

**Borough of Highlands
Mayor and Council
Combined Meeting
August 13, 2008**

Mayor Little called the Combined Meeting to order at 7:10 P.M.

Mrs. Cummins read the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Combined 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: Carolyn Cummins, Deputy Borough Clerk
Joseph Oxley, Esq., Borough Attorney
Bruce Hilling, Borough Administrator**

Executive Session Resolution:

Mrs. Cummins read the following resolution for adoption:

Mr. Caizza 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: Shadow Lawn vs. Highlands – Update from E. McKenna**
- 2.Contract Negotiations: PBA Contract Update**
- 3.Real Estate: Aqua Life, Clam Plant Lease, 126 Bay Ave**
- 4. Personnel Matters: Tax Clerk Position, CDL Medical Card Requirement,
Edward O’Neil Employment, Engineer Position**
- 5. Peter Mullen Litigation Expenses**

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:

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

Seconded by Mr. Nolan and 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

The Governing Body then entered into Executive Session.

Mayor Little Called the Regular Meeting back to order at 8:34 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

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Absent: None

Also Present: Carolyn Cummins, Deputy Clerk
 Bruce Hilling, Borough Administrator
 Joseph Oxley, Esq., Borough Attorney
 Joseph Venezia, P.E. Borough Engineers Office

Open Space Public Hearing:

Mayor Little announced that this item was a misprint on the agenda. She stated that there is a statement that will be made after public portion on agenda items.

Public Portion on Agenda Items:

Donald Manrodt of 268 Bayside Drive questioned why there were so many professional legal resolutions being adopted this evening.

Mayor Little explained the need for the different professional legal services.

Mr. Oxley commented on why there were different professional legal services.

Arnie Fuog of 50 Valley Street – no comment.

Chris Francy of 36 Fifth Street – questioned the contract that was being awarded tonight to Oswald for drainage services and wanted to know where they would be disposing of the material.

Mr. Hilling explained that disposal process that he is anticipating.

Chris Francy recommended that the Borough obtain a letter of understanding between Oswald and the DEP that it's ok to treat the spoils as non-contaminated.

Council briefly discussed and Mr. Hilling stated that he will look into this.

Chris Francy questioned the LGA Engineering Services Resolution that is on the agenda.

Mrs. Burton explained that we are seeking services from LGA Engineering to look into waterfront properties for acquisition for the upcoming Green Acres Grant and the Monmouth County Open Space Grant.

The Council further explained the professional engineering services for LGA Engineering.

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Mayor Little announced to the public that the Borough has just been awarded \$1,184,000 from the NJDOT Trust Fund for improvements to Highland Avenue.

Arnie Fuog of 50 Valley Street questioned the Aqua Life Support Resolution.

Mayor Little explained that its support for a shell fish distribution center to be placed in the Borough of Highlands and that there was a presentation on this matter at the last meeting.

Roberta McEntee of 55 Fifth Street expressed her concerns with the leasing of the clam plant.

Michelle Pezzullo of 115 Highland Avenue questioned the Open Space property research and process.

Mayor Little explained that the report that we would get from LGA is something that we would keep.

Michelle Pezzullo questioned the effect of a distribution center building in Highlands.

Mayor Little stated that it would be a big industrial site Aqua Life is looking for 2,400 square feet.

Michelle Pezzullo questioned the professional legal services resolutions that state “plus reimbursable expenses”.

Mrs. Burton explained that its standard language for professional resolutions.

Mayor Little explained that reimbursable expenses would have to be approved for payment via payment of bills.

Open Space:

Mrs. Burton stated that she and Mr. Hill are both working with Birdsall Engineering to look into three different waterfront properties. She stated that this process will require public hearings which will be noticed.

Mr. Hill commented on the public hearing process.

FEMA Meeting Announcement:

Mr. Venezia advised the public that there will be a meeting next Wednesday, August 20th here at town hall between 6-9pm. Representatives from FEMA will be available to answer questions from the residents.

Consent Agenda Resolutions:

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

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

**R-08-143
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

87 2 2008 \$1,599.03

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-08-144
RESOLUTION – OPEN SPACE TAX REFERENDUM**

BE IT RESOLVED by the Borough Council of the Borough of Highlands that the following Public Question for an Open Space Dedicated Tax be placed on the ballot for the election to be held on November 3, 2008:

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Should the Borough of Highlands initiate a policy to preserve open space, provide recreational opportunities by establishing an open space and preservation program? Contributions to this fund should be charged to property owners annually at the rate of **.005 cents (half of a cent)** per hundred dollars of assessed valuation and would be dedicated exclusively to the acquisition, conservation and maintenance of lands for open space and recreation preservation purposes.

