

**Mayor and Council
Regular Meeting
September 24, 2008**

Mayor Little called the meeting to order at 7:15. P.M.

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

Absent: Mrs. Burton

Also Present: Nina Light Flannery, Borough Clerk
Bruce Hilling, Borough Administrator
Bruce Pedula, Esq., Acting Borough Attorney

Resolution for Executive Session

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: M & R**
- 2.Contract Negotiations: PBA Local 48, Sanitation Dept.**
- 3.Real Estate: Depuration Plant Lease**
- 4. Personnel Matters: Update on Retirements, Request for Stipend Employees**
- 5. Minutes: Executive Sessions**

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

BE IT FURTHER RESOLVED that no portion of this meeting shall be electronically recorded unless otherwise stated; and

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
- 4. Deals with collective bargaining, including negotiation positions.**
- 5. Deals with purchase, lease or acquisition of real property with public funds.**
6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.

**Mayor and Council
Regular Meeting
September 24, 2008**

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. Caizza and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mrs. Burton

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Little called the Regular Meeting back to order at 8:31 P.M.

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

ROLL CALL:

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

Absent: Mrs. Burton

Also Present: Nina Light Flannery, Borough Clerk

Bruce Hilling, Borough Administrator, Bruce Padula, Esq.

Robert R. Keady, Borough Engineer; Dale Leubner, Borough Engineer;

Marty Truscott, Borough Planner; Barry Marrell, Esq., Special Counsel;

Joseph Blewett, Chief of Police; Timothy Hill, Recreation Director

Green Acres Public Hearing

Mayor Little announced the first item on the agenda is the Green Acres Public Hearing. The Clerk announces that this public hearing was advertised in a display ad in the Asbury Park Press on September 8, 2008.

Mayor Little recognizes Mr. Tim Hill to conduct the Green Acres public hearing.

Mr. Hill explains that tonight we are here to conduct the public hearing for the Borough of Highlands 2008 Green Acres Application. This year we are seeking funding to acquire Block 56, Lots 12 & 12.01 known as 2 Private Road, Highlands, NJ. The public hearing was advertised in accordance with Green Acres Program and noted by the Borough Clerk.

As many people are aware, this process began actually not within the past couple of months but for the past couple of years. The fruition between the Master Plan and the Open Space recreational planning that we've been doing, one of the things that was highly identified was recreational and open space along the waterfront. How could we preserve and perhaps better use those types of facilities, should they become available? Basically, at the Council Meeting that

**Mayor and Council
Regular Meeting
September 24, 2008**

was held on September 3, 2008, an Open Space presentation was done with regards to three parcels along the water front . The Governing Body chose that evening to proceed with this block and lot.

Mayor Little opens the public hearing for the purpose of discussion on the Acquisition Hearing on Block 56 Lot 12 & 12.01 or 2 Private Road, Highlands, NJ. Mayor Little asks the public to please raise their hand to be recognized and state their name and address for the record.

Roberta McEntee

55B Fifth Street - Is curious to find out the amount of property that we are looking to take over. The park that is on the left side of Miller Street. This is the first summer in many many years that so many people that have used the beach. The gazebo is an asset to the beach and the beach was kept immaculate the whole summer and she hope this new parcel won't take away from that.

Mr. Hill adds that this is an acquisition grant application and the first part of any parcel is or project is acquiring it. The area is approximately .53 acres. It does sit between two already owned municipal lots, the association lot and the Miller St. beach. It should not have a negative impact on Miller St. Beach.

Mayor Little adds that at this time there are no specific plans that she is aware of or that have been brought to this table for utilization of this property.

Lori Dibble

33 Paradise Park – How much has the Borough spent so far on this project?

Mr. Hill explains that in preparation of this project, the Borough has expended approximately \$11,000.00. This was to move forward with the grant application and for the presentation that was made at a previous meeting. To date that is what has been spent to his knowledge.

Chris Francy

36 Fifth Street –m there are several resolutions on the agenda related to this application. He is not sure what other monies the town is being committed for with this project. He thought this started out being 100% grant funded.

Mayor Little explains that there has been authorization for the \$11,000 which would allow the preparation of the specifications and the grant application. It is a custom for there to be some monetary outlay on the part of the borough in the initiation of grant applications. One of the resolutions, # 8 on the agenda R-08-171 which I believe is authorizing an Open Space Property Acquisition outlay on the part of the Borough. Another resolution #9 on the agenda R-08-172 is a resolution authorizing or enabling the borough to make an application for Green Acre funds. The Temporary Capital Budget Appropriation for Land Acquisition is required for the Borough to begin these grant applications. So far all those actions taken with the exception of the \$11,000 appropriation are in anticipation of the grant applications that we indicated would fund this project.

Mr. Franck, so do I understand you correctly that you are getting an authorization of the \$736,000 which would then be paid back?

Mayor Little, which would then be funded by grant money. We have to reserve the money aside. We then apply for the grants. I don't believe we spend the money without receiving the grants.

