

**Borough of Highlands
Mayor and Council
Workshop Meeting
September 3, 2008**

Mayor Little called the Meeting to order at 7:17 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 Workshop 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
Stephen Pfeffer, CFO
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.Litigation: Schultz Litigation, The Goldman Matter**
- 2.Contract Negotiations: PBA Contract**
- 3.Real Estate: Aqua Life, Depuration Plan Lease**
- 4. Personnel Matters: Borough Engineer, Retirees**

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.

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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 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

Mrs. Burton stated that she would like to request that if the Engineer from Birdsall can make it she would like for him to be able to come into Executive Session to speak about purchasing real estate.

Mayor Little – let's wait to see if he arrives and then entertain a motion.

The Governing Body then entered into Executive Session.

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Mayor Little called the Meeting back to order at 8:35 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
Stephen Pfeffer, CFO
Joseph Oxley, Esq., Borough Attorney

Resolution Appointing K-9 Officer Dedr

Dedr was brought into the Meeting Room.

Mrs. Flannery read the following Resolution R-08-162 for approval:

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

**R-08-162
RESOLUTION APPOINTING
K9 OFFICER DEDR**

WHEREAS, with funds collected through the **Drug Enforcement Demand Reduction** project, the Borough of Highlands Police Department was able to create a K9 Unit; and

WHEREAS, Officer Matthew Chesek and his partner **DEDR** have successfully trained for three months at Narcotics Detection Scent School; and

WHEREAS, Officer Chesek and **DEDR** continue to train with the Port Authority to help the Highlands Police Department fight drug crime within the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that it does hereby appoint **DEDR** as **K9 Officer DEDR** and introduces to the citizens of the Borough of Highlands **Officer Matthew Chesek and K9 Officer DEDR**.

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

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NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Little welcomed Officer Dedr.

The children in the audience then posed for a photograph with Officer Dedr.

Chief Blewett thanked the Governing Body for the K-9 Unit opportunity.

Medal of Valor – Lt. Armenti, Ptl. Ruth & Det. Burton

Mayor Little Administered the Medal of Valor to Lt. Armenti, Ptl. Ruth and Det. Burton. She then spoke about the efforts made by these Officers during an incident. She then read letters about Lt. Armenti,, Ptl. Ruth & Det. Burton about a fire incident that occurred on April 11, 2005. She then spoke about recognizing these three officers for their efforts.

Chief Blewett then further described the fire incident that occurred on April 11, 2005 and the response that these officers made to this fire.

Open Space Waterfront Presentation – Vote of Selection of Block/Lot

Mrs. Burton explained that what is going to happen now is that we are going to have a presentation from Andrew Reikel, of LGA Engineering who has extensive experience with waterfront engineering. At the last Council Meeting the Council voted to hire this firm to do a study on three semi-available waterfront properties to tell us which property would be most beneficial to us to go forward with some grants for acquisition to improve our recreation uses in town. She described some possible recreation uses.

Andrew Reikel, Marine Engineer of LGA Engineering then gave a lengthy presentation about three particular sites in Highlands and how they might be acquired and developed for waterfront recreation He then described the sites on the visual presentation as being block 43 lot 1, Block 56 Lot 12, Block 66 Lots 12 & 13. The criteria for evaluating these sites is are they suitable for public use on the waterfront, seconded criteria is what's their fiscal value and operational costs, third item is the feasibility how could you develop them, finally compatibility how are they compatible with their neighbors. He stated that there were particular goals that the Borough wanted which were a boat ramp and a public pier. He then described his findings of the study for each of the three properties. The property known as Block 56 Lot 12 next to waterfront park (Miller Street) we would remove that existing building there and build a walk way that connects to the existing walkway out in front of the new property and landscape that area, continue to use the on street parking, have a pathway up to the promenade and that's it. Those improvements run around a quarter of a million dollars. Take that existing dock and use it as a fishing pier and its transient marina slips, it's not envisioned as an overnight facility. The second alternative for this site is to keep that building out over the water and build a gazebo over it, keep the transient slips and the fishing, promenade is still there and add a kayak launch to the beach there,

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landscaping and off street parking proposed and the price for these improvements is around a half a million. The third plan is adding a water taxi stop to the second plan and to take off the end of the gazebo and make an ADA accessible gangway, then you go onto a barge and this

alternative cost is almost \$800,000. This is the only site that he can see a boat ramp happening which he further explained. So we build a boat ramp in that existing basin and use the existing pier for fishing and that's essentially the improvement, a little over a quarter of a million dollars, its \$217,000 for that option. He further described the options for block 56 lot 12. He stated that he ranked all three properties and block 56 lot 12 raked the highest of the three. His recommendation is to pursue grant money for block 56 lot 12.

