Monmouth, State of New Jersey a municipal corporation that the Monmouth County Mosquito Extermination Commission is hereby authorized to apply pesticides from aircraft to control mosquito's over portions of the Borough of Highlands. The

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Borough does understand that all pesticides are registered with the NJDEP for aerial application by the State and the USEPA.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute agreement for said aerial surveillance and treatment program for the period of March 15, 2008 through November 30, 2008.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-08-102
RESOLUTION AUTHORIZING
REFUNDS OF UNUSED BULK PERMIT #1160
WYNANTE SEWELL
1 SCENIC DRIVE UNIT #1012**

WHEREAS, the Board Secretary has reviewed the bulk permit refund and has determined there is a remaining balance of \$20.00 and

WHEREAS, no further review is needed for this and the applicant has requested that his remaining funds be refunded to him.

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 Wynante Sewell the amount of \$20.00 for remaining unused bulk permit funds.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-08-103

RESOLUTION - DEFERRAL OF REGIONAL HIGH SCHOOL TAX

WHEREAS, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis; and

WHEREAS, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

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WHEREAS, it is the desire and intent of the Governing Body of the Borough of Highlands, County of Monmouth, to avail the Borough of the deferral as permitted by regulations promulgated by the Local finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

WHEREAS, fifty percent of the school tax levy of the Henry Hudson Regional School District is \$1,972,558.73.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands, County of Monmouth hereby authorize the Chief Financial Officer of the Borough to defer \$143,078.24 of school taxes as permitted by the aforementioned regulation.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-08-104
RESOLUTION SUPPORTING HIGHLANDS BUSINESS PARTNERSHIP
APPLICATION TO CDBG FOR GRANT – IMPROVEMENTS
TO VETERAN’S PARK**

WHEREAS, the Highlands Business Partnership (HBP) has identified a project for which they will submit an application to the Monmouth County Community Development Block Grant Program (CDBG) for funding; and

WHEREAS, this project is within the boundaries of Veteran’s Park in the Borough of Highlands; and

WHEREAS, the HBP advertised a public meeting to be held on May 05, 2008 during which the public had the time and opportunity to question and make comments and suggestions to the Partnership; and

WHEREAS, the Mayor and Council of the Borough of Highlands agree with the Highlands Business Partnership that the project is an excellent choice for the and will enhance the scope of and use of the park as well as help to bolster Economic Development within the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that it hereby does support the application of the Highlands Business Partnership in its application to CDBG for Improvements to Veteran’s Park.

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

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ROLL CALL:

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

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

**R-08-105
AUTHORIZING REFUND OF TAX OVERPAYMENT**

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

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

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

BLOCK	LOT	YEAR	AMOUNT	NAME
57	26	2007	\$26.01	Glenn B. & Jorgi Craig
10	7.06	2008	\$2196.33	Thomas Olassen
28	2007	\$832.04		Arthur Holzer & Margaret Schmidt

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

ROLL CALL:

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

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

**R-08-106
RESOLUTION AUTHORIZING REFUNDS OF ESCROW
ACCOUNTS FOR THE FOLLOWING DRIVEWAY IMPROVEMENTS**

WHEREAS, the Building Department Secretary and the CFO have reviewed the escrow accounts listed and has determined there is a remaining balance as listed; and

WHEREAS, no further review is needed for this and the applicants have requested that their remaining funds be refunded to them;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund the monies for remaining in those escrow accounts:

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NAME	BLOCK	LOT	ACCOUNT	AMOUNT
Corzac	94	15	9800-9835	\$308.50
Alvator	70	5	9800-9843	\$341.00
Dellert	75	4.01	9800-9849	\$121.50
Craig	57	26	9800-9851	\$ 99.50
Troccoli	80	20	9800-9853	\$122.75
Caizza	57	15	9800-9854	\$197.50
Brown	72	7.02	9800-9829	\$114.25
Long	96	3	9800-9833	\$153.50
Zambardi	83	7	9700-8-07-3	\$277.75
Izzo	78	5.1	9700-8-07-5	\$125.25
Tanglao	69	8	9700-8-07-9	\$ 64.75
Domings	71	4&5	9700-8-07-16	\$ 64.00
Shute	59	35	9700-8-07-2	\$ 71.00

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: Mr. Caizza

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

**R-08-109
RESOLUTION AUTHORIZING AGREEMENT WITH
HIGHLANDS BOARD OF EDUCATION**

WHEREAS, the Borough of Highlands Police Department police radio system has experienced communication problems; and

WHEREAS, in order to alleviate these problems, the Police Department has approached the Highlands Board of Education and requested permission to use the roof of their elementary school to erect and maintain a radio antenna in order to improve its communication capabilities; and

WHEREAS, the Highlands Board of Education has agreed to allow the use of the roof of the elementary school building at no cost to the Borough and has consented to enter into a mutual agreement granting the Borough a license for a period of one year and permission to erect and maintain a radio antenna on the roof of the elementary school building;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Mayor and Clerk are authorized to enter into an Agreement with the Borough of Highlands Board of Education to memorialize the terms and conditions as set forth above;