Mr. Hill adds that on R-08-171, a Grant Application made to the Monmouth County Open Space Program. That application was authorized prior but tonight the resolution is going forward. There is a required match of \$250,000.00 and we can apply for a maximum of \$250,000.00 through the County Open Space Grant. The next resolution he is referring to is to authorize the Governing Body to seek funding from Green Acres on a State level that will hopefully balance out or exceed what we require. He does not believe anyone on the Council ever represented that there would never be any public funds spent on this issue.

**Mayor and Council
Regular Meeting
September 24, 2008**

Mr. Francy adds that he is not suggesting that \$11,000.00 here or \$12,000.00 for engineering fees is the money we're talking about but that we will acquire the land without a large outlay by the town.

Mayor Little adds that is what we plan. In the one grant we have to indicate that there is a match by the Borough but there is a second grant that we are applying for that does not have that requirement or is minimal.

Mr. Francy asks if the Borough Council is in a situation where they will have to spend the \$760,000 outlay in order to save the property until the grants are obtained.

Mayor Little explains that Mrs. Burton is working on plans with governmental entities that may handle that situation for the borough.

Donna O'Callahan
29 S. Bay Avenue – Would the town Council consider loosing the property rather than make the large investment.

Mayor Little answers that she does not believe they are faced with that necessity. They have made no decision about that.

Lori Dibble
32 Paradise Park – the town has already spend \$11,000.00 in engineering fees but there is also another \$6,000.00 in appraisal fees.

Mr. Hill explains that that is a reimbursable fee through the grant. He gives the website information to the audience.

Mayor Little explains that the programs that we are applying to for grant money are very well managed.

There being no further questions on this subject, Mayor Little closes the Public Hearing portion of this meeting.

Public Portion on Agenda Items:

S. Cassidy of 7 Kay Street had no question on the agenda items.

Michelle Pezzullo of 115 Highland Avenue questioned Resolution R-08-174 and what area of the road did this cover.

Mr. Leubner explained the portion of roadway and the grant application that was submitted.

Mayor Little spoke about the Highland Avenue project and the funding being provided by the NJDOT.

Michelle Pezzullo continued to question the Highland Avenue Roadway Project and Mr. Leubner responded to her questions.

Mayor Little stated that it is the intent of the Borough Council as discussed in prior meetings to address the curbing, the sidewalks, and the retaining walls. Some walls are on private property, which require a different process, which she further explained. We will get as much done as we possibly can in the project period and anything not addressed in that project period is going to have to carry over until the process for private property allows it to be completed.

Michelle Pezzullo stated that it could be an interesting exercise to use Highland Avenue and Shore Drive as model streets for underground electricity.

**Mayor and Council
Regular Meeting
September 24, 2008**

Mayor Little – agreed with her perception but stated there is an expense involved in that and explained that we need to do that when we are ready for that expenditure which she further explained.

John Bentham of 39 Washington – was not present to speak.

Lori Dibble of 32 Paradise Park questioned R-08-175 the Resolution authorizing the award of engineering services for Master Plan Amendments. She questioned the changes that were going to occur to the Master Plan and commented that they are very large changes.

Mayor Little explained that the changes discussed were recommendations from the Council that have been formally discussed at the Planning Board level to try to solidify the business district along Bay Avenue and to allow for some changes in zoning at the Huddy Park area and the legal requirements to allow for a tax abatement opportunity to residential home owners in certain sections of the town in the Borough to reduce density in multi-family dwellings and that is where the focus is.

Lori Dibble continued to question the Master Plan Changes and Mayor Little responded by explaining the process.

Connor Jennings of 27 Ralph Street questioned Resolution R-08-166 authorizing the purchase of a dump truck and he wanted to know if that was a replacement truck or a new vehicle added to the fleet.

Mr. Urbanski – it's a new vehicle added to replace two retired vehicles.

Peter Dickerson of 174 Linden Avenue stated that he did not have any questions.

Donna O'Callaghan of 29 S. Bay Avenue passed on her turn.

Richard Gill of M & R Mechanical, 17 Bay Avenue stated that they are the General Contractors for the Fire House on Shore Drive. He stated he came here to discuss and address the issue of with regard to the driveway apron. His concern is that since the issue became an issue they have reached out on numerous occasions to both the Borough and the Representative to try to resolve this matter. He discussed the driveway apron deficiencies and that they are not M & R's responsibilities to incur which he further explained. He questioned resolution R-08-178 that is on to cancel their contract. He said that they are looking for answers and they are looking to resolve this matter. He stated that there are design deficiencies and the Borough has not responded to them.

Mayor Little – stated that she cannot answer any of this but the Special Attorney Mr. Marrell could possibly answer them.