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-08-145
RESOLUTION
RENEWING 2008-2009 LIQUOR LICENSE
FOR HIGHLANDS LANDING CORPORATION
LICENSE #1317-33-008-003**

WHEREAS, a Liquor License Renewal Application was filed for the year 2008-2009 for Liquor License 1317-33-008-003 Highlands Landing Corporation; and

WHEREAS, no objections were filed against the renewal of said license; and

WHEREAS, a Special Ruling to Permit Renewal of Inactive License was issued by the State of New Jersey, Department of Law & Public Safety, Division of Alcoholic Beverage Control on July 18, 2008.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Liquor License 1317-33-008-003 Highlands Landing Corporation be renewed for the period of July 1, 2008 to June 30, 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

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NAYES: None
ABSTAIN: None
ABSENT: None

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

**R-08-146
RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
STORM DRAIN SERVICES**

WHEREAS, bids were received on July 16, 2008; and

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

Responsive Bid was received as follows:

VENDOR

**1. OSWALD ENTERPRISES, INC.
P.O. BOX 126
BELFORD, N.J. 07718**

Bids were advertised as per N.J. State Statutes and affidavit of publication is on file in the Office of the Borough Clerk.

OSWALD ENTERPRISES, INC., P.O. BOX 126, BELFORD, N.J. 07718.

shall Furnish and Deliver the following as per Bid Proposal & Specifications dated July 16, 2008, said bidder being the Lowest Responsible Bidder.

DESCRIPTION

VENDOR

**PROVIDE STORM DRAIN
CLEANING AND SERVICE
FOR A TWENTY FOUR (24)
MONTH PERIOD**

**OSWALD ENTERPRISES, INC.
P.O. BOX 126
BELFORD, N.J. 07718**

WHEREAS, bids have been reviewed by the Purchasing Agent and and it is his recommendation that the contract be awarded to OSWALD

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ENTERPRISES, INC., P.O. BOX 126, BELFORD, N.J. 07718.

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

- 1. It hereby awards the contract for “Storm Drain Services” to Oswald Enterprises, Inc., P.O. Box 126, Belford, N.J. 07718.**
- 2. BE IT FURTHER RESOLVED, this contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44-20.5 et seq.**
- 3. BE IT FURTHER RESOLVED, this contract is open-ended pursuant to N.J.A.C. 5:30-11-10 with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase orders prior to each request for service.**
- 4. A certified copy of this resolution shall be provided by the Office of the Borough Clerk.**

- A) Purchasing Agent**
- B) Comptroller**
- D) All of the above bidders**

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-08-147
RESOLUTION APPOINTING PROVISIONAL
FULL-TIME TAX CLERK
DONNA CONRAD**

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WHEREAS, Marian Kuhlmeier has submitted her resignation as Tax Clerk; and

WHEREAS, advertisement was made and interviews conducted by the Borough Administrator and presented to the Governing Body for their review; and

WHEREAS, Bruce Hilling, Borough Administrator has recommended the appointment of Donna Conrad as Tax Collection Clerk (full-time) provisional; and

WHEREAS, the Governing Body of the Borough of Highlands agrees with that recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Donna Conrad be and hereby is appointed Tax Collection Clerk (full-time) provisional effective July 16, 2008; and

BE IT FURTHER RESOLVED that compensation for said position be set at \$25,500 per year with full benefits according to Borough Policy;

BE IT FURTHER RESOLVED that Donna Conrad has requested to waive medical benefits which she would be entitled to receive in six months from appointment date. Therefore Donna Conrad will receive compensation for an annual amount of \$5,500 in lieu of medical benefits to be paid in addition to her annual salary of \$25,500 effective six month after date of appointment.

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-08-148
RESOLUTION AUTHORIZING
REFUND OF SLOPE REVIEW FEE**

WHEREAS, the Building Department of the Borough of Highlands has reviewed the rolls and determined that certain monies are to be refunded by the Borough of Highlands to the individuals listed at the end of the Resolution; and

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WHEREAS, these certain individuals posted a \$400.00 deposit with the Borough of Highlands to obtain a Slope Review with T & M Associates ;

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Chief Financial Officer is hereby authorized to immediately refund the following individual \$400.00 for a Slope Review;

Robert Lee
Block 38 Lot 8
Account number 9700-8-07-21

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-08-149

**RESOLUTION AUTHORIZING AN EXTENSION OF TIME
FOR PAYMENT OF MUNICIPAL TAXES WITHOUT
INTEREST TO AUGUST 29, 2008**

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

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

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

1. That the Mayor and Council hereby authorize the extension of time for payment of the Municipal tax bills to August 29, 2008.
2. In the event that the tax bills are not paid by a resident on August 29, 2008 interest shall be retroactive to the August 1, 2008 due date.

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3. That the Borough Clerk shall forward certified copies of this resolution to the following:
 - A. Director, Division of Local Government Services
Department of Community Affairs
 - B. Tax Collector

Seconded by 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:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-08-150
RESOLUTION AMENDING RESOLUTION R-07-100
PROFESSIONAL SPECIAL COUNSEL
COLLINS, VELLA & CASELLO, LLC**

WHEREAS, the Borough of Highlands adopted Resolution R-07-100 at a meeting held on June 6, 2007 awarding the above contract to Collins, Vella and Casello, L.L.C. , 1451 Route 34 South, Suite 303, Farmingdale, N.J. 07727 for an amount not to exceed \$2,500 plus reimbursable expenses for special counsel services to assist the Governing Body for various planning issues; and

WHEREAS, ongoing litigation necessitates that this contract be amended for an amount not to exceed an additional \$437.50 for special counsel services for a total contract not to exceed \$2,937.50 plus reimbursable expenses; and

WHEREAS, the term of the contract has expired and the Governing Body desires to extend the term of the contract until June 30, 2008; 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: SFY 2008 Legal Budget