BE IT FURTHER RESOLVED that the Borough Clerk is directed to forward a certified true copy of this Resolution to the Highlands Board of Education and to the Highlands Police Department.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
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R-08-110**

**RESOLUTION APPOINTING TEMPORARY
FULL-TIME SUMMER EMPLOYEE WALLACE H. HARTSGROVE AND
BARRY J. MCKELLAR
FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, there exists the need to appoint a full time (temporary) summer help for the Department of Public Works; and

WHEREAS, the Borough Administrator recommends the appointment of Wallace H. Hartsgrove and Barry J. McKellar as Temporary Full-Time Employees for the DPW; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Wallace H. Hartsgrove and Barry J. McKellar are hereby appointed Temporary Full-Time Employees for the DPW; and

BE IT FURTHER RESOLVED that these appointments for Wallace Hartsgrove and Barry J. McKellar are effective May 27, 2008 and shall terminate on September 2, 2008 and compensation shall be set at \$12.00/hour without benefits.

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

ROLL CALL:

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

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

**R-08-111
RESOLUTION PROPERTY TAX CANCELATIONS**

WHEREAS, Block 21, Lot 5.01 located at 121 Navesink Avenue, was issued an added assessment bill for the 2006 and 2007 tax year; and

WHEREAS, the Tax Assessor, upon receipt of a certificate of occupancy, issued an added tax assessment using a September 30, 2006 completion date; and

WHEREAS, upon further review and clarification, the actual completion date of the structure should be stated as May 30, 2007;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, that the Tax Collector cancel taxes as follows:

BLOCK	LOT	AMOUNT	YEAR
21	5.01	\$2,375.42	2006
21	5.01	\$4,091.16	2007

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

ROLL CALL:

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

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NAYES: None
ABSENT: None
ABSTAIN: None

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

**RECAP OF PAYMENT OF BILLS
05 /21/08**

CURRENT:		\$ 566,690.19
Payroll	(05/15/08)	\$ 118,569.22
Manual Checks		\$ 36,053.36
Voided Checks		\$
SEWER ACCOUNT:		\$ 78,096.00
Payroll	(05/15/08)	\$ 6,238.73
Manual Checks		\$ 938.62
Voided Checks		\$
CAPITAL/GENERAL		\$ 465.25
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$ - 1,500.00
TRUST FUND		\$ 13,297.41
Payroll	(05/15/08)	\$ 1,280.00
Manual Checks		\$ 60.00
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$
Voided Checks		\$
GRANT FUND		\$
Payroll	(05/15/08)	\$
Manual Checks		\$
DEVELOPER'S TRUST		\$
Manual Checks		\$
Voided Checks		\$

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

Seconded by Mrs. Burton and approved for payment on the following roll call votes:

ROLL CALL:

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

Other Resolutions:

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

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

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BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-08-96
RESOLUTION AMENDING RESOLUTION 08-82
PROFESSIONAL SPECIAL COUNSEL
MCKENNA, DUPONT, HIGGINS & STONE**

WHEREAS, the Borough of Highlands adopted Resolution R-08-82 at a meeting held on April 16, 2008 awarding the above contract to McKenna, Du Pont, Higgins & Stone, 229 Broad Street, Red Bank, N.J. 07701 for an amount not to exceed \$2,500 plus reimbursable expenses for professional special counsel services for litigation related to a zoning ordinance; and

WHEREAS, ongoing litigation necessitates that this contract be amended for an amount not to exceed an additional \$2,500 for professional special counsel services for a total contract not to exceed \$5,000 plus reimbursable expenses; 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

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

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

ROLL CALL:

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

**BOROUGH OF HIGHLANDS
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Mayor Little read the following nominations into the record:

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

**R-08-107
APPOINTING ENVIRONMENTAL COMMISSION**

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

Andrew Stockton	3 years to expire 12/31/2010
Karen Jarmusz	3 years to expire 12/31/2010
Nancy Burton	3 years to expire 12/31/2010
David Dowds	2 years to expire 12/31/2009
Stephen Szulecki	2 years to expire 12/31/2009
Sharon Butler	1 year to expire 12/31/2008
Wanda Radowski	1 year to expire 12/31/2008
Greg Wells, Alternate Member	1 year to expire 12/31/2008

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

ROLL CALL:

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

NAYES: Mr. Caizza, Mr. Urbanski

ABSENT: None

ABSTAIN: None

Mrs. Burton resigned from her position of Member of Shade Tree Commission but requested that she be appointed a Council Liaison.

Mayor Little read the following Shade Tree Nominations:

Mr. Caizza expressed his tree removal concerns and stated that Mr. Fox is not doing a good job on the Shade Tree.