Barry Marrell, Esq. responded that the statements made by Mr. Gill are not correct. He then explained that they went through the mediation process and the issues were not resolved and not because the Borough was not willing to settle but because M & R essentially came up with no proposal to settle. He then described the mediation discussions that occurred and that the fault lies with M & R Mechanical because they did not make the contraction joint cuts within 12-hours of the pour which is required by the standard and that is the reason why the concrete apron cracked. He said that there were other surface deficiencies within the concrete apron and that is only one aspect of the project. He then commented on the other claims made by the Borough against M & R that have not been responded to. They have not heard a concrete proposal from M & R to settle the matter and that leaves us with no choice other than to remove the concrete apron that exists and to replace it and that is what this resolution is intended to do.

**Mayor and Council
Regular Meeting
September 24, 2008**

Rich Gill – I am so confident with my statement that he is willing to sit back down with T & M and Frank Tomaino and a Mediator to recant word for word what occurred in each occurrence which he further explained.

Mayor Little explained that the Borough has to speak through Legal Council because we have hired him to represent us and we have to be guided by the advice of Legal Council.

Mr. Marrell explained that he is not aware of any agreements made with Mr. Gill and that he is not aware of any concrete proposals made by Mr. Gill.

Mr. Gill and Mr. Marrell continued to discuss this matter.

Mr. Gill, Sr. also commented on this matter.

Bruce Padula stated that the public portion at this time is on agenda items and we started discussing the item on the agenda which was the resolution terminating the contract but the discussion has broadened outside the scope of what this public discussion should be about. He recommends that the Borough Council move on at this time.

Mayor Little – you have made your comments on the record. She then thanked them for stating their concerns on this item.

Both Mr. Gills further commented for the Council to go back to mediation on this matter.

Consent Agenda Resolutions:

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

Mr. Caizza offered a motion to move on the consent agenda.

Mr. Nolan offered a motion to move on the consent agenda with the removal of Resolution R-08-178 and hold it for 30-days. This motion failed for a lack of a second on the motion.

Mayor Little – we will return to the initial motion on the adoption of the consent agenda in its present format, second by Mr. Urbanski and approved on the following roll call vote:

ROLL CALL:

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

The following resolutions were on the Consent Agenda;

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

**R-08-163
RESOLUTION REQUIRING COMPLIANCE WITH
VEHICLE SAFETY ACT OF 1986**

WHEREAS, the Commercial Motor Vehicle Safety Act of 1986, Section 12005 (8), specifically states “Employers may require –

- (A) issuance of a certification of fitness to operate a commercial motor vehicle to each person who possesses such test; and
- (B) such person to have a copy of such certification in his or her possession whenever such person is operating a commercial motor vehicle.”; and

WHEREAS, in the interest of Public Safety, the Borough of Highlands believes

**Mayor and Council
Regular Meeting
September 24, 2008**

such a policy should be implemented for all Borough employees who maintain a Commercial Drivers License (CDL);

NOW, THEREFORE, BE IT RESOLVED that effective October 1, 2008 all Borough employees who maintain a CDL will be required to have on their person a certificate of fitness signed by a medical doctor while operating a Borough Vehicle;

BE IT FURTHER RESOLVED that the Borough will provide the medical examination required for the certification of fitness at no cost to the employee.

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

ROLL CALL:

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

NAYES: Mr. Nolan

ABSENT: Mrs. Burton

ABSTAIN: None

Mr. Caizza offered the following and moved its adoption:

BOROUGH OF HIGHLANDS

COUNTY OF MONMOUTH

**R-08-165
TEMPORARY CAPITAL BUDGET**

WHEREAS, the Borough of Highlands desires to constitute the SFY 2009 Temporary Capital Budget of the Borough of Highlands by inserting therein various capital projects,

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Highlands as follows:

Section 1. The SFY 2009 Temporary Capital Budget of the Borough of Highlands is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget Borough of Highlands County of Monmouth, New Jersey				
Projects Scheduled for SFY 2009 Capital				
Project	Estimated Costs	Improvement Fund	Other Funds	Debt Authorized

Various Road Improvements				
R-09-02	\$280,000	\$14,000	\$10,000	\$256,000

Section 2. The Borough Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, within three days after the adoption of these projects for the SFY 2009 Temporary Capital Budget, to be included in the SFY 2009 Permanent Capital Budget as adopted.

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

ROLL CALL:

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

NAYES: Mr. Nolan

ABSENT: Mrs. Burton

ABSTAIN: None

R-08-166

Mayor and Council
Regular Meeting
September 24, 2008

**RESOLUTION AUTHORIZING AWARD OF CONTRACT TO VENDOR(S) WITH
STATE CONTRACT FOR ONE (1) MASON DUMP TRUCK**

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

1. In accordance with the requirements of the Local Public Contracts Law
N.J.S.A. 40A:11-12 et seq., and the regulations promulgated thereunder, the following purchase
without competitive bids from vendor(s) with State Contract is hereby approved.