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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 Collins, Vella & Casello LLC are hereby retained to provide professional special counsel services as described above for an additional amount not to exceed \$437.50 for a total contract not to exceed \$2,937.50 plus reimbursable expenses. The term of the contract is extended until June 30, 2008.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-08-151
RESOLUTION PROFESSIONAL SPECIAL COUNSEL
COLLINS, VELLA & CASELLO, LLC**

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

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WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Collins, Vella & Casello, LLC, 1451 Route 34 South, Suite 303, Farmingdale, N.J. 07727 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 July 1, 2008 through June 30, 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

Stephen Pfeffer, Chief Financial Officer

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

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

5. The firm of Collins, Vella & Casello LLC are hereby retained to provide professional special counsel services as described above for an amount not to exceed \$2,500 plus reimbursable expenses.
6. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by 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:

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BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-08-152
RESOLUTION PROFESSIONAL LEGAL SERVICES
SCHIBELL MENNIE AND KENTOS LLC**

WHEREAS, the Borough of Highlands has a need for professional legal services for ongoing litigation; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Schibell, Mennie & Kentos, 1806 Highway 35 South, Oakhurst, N.J. 07755 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$2,500 plus reimbursable expenses for professional legal services provided to the Borough of Highlands for the period July 1, 2008 through June 30, 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

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:

9. The firm of Schibell, Mennie & Kentos are hereby retained to provide professional legal services as described above for an amount not to exceed \$2,500 plus reimbursable expenses.
10. 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.
11. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
12. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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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:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-08-154

**RESOLUTION AMENDING R-07-133
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LEGAL SERVICES
SCHIBELL MENNIE AND KENTOS LLC**

WHEREAS, the Borough of Highlands adopted Resolution R-07-133 at a meeting held July 18, 2007 awarding the above non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 for professional legal services to the firm of Schibell Mennie & Kentos, 1806 Highway 35 South, Oakhurst, N.J. 07755 for an amount not to exceed \$40,000 plus reimbursable expenses; and

WHEREAS, this contract is to be extended through July 18, 2008 for no additional funds; and

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:

13. Schibell Mennie & Kentos LLC are hereby retained to provide professional legal services through July 18, 2008.
14. 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.
15. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
16. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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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:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-08-155

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

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

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$64,000 plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands for the period July 1, 2008 through December 31, 2008; and

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

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

I hereby certify funds are available as follows contingent upon adoption of the SFY 2009 budget:

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Current Fund: General Engineering and Stormwater Management
Sewer Utility Fund: Other Expenses

Stephen Pfeffer, Chief Financial Officer

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

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

17. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$64,000 plus reimbursable expenses.
18. 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.
19. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
20. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

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

**R-08-156
RESOLUTION PROFESSIONAL BOND COUNSEL SERVICES
GIBBONS P.C.**

WHEREAS, the Borough of Highlands has a need for professional bond counsel services in connection with the authorization and issuance of bonds or notes; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Gibbons P.C., One Gateway Center, Newark, New Jersey 07102 – 5310 is so recognized; and

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WHEREAS, this contract is to be awarded for an amount not to exceed \$10,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period July 1, 2008 through December 31, 2008; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon adoption of the SFY 2009 municipal budget.

Legal
Water Sewer Utility

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:

21. The firm of Gibbons P.C. is hereby retained to provide professional bond counsel services as described above for an amount not to exceed \$10,000 plus reimbursable expenses.
22. 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.
23. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
24. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**Borough of Highlands
Mayor and Council
Combined Meeting
August 13, 2008**

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-08-157

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR SPECIAL COUNSEL SERVICES
APRUZZESE, McDERMOTT, MASTRO & MURPHY**

WHEREAS, the Borough of Highlands has a need for special counsel services for on going litigation related to the construction of the firehouse and other legal matters as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Apruzzese, McDermott, Mastro & Murphy, 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938 is so recognized; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$15,000 plus reimbursable expenses for special counsel services provided to the Borough of Highlands for the period July 1, 2008 through December 31, 2008, and

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

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

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows :

I hereby certify funds are available as follows contingent upon the necessary funds being appropriated by the governing body the SFY 2009 Municipal Budget:

Current Fund: Legal
Bond Ordinance O-98-11

Stephen Pfeffer, Chief Financial Officer

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

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

25. The firm of Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide special counsel services as described above for an amount not to exceed \$15,000 plus reimbursable expenses.
26. 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.
27. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
28. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-08-158

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL
ENGINEERING SERVICES
WATERFRONT SITE EVALUATION & GRANT ACQUISITION ASSISTANCE
LGA ENGINEERING, INC.**

WHEREAS, the Borough of Highlands has a need for professional engineering services for waterfront site evaluation for open space acquisitions and grant acquisition assistance; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of LGA Engineering, Inc., 750 Vasser Avenue, Lakewood, N.J. 08701; and

**Borough of Highlands
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WHEREAS, this contract is to be awarded for an amount not to exceed \$11,500 plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands per LGA Engineering Inc.'s proposal dated July 29, 2008 (waterfront site evaluation and grant acquisition assistance only) for the period August 13, 2008 through June 30, 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 contingent upon adoption of the SFY 2009 budget:

Current Fund: General Engineering

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:

29. LGA Engineering, Inc. is hereby retained to provide professional engineering services as described above for an amount not to exceed \$11,500 plus reimbursable expenses.
30. 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.
31. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
32. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**Borough of Highlands
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BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-08-160
RESOLUTION AMENDING RESOLUTION 08-59
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LEGAL SERVICES
JOSEPH OXLEY OF
THE FIRM SCARINCI & HOLLENBECK, LLC**

WHEREAS, the Borough of Highlands adopted Resolution R-08-59 at a meeting held on March 5, 2008 awarding the above contract to Joseph Oxley of the firm of Scarinci & Hollenbeck, LLC, 1100 Valley

Brook Avenue, P.O. Box 790, Lyndhurst, N.J. 07071-0790 for an amount not to exceed \$71,548.65 plus reimbursable expenses for professional legal services and other special counsel services for the period February 6, 2008 through December 31, 2008; and

WHEREAS, the Borough of Highlands wishes to appoint the firm Scarinci & Hollenbeck, LLC as labor counsel for the period July 1, 2008 through December 31, 2008 and amend said contract accordingly; and

WHEREAS, ongoing litigation and labor negotiations necessitate that this contract be amended for an amount not to exceed an additional \$43,450 for professional legal services and labor relations counsel and other special counsel services for a total contract not to exceed \$114,998.65 plus reimbursable expenses; and

I hereby certify funds are available as follows:

Current Fund: Legal
SFY 2008
Current Legal \$39,450.00
SFY 2009
Current Legal \$73,548.65
Sewer \$2,000.00

SFY 2009: contingent upon the necessary funds being appropriated by the Governing Body in the SFY 2009 municipal budget.

Stephen Pfeffer, Chief Financial Officer

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

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

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c.271; and

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:

33. Scarinci & Hollenbeck, LLC are hereby retained to provide professional legal services, labor relations counsel and other special counsel services as described above for an increased amount of \$43,450.00.
34. 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.
35. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
36. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

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

**R-08-161
RESOLUTION SUPPORTING
AQUA LIFE WITH THE DEVELOPMENT
OF A DISTRIBUTION CENTER**

**Borough of Highlands
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IN HIGHLANDS**

WHEREAS, the Borough of Highlands has been identified as a possible distribution gateway for Northeast America shell fish fishery and aquaculture by a Denmark based Seafood Company Aqua Life; and

WHEREAS, at a public meeting on July 16, 2008 a presentation of a distribution center was made by Aqua Life and it was favorably received; and

WHEREAS, such a distribution center would need to utilize facilities at or near Route 36 in the Borough of Highlands for easy truck access, departure and noise control; and

WHEREAS, such facilities could either be leased or sold to Aqua Life through the Borough or other private sources.

NOW, THEREFORE BE IT RESOLVED that Highlands Borough hereby commits to assisting Aqua Life with the development of the distribution center and specifically to assist Aqua Life obtain the necessary facilities to make the project a reality for the good of all of Highlands Borough.

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 Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
08/13/08**

CURRENT:		\$ 658,221.67
Payroll	(07/30/08)	\$ 289,070.02
Manual Checks		\$ 690,119.07
Voided Checks		\$
SEWER ACCOUNT:		\$ 81,748.27
Payroll	(07/30/08)	\$ 12,294.36
Manual Checks		\$ 4,166.66
Voided Checks		\$

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CAPITAL/GENERAL	\$	6,187.31
CAPITAL-MANUAL CHECKS	\$	45,769.05
Voided Checks	\$	
TRUST FUND	\$	18,330.51
Payroll (07/30/08)	\$	8,100.00
Manual Checks	\$	2,975.98
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	688.52
DOG FUND	\$	
Manual Checks	\$	74.40
GRANT FUND	\$	12,023.33
Payroll (07/30/08)	\$	3,187.19
Manual Checks	\$	
DEVELOPER'S TRUST	\$	722.74
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 vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Other Resolutions:

Mrs. Cummins read the following Resolutions for approval:

The Governing Body had a discussion about the renewal of the Claddagh Liquor License and the written request from the Licensee to remove the special conditions.

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Mrs. Cummins explained that Mr. Jamgochian was not able to appear tonight to speak about the removal of special conditions.

Mayor Little – since the Licensee is not here this evening to speak about this we can renew the license with the Special Conditions attached.

Mr. Caizza expressed his concerns with this establishment having a teen night.

The Governing Body continued to discuss this liquor license and the problems with teen night.

Detective Robert Burton of the HBP spoke to the Council about the amount of police calls to this site. He stated that on behalf of Chief Blewett he is here to endorse his denial of the removal of the special conditions.

The Governing Body discussed not allowing teen nights in the Borough and directed the Borough Attorney to look into this.

Mayor Little asked that the license be renewed with the Special Conditions and that we can speak about the other issues with Mr. Jamgochian at the next Council Meeting.

Mr. Oxley stated that he will review the issues of teen night for the next meeting.

The Governing Body continued to discuss this license further.