Mrs. Burton mentioned that this property is adjacent to the Borough owned parking lot. She spoke about a kayak launch on Miller Beach and commented about the uses for block 56 lot 12. She spoke about grants that could be applied for acquisition and improvements.

The Governing Body discussed the possible uses that were discussed and questioned Mr. Reikel about the presentation. They discussed charging fees for small boat and jet ski launches.

Mayor Little explained to the public that a presentation is being made so that the Council can vote this evening on choosing a particular site that we want to pursue and then later on during the meeting we will set a public hearing date at which time we will discuss alternatives for uses at the site that we have chosen.

Mr. Reikel spoke about public restrooms – any improvements made will be governed by the DEP and so the only requirements for restrooms they have are for marinas.

Mrs. Burton stated that she believes that restrooms will most likely be one of our goals.

Mr. Caizza offered a motion to recommend block 56 lot 12, 2 Private Road, seconded by Mr. Nolan and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSTAIN: None

Mrs. Burton then requested that Mr. Reikel forward the Borough a hard copy of his presentation this evening and he said that he would.

Approval of Payment of Bills:

Mrs. Flannery stated that the payments of bills are available in the Clerk's office for anyone wishing to review them and that they are on for approval.

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

**RECAP OF PAYMENT OF BILLS
09/03/08**

CURRENT:		\$ 50,149.16
Payroll	(08/30/08)	\$ 286,473.73
Manual Checks		\$ 119,554.91
Voided Checks		\$
SEWER ACCOUNT:		\$ 1,489.76
Payroll	(08/30/08)	\$ 13,839.99
Manual Checks		\$ 5,308.38
Voided Checks		\$
CAPITAL/GENERAL		\$ 52,552.55
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$
TRUST FUND		\$ 8,939.79
Payroll	(08/30/08)	\$ 13,860.00
Manual Checks		\$ 5,911.00
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$
Manual Checks		\$
GRANT FUND		\$ 12,628.40
Payroll	(08/30/08)	\$ 1,189.95
Manual Checks		\$
DEVELOPER'S TRUST		\$ 825.51
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 Mr. Nolan and approved on the following roll call vote:

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ROLL CALL:

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

Committee Reports:

Finance Dept

Mr. Pfeffer, CFO gave a report to the Council about the budget and the budget process. He explained that he and the Mayor have spent a lot of time going over the budget and the Council has come up with some ideas that they are working on and how it would impact the budget. He stated that he is still waiting for the pension numbers to come from the State, so we are still on a hold mode as far as the budget. He thinks that there are some complex issues that the Council is working on which may delay the budget further. The budget process is going pretty smoothly and now it's just a matter of shaping up the numbers and getting numbers from the State. He stated that our surplus and collection are stable but we did lose some State Aide in the amount of \$122,683. We had some problems on the revenue side due to dropping interest rates on investments and that was about \$75,000. So all and all we are working forward and we will get there and hopefully we will have a good budget for the Borough.

Mr. Nolan – we are looking to reduce expenses and to increase revenues and looking at some existing borough leases.

DPW Department

No report was given on this department.

Public Safety

Chief Blewett gave his report for last month about the clam fest and neighborhood watch meetings and patrol started at the end of July. He spoke about recent trips that were sponsored by the Police Dept. He stated that the Police will be at both schools during the mornings and at

dismissal times as part of the ____ program. He then spoke about the number of calls for service and arrests for the month of July 2008. He stated that the department is working on implementing the id cards for liquor licensed establishments.

Mr. Caizza – Dave Parker of the O.E.M. and the Fire Department have been watching the weather and we may have a storm on late Friday or Saturday. He spoke about the preparations that the Fire Department and OEM are doing to prepare for this storm.

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Mayor Little directed the Borough Administrator that in addition to the OEM preparations that he look at the storm drain management and make sure that everything is the way we left it and if not that we do something about it.

Building & Housing

Mr. Caizza stated that he talks to Paul Murphy, Code Enforcement Officer every day and he is doing his job. He spoke about some specific property code situations.

Mr. Nolan stated that Dave Parker and _____ cleaned up one of the property code situations.

Mayor Little – we need to move on the vacant buildings in town and this should be an agenda item for the next meeting.

Mr. Nolan stated that the zoning that he and Mr. Urbanski are working on has some language to address some of Mr. Caizza's concerns.

Parks & Recreation

Mrs. Burton thanked the Borough Officials and Employees for keeping the parks in order throughout the summer and for signage replacement. She stated that she will be working on irrigation and plantings at Miller Street and _____. She stated that she and Mr. Hill are actively working on grants.

Mr. Hill- stated that it was a great summer and there were 130 children that participated in the seven week program. He spoke about possible future classes that he is working on. He also spoke about senior vouchers for the Farmers Market. Kids fishing derby is set up for this Sunday. He also spoke about other recreational programs.

Chief Blewett spoke about the National Night Out and he stated that attendance was moderate but it was outstanding.