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

**R-08-108
RESOLUTION APPOINTING MEMBERS
OF THE SHADE TREE COMMISSION**

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following appointments be made to the Shade Tree Commission:

Laurel McSherry, Member
Frank Wallzien, Member
Tony Sloan, Alternate #1
Arnie Fuog, Alternate #2

BE IT FURTHER RESOLVED that all appointments shall be for the term of 1 year with an expiration date of December 31, 2008.

BE IT FURTHER RESOLVED that Nancy Burton shall be appointed Council Liaison for a one year term expiring 12/31/2008.

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

ROLL CALL:

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

NAYES: Mr. Caizza

ABSENT: None

ABSTAIN: None

Ordinance: 2nd Reading, Public Hearing, Adoption

Ordinance O-08-03

Mrs. Flannery read the title of Ordinance O-08-03 for the 2nd Reading and Public Hearing. She also stated that this ordinance was published in its entirety in the April 24th issue of the Courier.

Mayor Little opened up the public hearing on Ordinance O-08-03.

Tim Hill, Recreation Director questioned how it will impact the Borough and the schools as far as a budgetary impact.

Mayor Little, we are asking businesses to abide by a law the Borough would have to do the same.

Mr. Urbanski explained that part of the reason for this grease trap ordinance is to stop the grease from entering the sanitary sewer system which he further explained.

Mrs. Flannery stated that there were two minor amendments to this ordinance based on Mr. Oxley's recommendations. They are Section 4 subsection G needs to be amended to reflect EPA method 1664A. Section 5 subsection E, the first sentence of that needs to be eliminated.

Don Manrodt of 268 Bayside Drive stated that he believes this is a good ordinance.

Connor Jennings of 27 Ralph Street stated that the ordinance does not specify a maintenance section.

Mayor Little – in section 6 Grease Trap Maintenance Subsection D speaks of a cleaning log and its speaks of a cleaning once every four months

Connor Jennings stated that grease traps are fire hazards.

Roberta McEntee of Fifth Street asked who is going to enforce this ordinance.

Mr. Hilling explained that the Borough is looking at several options to include Mr. Murphy, the Health Department, the Plumbing Inspectors. We are putting our heads together to try to come up with a person who will do the job.

Roberta McEntee volunteered her services to monitor the restaurants.

Don Manrodt of 268 Bayside Drive stated that when the town has a sewer blockage the Sub Code should be notified to check out where that grease is coming from.

There were no further questions or comments from the public.

Mayor Little closed the public hearing on O-08-03.

Mrs. Flannery read the title of Ordinance O-08-03 for the third and final reading and adoption.

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Mr. Nolan offered the following Ordinance pass third and final reading and moved on its adoption 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 interceptor device commonly called a grease trap, which device 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.~~

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.

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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.

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

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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 1664A.

Section 5: Design Criteria

A: Construction

Grease traps shall be constructed in accordance with the Borough of Highlands 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.

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

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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

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

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.

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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 1st and September 1st 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.

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.

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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, Mr. Nolan, Mayor Little

NAYES: None

ABSENT: None

ABSTAIN: None

Ordinance O-08-04

Mrs. Flannery read the title of Ordinance O-08-04 for the second reading and public hearing. She stated that this ordinance was published in its entirety in the April 24th edition of the Courier.

Mayor Little opened up the public hearing on Ordinance O-08-04.

There were no public questions or comments therefore Mayor Little closed the public hearing on Ordinance O-08-04.

Mrs. Flannery read the title of Ordinance O-08-04 for the third and final reading and adoption.

Mr. Nolan offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O-08-04
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

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

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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, Mr. Nolan, Mayor Little

NAYES: None

ABSENT: None

ABSTAIN: None

Ordinance O-08-05

Mrs. Flannery read the title of Ordinance O-08-05 for the second reading and public hearing.

Mayor Little opened up the public hearing for ordinance O-08-05.

Chris Francy of 36 Fifth Street questioned if this street was opened up years ago and if something was not done properly and that is cause for this current work.

The Council did not have any knowledge about Mr. Francy's comments.

Mrs. Burton – on page two of the under the improvement sections, she wanted to know if we could add the bike path improvements.

Mayor Little – we could deal with this as a separate matter because this ordinance was already advertised.

Mrs. Burton stated that she wanted the bike path in the scope of the work this way T & M Associates would be kept on their toes during the design phase.

Mayor Little – T & M is on notice.

Mr. Venezia – yes.

Mayor Little – we need to deal with this under a separate item.

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Mr. Venezia – we will bring this before the Council to make sure their on board.

Mr. Hilling – how quickly can we prepare the specks for the this project for this bond ordinance.

Mr. Venezia – as soon as the bond ordinance is amended we can get authorized to complete the work within 60-75 days.

There were no further questions or comments from the public.

Mrs. Flannery read the title of Ordinance O-08-05 for the third and final reading and adoption.

Mr. Nolan offered the following Bond Ordinance pass third and final reading and moved on its adoption 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:

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:

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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 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.