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

**R-08-153
RESOLUTION
RENEWING 2008-2009 LIQUOR LICENSE
FOR CLADDAGH OF HIGHLANDS, LLC
LICENSE #1317-33-003-007**

WHEREAS, a Liquor License Renewal Application was filed for the year 2008-2009 for Liquor License 1317-33-003-007 Claddagh of Highlands, LLC; and

WHEREAS, no objections were filed against the renewal of said license; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Liquor License 1317-33-003-007 Claddagh of Highlands, LLC be renewed for the period of July 1, 2008 to June 30, 2009.

BE IT FURTHER RESOLVED that this renewal is subject to the following Special Condition:

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1. Required to provide two bouncers when there is a band playing with two or more band members playing.

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

ABSTAIN: None

ABSENT: None

Mrs. Cummins read the title of the following Resolution for adoption:

HIGHLANDSNJ.COM

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**INSERT RESOLUTION R-08-159
HERE**

HIGHLANDSNJ.COM

**Borough of Highlands
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HIGHLANDSNJ.COM

Ordinances: 2nd Reading & P.H. & Adoption:

Ordinance O-08-07

Mrs. Cummins read the title of Ordinance O-08-07 for the second reading and public hearing.

Mayor Little asked if there were any questions or comments from the public but there were none; therefore the public hearing was closed.

Mrs. Cummins read the title of Ordinance O-08-07 for the third and final reading and adoption.

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

O-08-07

**Borough of Highlands
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**ORDINANCE AMENDING CHAPTER III OF
THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF HIGHLANDS AND MORE
PARTICULARLY SECTION 2-40
LOCAL REGISTRAR OF VITAL STATISTICS**

WHEREAS, the Borough sets the fees for obtaining various vital statistic records and for certified copies of these records the costs of producing same has increased and therefore the cost of these copies should increase;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Highlands that Chapter 2-40 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

Section 2-40-15 Fees shall be amended as follows:

c. Certified copy fees for birth, marriage and death certificates shall be ~~five (\$5.00) dollars~~ fifteen (\$15.00) dollars due upon application for it.

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 of 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 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

Ordinance O-08-08

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

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Mrs. Burton explained that our fees have not been increased in years and the current fees were not covering the Borough's cost.

Mayor Little asked if there were any questions or comments from the public.

Don Manrodt of 268 Bayside Drive questioned the fingerprinting and photographing and how it would affect the VFW.

Mrs. Burton explained that State requirement for photo cards for liquor licensed establishments. She said that we can revisit that VFW and American Legion fees for this.

There were no further questions or comments from the public; therefore the public hearing was closed.

Mrs. Cummins read the title of ordinance O-08-08 for the third and final reading and adoption.

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

**O-08-08
ORDINANCE AMENDING CHAPTER III OF THE REVISED
GENERAL ORDINANCES OF THE
BOROUGH OF HIGHLANDS
AND MORE PARTICULARLY CHAPTER VI
ALCOHOLIC BEVERAGE CONTROL**

WHEREAS, the Borough sets the licensing fees for various liquor licenses; and

WHEREAS, the State allows these fees to be increased within the parameters set by the State as long as the increase does not exceed 20%; and

WHEREAS, the Borough needs to increase these license fees to help defray the salary and benefit costs in the Borough;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Highlands that Chapter VI Alcoholic Beverage Control 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

Section 6-3.4 License Fees; Maximum Number shall be amended as follows:

The annual license fees and maximum number of licenses for the sale of distribution of Alcoholic Beverages in the borough shall be as follows:

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Class of License	Amount of License	
Plenary Retail Consumption	\$720.00	<u>\$864.00</u>
Plenary Retail Distribution	\$540.00	<u>\$628.00</u>
Club License	\$100.00	

SECTION TWO

The following new section shall be added:

The fee for the issuance of an identification card as set forth in Section 6-6.1 shall be twenty (\$20.00) dollars for the Borough fee and the State fee, which is currently thirty (\$30.00) dollars, as it may be revised in the future.

SECTION THREE

Section 6-6.2 Fingerprinting and Photographing Requirements shall be amended to add the following new provision:

Persons under the age of 18 shall be fingerprinted to obtain an identification card but shall be exempt from Borough fees not State fees.

SECTION FOUR

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 FIVE

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

SECTION SIX

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

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

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NAYES: None
ABSENT: None
ABSTAIN: None

Ordinance O-08-09

Mrs. Cummins read the title of Ordinance O-08-09 for the second reading and public hearing.

Mayor Little asked if there were any questions or comments from the public but there were none; therefore the public hearing was closed.

Mrs. Cummins read the title of Ordinance O-08-09 for the third and final reading and adoption.

Mr. Nolan offered the following Ordinance for Adoption and Publication according to law:

**O-08-09
ORDINANCE AMENDING CHAPTER III OF THE
REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHLANDS
AND MORE PARTICULARLY CHAPTER IV
LICENSING-GENERAL**

WHEREAS, the Borough sets the mercantile licensing; and

WHEREAS, cost and paper work involved in processing these licenses has increased significantly requiring an increased license fee; and

BE IT ORDAINED, by the Borough Council of the Borough of Highlands that Chapter IV Licensing-General 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

Section License Fees; Transfers shall be amended as follows:

The fee for a mercantile license shall be ~~twenty-five (\$25.00) dollars~~ fifty (\$50.00) dollars. On transfer of the location of the licensed business to a new location within the borough, or on sale of a business within the borough, a license may be transferred within its current term on amendment of the information contained in the application for license and payment of a transfer fee of ten (\$10.00) dollars.