Highlands Business Partnership

Carla Cefalo-Braswell stated that our new bulkhead signs have been installed. She thanked all of the volunteers for their hard work during the Clam Fest. Their total income for the Clam Fest was \$43,603 and our total expenses were \$34,791 and they only invoice they haven't received yet was the propane bill which should only be about \$1,000. Twin Lights Bike Ride Event is coming up September 28th, October Fest will be October 4th and we have completed their Community Development Block Grant Presentation on August 27th. They gave a proposal for underground utilities and _____. They will be talking about the Downtown Business Improvement Zone Loan for a half a million dollars at a zero percent interest rate in the near future.

Mayor Little asked how much Mrs. Braswell gets paid for her work for the HBP.

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Mrs. Braswell – zero.

Mayor Little asked the Borough Administrator if Mrs. Braswell is receiving any money from the Borough of Highlands for this economic work.

Mr. Hilling – she is not.

Other Business:

Teen Night

Mr. Oxley – at the last meeting there was a brief discussion about an item that comes up in town regarding one or two liquor establishments running teen nights. He took a look and he has a rough draft of an ordinance but he is looking for some guidance from the Governing Body on it. Some towns do set a limitation on the number of teen nights and some don't. He has prepared a rough draft ordinance that would limit the amount of teen nights to two per year and it would require at least a 48-hour prior advance notice to the Chief of Police by the establishment. The State regulation does state that unless a minor is in a liquor licensed establishment with an adult there not supposed to be there when liquor is being sold. The proposed ordinance does prohibit the intermingling of minors with alcohol beverages during these teen nights. At this point he feels comfortable finalizing this ordinance and getting it to the Clerk for introduction at the next meeting.

Mr. Urbanski – I thought that we were just not going to allow teen nights.

Mr. Oxley – we can do that.

Chief Blewett agreed with Mr. Urbanski which he further explained.

Mr. Nolan agreed.

Mr. Oxley stated that he can amend the ordinance.

Chief Blewett questioned what about 18 to 21 year olds?

Mr. Oxley – they are supposed to check ID's at the door and those folks that are underage are not supposed to be going into the establishments if they are under 21.

Council further discussed teen night with Chief Blewett and Mr. Oxley.

Mayor Little – it's the consensus of the Council to prohibit teen nights. She then directed the Borough Attorney to put together an ordinance prohibiting teen nights.

Capital Improvement Projects & Engineering Proposal

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Mr. Venezia, P.E. of T & M Associates – at the last Council Meeting the Council asked us to look at the condition of four roads South Linden, Rogers Street, Waddell Unnamed Right of Way (continuation of S. Linden Avenue to Route 36). He described the proposal cost as being \$240,000 plus \$28,000 for Engineering. These roads could be included in the Shore Drive project bid and have it go out to bid as one project.

Mr. Pfeffer – we would have to come up with 5% cash for the bond ordinance and he believes that we would have it. He explained the Bonding Note process for this. He would need authorization from the Council to move forward with the bond ordinance.

Council discussed bonding with Mr. Pfeffer and the improvements with Mr. Venezia.

Mr. Hilling advised the Mayor that he has been receiving complaints from the Eastpointe residents about the road condition of the road leading down from there.

Mayor Little – Orchard Street we will have to begin looking into it.

Mr. Caizza offered a motion to authorize the CFO to have a bond ordinance prepared for these road improvements, seconded by Mr. Nolan and all were in favor.

Mr. Venezia- I need authorization to move forward with the design.

Mr. Pfeffer – the Council can not authorize the engineer until the bond ordinance becomes effective.

Mr. Venezia – Shore Drive is pretty much ready to go

Mr. Pfeffer, Shore Drive bond ordinance is in place.

Mr. Venezia was advised to hold off until the bond ordinance was done.

Credit Card Proposal

Mr. Hilling – Mrs. Burton approached me about allowing the residents to utilize credit card for payment of their tax bills. So we researched it and were contacted by Two Rivers Bank and we have met with the bank about this. He thinks the best option is to start off with is to have it available to have residents come to the window to pay for their sewer or tax bill. Later, once we get settled in we can start with card payments over the internet.

Mr. Pfeffer – he send the contract to the Borough Attorney to review. He then spoke about this credit card proposal and fees associated with this process. He has requested that the bank comply with the Pay to Play requirements and he has not heard back. He is hoping that the

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Borough Attorney has had time to review the contract and if there are changes that he would like made, that he get them to the processor to make those changes. The other issue is who is going to pay for this and that's where processing fees come into play. We can have a convenience fees for anyone who pays by credit card would have to pay extra to use that card to offset our cost. We would have to buy the machine. Intentionally we were going to do taxes but not sewer because that would be a more complicated machine because those funds can't be comingled.