ITEM # 1

VENDOR

SANSONE MOTORS FLEET	STATE CONTRACT # A71093
900 ROUTE 35 SOUTH	AMOUNT \$ 34,763.00
OCEAN, N.J. 07712	

DESCRIPTION

ONE (1) 2008 FORD MASON DUMP TRUCK WITH PLOW
FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Chief Financial Officer of the Borough of Highlands has
certified that adequate funds for such contract are available, and are designated to
line item appropriation of the official budget no. M.C.I.A. A copy of the said
certification is attached hereto and made a part hereof and the funds to be expended
herein are assigned to line item no. M.C.I.A. A copy of the within resolution and
certification shall be certified by the Borough Clerk.

2. The Borough Attorney is satisfied that the availability of funds has been
provided and a copy of the within resolution shall be made a part of the file
concerning said resolution and appointment.

2008 M.C.I.A. - \$ 34,763.00

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

- A. Purchasing Agent
- B. Comptroller
- C. Bruce Hilling, Administrator
- D. Vendor

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

ROLL CALL:

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

Mr. Caizza offered the following and moved its adoption:

R-08-167
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL APPRAISAL SERVICES
2 PRIVATE ROAD

WHEREAS, the Borough of Highlands has a need for professional

**Mayor and Council
Regular Meeting
September 24, 2008**

Appraisal Services for the appraisal of 2 Private Road (Block 56, Lot 12 and 12.01) as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, for Green Acres properties two (2) appraisals are required; and

WHEREAS, such professional appraisal services can only be provided by licensed professionals and the firms of **Gagliano Appraisal, LLC, 1129 Broad Street, Shrewsbury, NJ 097702** and **Johnson Realty Services, P.O. Box 434, Sea Girt, NJ 08750** are so recognized; and

WHEREAS, these contracts are to be awarded for an amount not to exceed \$3,200 for Johnson Realty Services and \$3,000 for Gagliano Appraisal, LLC for the appraisal of 2 Private Road; and

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

Certification of funds is contingent upon adoption of
*Emergency Temporary Appropriation #2
Resolution R-08-170
Capital improvement-Acquisition of Property*

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. Gagliano Appraisal, LLC (\$3,000) and Johnson Realty Services (\$3,200) are hereby retained to provide professional appraisal services as described above for an amount not to exceed \$6,200.00.
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 Mr. Urbanski and adopted on the following roll call vote:

ROLL CALL:

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

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

**RESOLUTION APPOINTING PROBATIONARY OFFICER
GEORGE ROXBY TO POLICE OFFICER I**

WHEREAS, George Roxby has completed his training period with the Highlands Police Department; and

WHEREAS, successful completion of the Probationary phase of the position of Officer with the Department and recommendation by Chief Blewett that the Officer be continued on the Department indicates to the Governing Body that the Officer would be an asset to the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Probationary Officer George Roxby be and hereby is appointed Police Officer I of the Highlands Police Department effective August 16, 2008.

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

ROLL CALL:

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

NAYES: Mr. Nolan

ABSENT: Mrs. Burton

ABSTAIN: None

Mr. Caizza offered the following and moved its adoption:

**R-08-169
TEMPORARY CAPITAL BUDGET**

WHEREAS, the Borough of Highlands desires to constitute the SFY 2009 Temporary Capital Budget of the Borough of Highlands by inserting therein various capital projects,

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Highlands as follows:

Section 1. The SFY 2009 Temporary Capital Budget of the Borough of Highlands is hereby constituted by the adoption of a schedule to read as follows:

Project	Projects Scheduled for SFY 2009			Debt Authorized
	Estimated Costs	Capital Improvement Fund	Other Funds	
Acquisition of Open Space L-09-01	\$800,000	\$40,000		\$760,000

Section 2. The Borough Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, within three days after the adoption of these projects for the SFY 2009 Temporary Capital Budget, to be included in the SFY 2009 Permanent Capital Budget as adopted.

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

ROLL CALL:

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

Mayor and Council
Regular Meeting
September 24, 2008

NAYES: Mr. Nolan
ABSENT: Mrs. Burton
ABSTAIN: None

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

R-08-171
RESOLUTION AUTHORIZING MAYOR ANNA C. LITTLE
TO MAKE APPLICATION TO THE OPEN SPACE TRUST FUND
FOR \$250,000.00 TO FUND THE ACQUISITION OF 2 PRIVATE ROAD

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Highlands desires to obtain County Open Space Trust Funds in the amount of \$250,000 to fund the acquisition of *2 Private Road, Highlands, NJ 07732, Block 56, Lot 12 & 12.01*; and

WHEREAS, the total cost of the project including all matching funds is \$739,000.00; and

WHEREAS, the Borough of Highlands will be holder of any interest acquired with County Open Space Trust Funds.