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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 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

Ordinance O-08-10

Mrs. Cummins read the title of Ordinance O-08-10 for the second reading and public hearing.

Mayor Little asked if there were any questions or comments from the public.

Chris Francy of 36 Fifth Street stated that there is a typo in the ordinance on the first page second to last sentence we need to add \$21.00 for a non-altered cat. He then spoke about the feral cat problems in the Borough and questioned the fact that the Borough is increasing the fees which may discourage people from licensing their cats.

Mayor Little spoke about dealing with the feral cat problems by having a spay and neuter clinic which she further explained. She stated that we would look into this further.

Don Manrodt of 268 Bayside Drive asked if the Borough could enforce the requirement for cat licenses.

Mr. Hilling stated that he would look into a possibility of hiring someone for go around the town.

Roberta McEntee of Fifth Street spoke about the cost to deal with picking up feral cats. She also spoke about the amount of work and time it takes for her daughter Kerry Gowan, Animal Control Officer to deal with removal of cats. She stated that people need to call Kerry Gowan when they see people feeding feral cats.

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The Governing Body continued to speak about feral cats in town.

Unidentified Man spoke about another town that picks up the cats and get them fixed then returns them to their pick up spot.

Donald Manrodt of 268 Bayside Drive suggested that when people register for their c/o they should be required to list if there are pets.

Bernadine Harford of 168 Highland Avenue suggested that a pet census be done perhaps it could be a summer job for a teenager.

There were no further questions or comments from the public; therefore the public hearing was closed.

Mrs. Cummins read the title of Ordinance O-08-10 for the third and final reading and adoption and stated that there is a correction on page one, last paragraph to add \$21.00 fee for non-neutered cats.

Mr. Nolan offered the following Ordinance for Adoption and authorized its publication according to law:

**O-08-10
ORDINANCE AMENDING CHAPTER III OF THE
REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHLANDS
AND MORE PARTICULARLY CHAPTER V
LICENSING OF DOGS**

WHEREAS, the Borough sets the licensing fees for dogs and cats; and

WHEREAS, State allows these fees to be increased ; and

WHEREAS, the Borough needs to increase these license fees to help defray the costs of the rabies clinic and costs of supplies and salary and benefit costs in the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Highlands that Chapter V Licensing of Dogs 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

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Section 5-2.5 Fees; shall be amended as follows:

The person applying for a license shall pay a fee of ~~six dollars and eighty (\$6.80) cents~~ eighteen (\$18.00) for each dog that is neutered and twenty-one (\$21.00) for non-neutered dogs. Such person shall also pay any registration fee, population control fee, or other fee required by the State of New Jersey. The New Jersey population control fee shall only be charged for non-spayed/neutered animals. The owner of any dog may, if the license tag is mislaid, lost or stolen, procure a duplicate tag upon the payment of one (\$1.00) dollar.

SECTION TWO

Section 5-14.1 Licensing shall be amended to change the following license fees:

Every person, firm or corporation that owns, harbors or keeps a cat more than six months of age on January 1 of any year, or six months of age within the license year, shall annually or within 30 days from the date such cat becomes six months of age, obtain a license for each cat from the borough clerk. The license year shall commence on July 1 and end on the following June 30. Such cat license, if paid on or before September 1, shall be ~~eight (\$8.00) dollars~~

eighteen (\$18.00) dollars for each altered cat and ~~eleven (\$11.00) dollars~~ twenty-one (\$21.00) dollars for non-neutered cats. An increased fee of two (\$2.00) dollars per cat license shall be paid by all persons purchasing cat licenses after September 1 or more than three months after such cat becomes six months of age. Each applicant for a cat license shall present a valid Certificate of Vaccination fund of the borough.

SECTION THREE

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 FOUR

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

SECTION FIVE

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

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

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ABSENT: None

ABSTAIN: None

Other Business:

Borough Engineer Status Report

Mr. Venezia stated the following:

Road Improvements

Highland Avenue NJDOT Trust Fund Grant – the Borough just received notice that we did receive \$1,184,000 for Highland Avenue. That project includes resurfacing, curb replacement, sidewalk replacement also drainage upgrades. It also includes a portion of Valley Avenue and Miller Street.

Mr. Caizza informed Mr. Venezia that there are a couple of bad spots on Highland Avenue. The walls like 69 Highland Avenue is collapsed in two spots. He thinks that before we start working we should be sending these people letters and tell them that we are redoing the street but that we are not repairing their walls, it's their responsibility.

Mayor Little – I agree with Mr. Caizza.

Mr. Nolan – we should document the walls with photographs before construction.

Mr. Venezia – okay and we can also work with the Construction Official to send them a notice that it's a safety condition.

Woodland Street Reconstruction Proposal – he reviewed the T & M Associates August 8, 2008 proposal and stated that they are proposing linking this with the Shore Drive project. It may push us back time wise for the Shore Drive project. He asked the Council what direction they wanted to go . They could improve this with Highland Avenue if the Council desires.

Mr. Hilling – I think that we need to go ahead with Shore Drive as soon as possible and the Council agreed.