The Council had a discussion about allowing credit card payments for taxes.

Mr. Pfeffer – this proposal is for Master Card and American Express but it does not take Visa. The Borough has to review the contract and the Vendor has to comply with Pay to Play. Once Mr. Oxley reviews the contract then he can come up with a resolution for this and the convenience fee.

Mr. Oxley wants to research if we need to go out for Request for Proposals for this.

The Governing Body continued to discuss the credit card service proposal.

Mayor Little wanted to know if the Council wanted to go forward.

Mr. Nolan and Mrs. Burton want to move forward.

Mr. Urbanski and Mr. Caizza did not support credit card payments.

Mayor Little was in favor so the Borough will pursue this.

Meeting Date Change & Set P.H. Date for Green Acres

Mrs. Flannery – we are going to change the Council Meeting date from September 17th to September 24th because a Green Acres Hearing needs to be held during a Regular Meeting and to meet the publication deadlines we need to change the date to September 24th.

Mr. Nolan offered a motion change the September 17th Meeting Date to September 24th to accommodate a Green Acres hearing, seconded by Mrs. Burton and all were in favor.

Set Public Hearing Date for Open Space Hearing Grant (September 15th)

Mr. Hill – this is for the acquisition of block 56 lots 12 & 13

Mr. Nolan offered a motion to schedule a public hearing for the Monmouth County Open Space Hearing for September 15th at 1:00 P.M. at the Highlands Community Center, seconded by Mr. Caizza and all were in favor.

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Mayor Little then left the meeting.

Public Portion:

Mr. Nolan opened up the public portion.

Patricia Robertson of 101 Shore Drive – thanked the Council for having the FEMA meeting.

Mr. Oxley – they have authorized the County Council to review this and to hire an engineer. He believes that in the next couple of weeks there may be a lawsuit filed to prohibit FEMA from going ahead until they at least come up with further information and justification for redoing the maps as opposed to fixing the levies and fixing the infrastructure that is out there to stop the flooding.

Patricia Robertson – is there a way that we can ride on the Counties coat tails without spending money.

Mrs. Burton explained that the County could forward us a resolution that we could put on the agenda.

Mr. Oxley stated that the Council could authorize the Mayor to send a letter to the Board of Chosen Freeholders supporting their initiative.

Patricia Robertson asked if there any communication with Verizon about Wi Fi being installed.

Mr. Nolan explained there is a sender repeater on Shore Drive and we are pursuing this.

Paul Mazzella of 330 Shore Drive Unit C-15 advised the public about an upcoming Zoning Board Hearing Knox 400.

Tara Ryan of 17 Ocean Street was not present.

Bernadine Harford of 168 Highland Avenue was not present.

Conor Jennings of 27 Ralph Street was not present.

Lori Ann Bodnar-Nolan of 51 Waterwitch Avenue spoke about the upcoming Breast Cancer Walk. She is seeking approval to have the Breast Cancer Walk, the route for the walk would be on Shore Drive and Bay Avenue. Starting and ending at the Robert D. Wilson Memorial Community Center on October 26th. The safety issues have been discussed with Chief Blewett and he has given approval for that route.

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

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Roberta McEntee of 55-B Fifth Street – stated that she gave the Council papers on the sewer but she forgot to give the last page. She spoke about keeping a record of how often we have to call to have the sewers pumped out so that we can focus on concentrating on the call areas and focus on the restaurants in that area so you'll know where to go.

Mayor Little thanked Ms. McEntee for all of her efforts in informing all of the businesses about the grease trap ordinance. She also advised the Borough Administrator that she does agree that the Borough should be keeping track of the service calls.

Chris Francy of 36 Fifth Street questioned why we have two Borough Engineers here tonight.

Mayor Little explained why they were both Joseph Venezia and Dale Leubner of T & M Associates were both present this evening.

Ken Braswell of 62 Gravelly Point Road passed on his opportunity to speak.

Donna O'Callahan of South Bay Avenue questioned the pump at the end of S. Bay Ave Beach.

Mr. Hilling – T & M wants to look at redesigning the whole South Bay pump. There are some issues that require it to be redesigned.

Mr. Venezia explained that there are two issues one is with regard to the pump itself and the separate issue is with the generator. The generator itself there was discussion a while back about the fueling source of natural gas or diesel. The Borough wants to go with diesel and that's what we will do.

Donna O'Callahan wanted to know the size of the diesel tank and the location it will be in.

Mr. Urbanski – generally the tank is contained in the generator unit itself which he further explained.

Mr. Venezia – right now we don't have a design and we will figure this out during the design. Typically diesel tanks are located below the actual generator itself.

Council briefly discussed the concerns of Ms. O'Callahan.

There were no further questions from the public.

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

The Meeting adjourned at 11:23 P.M.

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CAROLYN CUMMINS, DEPUTY CLERK

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