NOW, THEREFORE, BE IT RESOLVED BY BOROUGH COUNCIL THAT:

1. Mayor Anna Little is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and
2. The Borough of Highlands is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Mayor Anna Little is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

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

ROLL CALL:

AYES: Mr. Caizza, Mr. Urbanski, Mayor Little
NAYES: Mr. Nolan

Mayor and Council
Regular Meeting
September 24, 2008

ABSENT: Mrs. Burton
ABSTAIN: None

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

R-08-172
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Highlands desires to further the public interest by obtaining funding in the amount of \$189,133.75 from the State to fund the following project(s):

2 Private Road, Highlands, NJ 07732
Block 56 Lots 12 & 12.01

NOW, THEREFORE, the governing body/board resolves that Anna Little or the successor to the office of the Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE BOROUGH COUNCIL

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as *2 Private Road, Highlands, NJ 07732, Block 56 Lots 12 & 12.01*
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$567,401.25;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

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

ROLL CALL:

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

**Mayor and Council
Regular Meeting
September 24, 2008**

Mr. Caizza offered a motion to move on the adoption of the following Resolution:

**R-08-173
RESOLUTION
AUTHORIZING REFUND
OF ZONING BOARD ESCROW FUNDS**

WHEREAS, the Zoning Board Secretary of the Borough of Highlands has reviewed the records and has determined that certain monies are due and payable by the Borough of Highlands to certain applicants; and

WHEREAS, the Zoning Board Secretary recommends the immediate reimbursement of the remaining funds collected by the Borough of Highlands in the amounts listed below: and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Chief Financial Officer is authorized to immediately refund and pay the remaining funds listed below to the applicants listed below.

Sendowski, Oren	\$750.00	#9500-9-5-08	Block 43 Lot 6
Magrans, Michael	\$1,500.00	#9500-9-9-07	Block 46 Lots 2/3

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

ROLL CALL:

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

NAYES: Mr. Nolan

ABSENT: Mrs. Burton

ABSTAIN: None

Date: September 24, 2008

NINA LIGHT FLANNERY
Borough Clerk

I, _____, Clerk/Deputy Clerk, do hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on September 24, 2008.

**Mayor and Council
Regular Meeting
September 24, 2008**

INSERT R-08-174

HIGHLANDSNJ.COM

Mayor and Council
Regular Meeting
September 24, 2008

Mr. Caizza offered the following and moved its adoption:

R-08-175
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
TO PREPARE CHANGES TO THE MASTER PLAN
T & M ASSOCIATES

WHEREAS, the Borough of Highlands has a need for professional engineering services to prepare changes to the master plan 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 may exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$15,000 plus reimbursable expenses per T & M Associates proposal dated September 24, 2008 for Professional Engineering Services for the preparation of amendments to the Master Plan provided to the Borough of Highlands for the period of one year; and

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

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

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

I hereby certify funds are available from _____

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. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$15,000 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 Mr. Urbanski and adopted on the following roll call vote:

Mayor and Council
Regular Meeting
September 24, 2008

ROLL CALL:

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

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

R-08-176
RESOLUTION APPOINTING BOROUGH ENGINEER

WHEREAS, on January 1, 2007 Robert Bucco, P.E. of the firm T&M Associates, 11 Tindall Road, Middletown, NJ 07748 was appointed Borough Engineer of the Borough of Highlands; and

WHEREAS, Robert Bucco, P.E. is no longer with T&M Associates and the Borough of Highlands desires to continue using a professional engineer associated with that firm;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Robert Keady, P.E. be and hereby is appointed Borough Engineer of the Borough of Highlands for the unexpired term of Robert Bucco, P.E.

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

ROLL CALL:

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

Mr. Caizza offered the following resolution and moved for its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

Resolution Not Adopted – Failed to Received Four Affirmative Votes

R-08-177

RESOLUTION – APPROPRIATION RESERVE TRANSFERS

WHEREAS, N.J.S.A. 40A:4-59 provides for appropriation reserve transfers during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands (four affirmative votes) that transfers between SFY 2008 Budget Appropriations Reserves be made as follows:

CURRENT FUND -----	FROM -----	TO -----
Borough Administrator:		
Other Expenses	\$ 4,000	
Beachfront Maintenance:		
Salary & Wages	3,000	
Other Expenses	3,000	
Building & Grounds:		

**Mayor and Council
Regular Meeting
September 24, 2008**

Other Expenses	3,000	
Legal:		
Other Expenses		\$ 8,000
Borough Clerk:		
Other Expenses		1,000
Fire Department:		
Other Expenses		2,000
Police:		
Other Expenses		2,000
	-----	-----
	\$ 13,000	\$ 13,000
	=====	=====

Seconded by Mr. Urbanski and NOT adopted on the following roll call vote:

ROLL CALL:

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

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

R-08-178

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF
HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, the Mayor and Council of the Borough of Highlands authorized the receipt of bids for Firehouse Apron Replacement; and

WHEREAS, no bids were received on September 23, 2008; and

WHEREAS, it is the desire of the Mayor and Council to authorize the receipt of new bids for Firehouse Apron Replacement.