Mayor Little – so we are good with moving forward with Shore Drive but I think that we are going to hold off on Woodland Street so that we can include it with Highland Ave.

Mayor Little then spoke about the need to get the traffic off of Route 36 so we are talking about increasing capacity over the water for transporting people from the mainland over to the beach. There have been discussions at the Freehold level. We have discussed here at the Council about doing some work on Bayside Drive for local traffic only and it would require significant

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enforcement. She has asked the DOT if there were grants available for us to do the work at Bayside Drive, she will advise of any feedback.

Shore Drive Resurfacing – he discussed the T & M Associates letter dated 8/2/08 regarding Shore Drive Resurfacing and he stated that the plans are substantially complete and they have looked into the traffic calming. At this point we feel the best way is to put it back basically as it is now and not proceed with the traffic calming. We previously looked into a one-way on Shore Drive and Bay Ave and there were significant problems. Speed humps had problems with the Emergency Response so he thinks it's best to put it back as is. So if the Council is okay with that then we can go ahead and get that out to bid in about two weeks so we can award at the September Meeting. The bike path would be put back basically as it is now and he thinks that it becomes an enforcement issue. We don't really have space to create an additional bike path. He explained that the borough is really limited in terms of what we can do.

Mrs. Burton expressed her dissatisfaction with this and expressed her desire to have a clear bike path on Shore Drive and she stated that alternate side parking may work. ‘

Mr. Venezia explained that Mrs. Burton's ideas would not affect the design it would only affect the signage on the street.

Governing Body continued to discuss the road improvements with the engineer.

Mr. Caizza explained that he did not think the bike path was used often.

Mrs. Burton suggested no parking from dawn to dusk on the northbound side of shore drive and her desire for an unobstructive bike lane which she discussed with the Council.

Mr. Nolan offered a motion to authorize the Borough Engineer to move forward with the Shore Drive project, seconded by Mr. Urbanski and all were in favor.

Mayor Little directed the Borough Engineer to work with Mr. Caizza, Mr. Urbanski and Mrs. Burton with regard to the bike lane and to keep the Council advised.

Mr. Urbanski brought up adding Waddell, Rogers and S. Linden Avenue as an overlay.

Mr. Venezia – he will provide a cost estimate to the Council for Rogers, Waddell and S. Linden Avenue to just mill and overlay them.

Mr. Venezia reviewed the following Engineers Status Report:

HGHL-G0801

August 7, 2008

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

Mr. Bruce Hilling
Borough Administrator

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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. **FEMA Flood Zone Map Revisions:** We have contacted FEMA and scheduled a Public Information Meeting for August 20, 2008 at Borough Hall from 6:00 P.M. to 9:00 P.M. Representatives from FEMA will be in attendance to answer questions regarding the revised mapping.
2. **Stormwater System Cleaning:** We have developed the on-going maintenance schedule and are coordinating with DPW regarding the results of the maintenance work performed. We are also reviewing the capital improvements required for the drainage system.
3. **Community Center Playground/Sports Courts Improvements:** We met with the contractor to address several remaining pavement repair areas prior to final project closeout. This repair work is scheduled for later in August after the completion of the summer programs.
4. **Valley Avenue Slope Repairs:** At the last Council meeting, the Council decided to make repairs to the sewers in this area that are believed to be the significant cause of the current erosion and monitor the slopes for erosion as the slopes have been stabilizing with the growth of new vegetation.
5. **Bayside Drive Slope/Roadway Repairs:** We will have completed a preliminary cost estimate and discussed same with Mayor and Council at the July 16, 2008 Council meeting. Several of the design assumptions used in the estimate may be subject to change based upon the input of affected property owners. We will be meeting with the property owners to discuss the current scheme and potential modifications.

Capital Improvement Projects

1. **Washington Avenue Phase II:** The contract was awarded to F&P Construction, South Amboy, NJ. The contractor has completed the work, including the punchlist items. We have submitted initial closeout documentation to receive the remaining 25% of the NJDOT grant associated with this project.
2. **Basin Eight Sanitary Sewer Rehabilitation Project:** The contract portions of the project for all three proposals have been completed. We are in the process of closing out Proposal "A". We have requested the grant money from AHHRSA for these projects.
3. **Hillside Avenue between Portland Road and South Bay Avenue:** Construction has been completed on this project and we are coordinating completion of final punchlist issues. As part of this project, the sanitary sewer line was also replaced.
4. **Basin Two Sanitary Sewer Rehabilitation Project:** We have prepared a design to implement the recommended improvements outlined in the initial investigation report. The design of this

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project is complete and has been sent to the Borough for signature and authorization to bid. This project is on hold due to funding. We are coordinating with the Chief Financial Officer regarding evaluation of the sewer budget and rate study and anticipated future capital improvement costs.

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 \$185,200.00 in funding for this project. We have submitted a proposal for design and contract administration services for this project. The proposal includes providing an emergency generator for the Municipal Building as an alternate bid item. We will be resubmitting this proposal with some modifications to the project scope and fee.

2. **FY2008 NJDOT Municipal Aid – Shore Drive:** The Borough has received funding in the amount of \$210,000.00 for the rehabilitation of Shore Drive between Miller Street and Waterwitch Avenue. We have begun design of this project. This office has also prepared a revised proposal and updated construction cost estimate for consideration by Council to include Woodland Street (a.k.a. Upper Miller Street) from Prospect Street down to Highland Avenue. The project would be bid out as one contract to achieve an economy of scale.

3. **FY 2009 NJDOT Municipal Aid – Waterwitch Avenue:** As requested by Mayor and Council, this office prepared the grant application for Waterwitch Avenue, between Route 36 and Bay Avenue, and the application was submitted via the state's electronic grant system (SAGE). The requested grant amount was \$193,660.00.

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

Very truly yours,

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

JOSEPH R. VENEZIA, P.E., C.M.E.
PRINCIPAL ENGINEER

Tom Kavookjian

Mrs. Cummins – Mr. Kavookjian is supposed to be present this evening to speak to the Council.

Mayor Little offered a motion to table this matter and carry it to the next meeting because Mr. Kavookjian was not present, seconded by Mrs. Burton and all were in favor.

American Legion Social Affairs Permit for Event on September 6, 2008

Mr. Caizza offered a motion to approve the American Legion Social Affairs Permit, seconded by Mr. Nolan and all were in favor.

Road Vacation Request - Fred Rosiak

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Mr. Hilling stated that Mr. Rosiak was not present this evening but is asking for a vacation for a small piece of property and the question is do we want to him to proceed with a presentation.

Mr. Caizza expressed his concerns with this request.

Mrs. Burton explained that this is not the same request that he previously requested it's been downsized.

Mr. Urbanski expressed his objection to this vacation request.

Mayor Little – Mr. Rosiak needs to come and explain this request. She then advised the Borough Administrator that if Mr. Rosiak does not come in to discuss this then this is not going to be addressed. If Mr. Rosiak does not appear at the next meeting then this is off the agenda.

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

Approval of Minutes

Mr. Nolan offered a motion to approve the July 16, 2008 Minutes, seconded by Mrs. Burton and all were in favor.

Public Portion:

Larry Thorner of 88 Highland Avenue was happy about the Highland Avenue Road Project and wanted to be included in looking at the Shore Drive Road Project Plans.

Mayor Little – those items should be available at Borough Hall through the Borough Administrator.

Larry Thorner expressed his frustration with the buses recently be routed through Highlands Avenue. He stated that he does not ride his bike on Shore Drive because of the Stop Signs which he feels is dangerous. He does not think that bikers will ride on Shore Drive.

Debbie Thorner of 88 Highland Avenue questioned the schedule for the bridge openings.

Mr. Hilling they are now doing it now once every hour.

Debbie Thorner spoke about dangerous trees and who to contact about that.

Mrs. Burton directed the Ms. Thorner to contact Dawn Horniacek, Secretary at Borough Hall.

Maureen Kraemer of 200 Portland Road spoke about the guardrail on Portland Road that she is concerned about and also the portion of the road that needs to be repaved.

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Mr. Hilling asked Ms. Kraemer to meet with him tomorrow to show him the area on Portland Road.

Roberta McEntee of Fifth Street wanted the status of the enforcement of the new grease trap ordinance.

Mayor Little informed her that she recommends that she take the Grease Trap Ordinance around to all of the businesses and educate them about it. She stated that a week later Mr. Murphy will go around and issue summonses for non compliance.

Donald Manrodt of 268 Bayside Drive questioned the upcoming FEMA Meeting and appeal process.

Mr. Venezia explained that there is still a 9/9/2008 deadline for FEMA.

Donald Manrodt questioned the bike lane from Atlantic to Highlands to Highlands and he stated that heard Atlantic will not finish it. He then stated that he wants to know when the Shade Tree Commission Meetings are. He then questioned the tax rate in Highlands.

Mrs. Burton advised Mr. Manrodt to submit a letter of request to the Shade Tree and drop it off a borough hall to be scheduled on an agenda.

Mayor Little explained that the budget has not been introduced yet.

Chris Francy of 36 Fifth Street questioned the budget and the spending rate of the Council.

Mayor Little explained the budget process to Mr. Francy.

Mr. Francy – the Environmental & Shade Tree Commission Meeting Schedules need to be posted to inform the public.

Mrs. Burton explained that they are in the process of getting the Commissions Meeting Schedules.

Mr. Francy questioned the siren sounds.

Ken Braswell stated that they were placed on the website today.

Arnie Fuog of 50 Valley Street stated that after the Clam Fest grease stains were left at the site and he requested that it be cleaned up.

Mayor Little directed the Borough Administrator to take care of that.

Michelle Pezzullo of 115 Highland Avenue was not present during the public portion.

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Donald Manrodt of 268 Bayside Drive complained about there not being any cops at the Clam Fest at Waterwitch and Shore Drive. He explained about the need for Police to be there to direct traffic.

Mayor Little asked Mr. Caizza to speak to the Chief of Police about this.

Rebecca Kane of 194 Linden Avenue suggested that handicapped parking be provided for the Clam Fest.

Mayor Little – we will talk about that at the next event meeting.

Lori Ann Bodnar Nolan of 65 Snug Harbor Avenue stated that there is designated handicap parking by the bank for the Clam Fest.

Tim Hill stated that it's an enforcement issue.

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

The Meeting adjourned at 10:39 P.M.

CAROLYN CUMMINS, DEPUTY CLERK

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