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 does hereby authorize the receipt of new bids for Firehouse Apron Replacement. The Borough Purchasing Agent shall determine the time, date and place for the receipt of bids.
2. That a certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of following:

- A. Administrator
- B. Comptroller
- C. Purchasing Agent

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

ROLL CALL:

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

**Mayor and Council
Regular Meeting
September 24, 2008**

Mr. Caizza offered the following Payment of Bills and moved on their approval for payment:

**RECAP OF PAYMENT OF BILLS
09/24/08**

CURRENT:		\$	60,961.73
Payroll	(09/15/08)	\$	125,067.09
Manual Checks		\$	43,291.56
Voided Checks		\$	
SEWER ACCOUNT:		\$	657.95
Payroll	(09/15/08)	\$	6,147.18
Manual Checks		\$	754.98
Voided Checks		\$	
CAPITAL/GENERAL		\$	
CAPITAL-MANUAL CHECKS		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	8,891.86
Payroll	(09/15/08)	\$	
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	37.20
GRANT FUND		\$	15,507.70
Payroll	(09/15/08)	\$	844.39
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

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

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

ROLL CALL:

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

NAYES: Mr. Nolan

ABSENT: Mrs. Burton

ABSTAIN: None

Other Resolutions:

Mrs. Flannery read the title of the following resolution for approval:

Mr. Caizza offered Resolution R-08-164 for approval, seconded by Mr. Urbanski.

**Mayor and Council
Regular Meeting
September 24, 2008**

Mr. Nolan asked for the Council to wait fifteen or thirty days to try to have a productive discussion on this matter and maybe save some money in legal fees.

Council discussed this matter.

Mayor Little – for the record she has heard the discussion and the representations of the Borough Attorney that we hired to represent us on this matter and based on his recommendations she is following his advice which is to move forward with this resolutions.

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

**R-08-164
RESOLUTION CANCELING CONTRACT
WITH M&R MECHANICAL CONTRACTORS, INC.**

WHEREAS, the Borough of Highlands (“Borough”), pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq., advertised for sealed bids for the construction of a new municipal firehouse at Miller Street and Shore Drive in the Borough (the “Project”); and

WHEREAS, on July 19, 2004, in response to said advertisement, the Borough received sealed bids for the Project and by Resolution 04-179 adopted September 15, 2004 the Governing Body of the Borough awarded the contract for construction to M&R Mechanical Contractors, Inc. (“M&R”) as the lowest responsible bidder; and

WHEREAS, the Borough entered into a contract for construction of the Project with M&R dated as of September 15, 2004 (the “Contract”) in the aggregate contract lump sum cost of \$1,665,000.00; and

WHEREAS, during the course of construction of the Project, the Governing Body of the Borough, by Resolutions 06-34 dated 2/1/06, 06-140 dated 8/16/06, 07-23 dated 1/17/07, 07-38 dated 2/7/07, 07-57 dated 4/4/07, 07-96 dated 5/16/07 and 07-144 dated 8/15/07, approved change orders increasing the aggregate lump sum cost of said Contract from \$1,665,000.00 to \$1,779,734.62 and extending the date of substantial completion from April 12, 2006 to September 25, 2006; and

WHEREAS, the municipal construction official issued a Certificate of Occupancy for the new municipal firehouse on May 31, 2007 and the Project was deemed substantial complete as of that date; and

WHEREAS, based upon approved certificates of payment the Borough has paid M&R the aggregate sum of \$1,657,089.60 against the contract lump sum of \$1,779,734.62 for the Project; and

WHEREAS, the balance of the final contract lump sum in the amount of \$122,645.02 represents monies withheld by the Borough and not paid to M&R on account of retainage, uncorrected deficiencies in the work and an amount left for completion; and

WHEREAS, the cost to correct the deficiencies in the work performed by M&R on the Project plus reimbursement for utilities paid by the Borough which are the contractual responsibility of M&R as well as unpaid liquidated damages for late completion exceed the amount of \$122,645.02 retained by the Borough; and

WHEREAS, in December, 2007 the Borough and M&R submitted their dispute to non-binding mediation before a single mediator under the auspices of the American Arbitration Association which mediation was unsuccessful;

WHEREAS, on May 8, 2008 written notice was issued to M&R extending one final opportunity to M&R to correct all deficiencies in its work on the Project including, by way of example and not limitation, the removal and replacement of the concrete apron to the firehouse by not later than May 31, 2008; and

**Mayor and Council
Regular Meeting
September 24, 2008**

WHEREAS, by letter dated June 11, 2008 the Borough agreed to postpone any award of a contract to remove and replace the concrete apron to the firehouse for a period of at least thirty (30) days so as to afford M&R an opportunity to engage a qualified expert to evaluate and assess the condition of concrete apron; and

WHEREAS, M&R submitted an engineering report dated July 12, 2008 prepared by Frederick S. Roland, PE, SECB, RA, CFEI, engineer and architect of Wilmington, Maryland which report has been reviewed by Michael Pierce of Pierce Engineering, the expert engaged on behalf of the Borough with respect to the condition of the concrete apron; and

WHEREAS, based upon his own inspection and evaluation of the concrete apron Michael Pierce states that the concrete apron does not comply with the Project specifications as to uniform finish and allowable tolerance to true plane, has surface flaws such as scaling, and has random, irregular cracking induced by drying shrinkage. Following his review of and in response to the report of Frederick Roland submitted on behalf of M&R, Michael Pierce opines that the cause of the irregular drying shrinkage cracks is due to the failure of M&R to "saw cut the contraction joints in a timely manner within the required 12 hour window from concrete placement." Furthermore Mr. Pierce states that M&R "failed to cut all of the joints to a minimum depth of 1.5 inches as required by the Project Documents."; and

WHEREAS, more than 15 months have passed since substantial completion of the firehouse was attained and despite numerous requests by the Borough and numerous opportunities for M&R to do so, M&R still has not corrected the noted deficiencies in its work on the Project ;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the contract for the construction of the new municipal firehouse dated as of September 15, 2004 between the Borough and M&R Contractors, Inc., as amended, be, and it hereby is, cancelled to the extent of the monies retained by the Borough for and on account of claims of the Borough against M&R Contractors, Inc. including by way of example and not limitation uncorrected deficiencies in the work, in the amount of \$122,645.02.

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

ROLL CALL:

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

Mr. Merrell was dismissed from the meeting.

Mrs. Flannery read the title of the following Resolution for approval:

**Mayor and Council
Regular Meeting
September 24, 2008**

HIGHLANDSNJ.COM

**Mayor and Council
Regular Meeting
September 24, 2008**

Insert Resolution R-08-170
Here

HIGHLANDSNJ.COM

Mayor and Council
Regular Meeting
September 24, 2008

Ordinances: Introduction, Set Public Hearing Date for October 15, 2008

Ordinance O-08-11

Mrs. Flannery read the title of Ordinance O-08-11 for introduction and setting of a public hearing date.

Mr. Urbanski offered the following ordinance on introduction and that a public hearing date be set for Wednesday, October 15, 2008 at 8:00 p.m. after publication according to law:

**O-08-11
BOND ORDINANCE PROVIDING AN APPROPRIATION
OF \$280,000 FOR VARIOUS ROAD IMPROVEMENTS
FOR AND BY THE BOROUGH OF HIGHLANDS IN THE
COUNTY OF MONMOUTH, NEW JERSEY AND,
AUTHORIZING THE ISSUANCE OF \$256,000 BONDS
OR NOTES OF THE BOROUGH FOR FINANCING
PART OF THE APPROPRIATION**

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$280,000, such sum includes the sum of (a) \$10,000 from Sewer Utility-Capital Outlay and (b) \$14,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$256,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$256,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

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

**Mayor and Council
Regular Meeting
September 24, 2008**

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Resurfacing of South Linden Avenue from Waddell Street to Waterwitch Avenue, Rogers Street from South Linden Avenue to Route 36, Waddell Street from South Linden Avenue to Route 36, unnamed right-of-way (continuation of South Linden Avenue to Route 36), which include milling, drainage and installation of curbs, including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$280,000	\$256,000	10 Year

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$256,000.

(c) The estimated cost of the Improvements is \$280,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements over the capital outlay and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

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

**Mayor and Council
Regular Meeting
September 24, 2008**

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

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$256,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

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

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$256,000.

SECTION 10:

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

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

ROLL CALL:

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

**Mayor and Council
Regular Meeting
September 24, 2008**

Ordinance O-08-12

Mrs. Flannery read the title of Ordinance O-08-12 for introduction and setting of a public hearing date.

Mr. Nolan offered the following ordinance on introduction and set a public hearing date for Wednesday, October 15, 2008 at 8:00 p.m. after publication according to law:

**O-08-12
BOND ORDINANCE PROVIDING AN APPROPRIATION
OF \$800,000 FOR ACQUISITION OF OPEN SPACE FOR
AND BY THE BOROUGH OF HIGHLANDS IN THE
COUNTY OF MONMOUTH, NEW JERSEY AND,
AUTHORIZING THE ISSUANCE OF \$760,000 BONDS
OR NOTES OF THE BOROUGH FOR FINANCING
PART OF THE APPROPRIATION.**

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$800,000, such sum includes the sum of \$40,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$760,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$760,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

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

**Mayor and Council
Regular Meeting
September 24, 2008**

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Acquisition of real property located at 2 Private Road (Block 56, Lot 12) and acquisition of riparian rights (Block 56, Lot 12.01), including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$800,000	\$760,000	40 Year

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$760,000.

(c) The estimated cost of the Improvements is \$800,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

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

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

SECTION 6:

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

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

**Mayor and Council
Regular Meeting
September 24, 2008**

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$760,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

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

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$760,000.

SECTION 10:

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mrs. Burton

ABSTAIN: None

Ordinance O-08-13

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

**Mayor and Council
Regular Meeting
September 24, 2008**

Mr. Nolan offered the following ordinance and moved on its introduction and setting of a public hearing date for October 15, 2008 at 8:00 P.M. and authorized its publication:

**O-08-13
ORDINANCE AMENDING CHAPTER VI
“ALCOHOLIC BEVERAGE CONTROL” OF THE
BOROUGH OF HIGHLANDS TO ADD REGULATIONS
ON “TEEN NIGHTS”**

WHEREAS, it has come to the attention of the Council that teen nights have been held frequently where adults drinking alcohol are intermingled with minors at alcoholic beverage control licensed facilities; and

WHEREAS, these types of “teen nights” are likely to lead to underage drinking and therefore regulation of these types of events should occur.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Highlands that Chapter VI of the Code of the revised general ordinances of the Borough of Highlands be amended to add the following new section:

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

SECTION ONE

Teen Nights

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

TEEN NIGHT – A scheduled dance or event wherein any person under the legal drinking age is allowed to enter the premises of a licensed plenary retail alcoholic beverage establishment established by the State of New Jersey. More particularly this definition of “teen night” shall include both teen-only events and events that allow teens and individuals of legal age to consume alcoholic beverages as established by the State of New Jersey.

TEEN NIGHT PARTICIPANTS – Those individuals who attend teen nights as hereinabove defined. This shall not apply to individuals employed by the licensed plenary retail alcoholic beverage establishments.

Restaurant – An establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of foods for its customers, and in which no other business, except such as incidental to such establishment is conducted.

B. Prohibited Activity

Teen nights as defined above are hereby prohibited within the Borough of Highlands and Teen Night participants who would attend are hereby prohibited from participating in any Teen Night event at a licensed plenary retail alcoholic beverage establishment.

C. Exception to Presence of Minor in Licensed Establishments:

- (1) It shall be lawful for a minor to enter a licensed premises for employment Pursuant to N.J.A.C. 13-2-14.2 et seq. A person under the legal age may be Present on a licensed premises if accompanied by a parent or legal guardian 21 Years of age or older, or if the licensed premises is a restaurant.

D. When Effective

**Mayor and Council
Regular Meeting
September 24, 2008**

This article shall take effect 90 days after final adoption by the Highlands Borough and upon approval of the Commissioner of the Division of Alcoholic Beverage Control.

E. Violations and Penalties

Violations of this section shall be subject to the general penalty provisions.

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 or any portion thereof.

SECTION THREE

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

SECTION FOUR

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mrs. Burton

ABSTAIN: None

Other Business:

Mayor Little offered a motion to table the following items from the agenda:

- Item 1. Request for Street Vacation – Rosiak
- Item 2. Depuration Plan Lease
- Item 3 Proposed Bond Sale
- Item 4 Budget Update
- Item 9 Claddagh Special Condition on Liquor License

Mr. Urbanski – With regard to Items 1 and 9 if it's so important to them then these people should show up to discuss this.

Council discussed and Mrs. Flannery stated that she has the Claddagh coming to next week's meeting and Mr. Rosiak.

Mayor Little agreed with a comment that Mr. Rosiak has been on the agenda several times.

Seconded by Mr. Nolan and all were in favor.

Engineer's Report

Robert R. Keady, P.E. of T & M Associates introduced himself to the Council.

Mr. Keady reviewed the following report with the Council:

**Mayor and Council
Regular Meeting
September 24, 2008**

HGHL-G0801

September 18, 2008

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

Mr. Bruce Hilling
Borough Administrator
Borough of Highlands
171 Bay Avenue
Highlands, New Jersey 07732-1405

Re: Engineer's Status Report

Dear Mr. Hilling:

The following is the status of various projects in which we are involved as Borough Engineer:

General

1. **Community Center Playground/Sports Courts Improvements:** The contractor is completing the final punchlist items this week. The work was scheduled to avoid conflict with the Recreation Department's summer programs.
2. **Valley Avenue Slope Repairs:** The Borough is continuing to monitor the slopes for erosion and we are also monitoring the storm sewer pipes in this area. T&M Associates provided a letter dated September 17, 2008 summarizing a recent investigation during a storm event.
3. **Master Plan:** We have met with the Planning Board to discuss Master Plan changes as recommended by members of Council. Based upon our meetings, we are submitting a proposal to prepare a Master Plan Reexamination Report and Master Plan Amendment, as well as designation of a Rehabilitation Area.

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 are in the process of closing this project out with NJDOT 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. Proposals "B" and "C" have been closed out and T&M Associates is in the process of closing out Proposal "A". The Borough has requested the grant money from Atlantic Highlands-Highlands Regional Sewerage Authority (AHRSA) for these projects.
3. **Hillside Avenue between Portland Road and South Bay Avenue:** Construction has been substantially completed on this project. T&M Associates forwarded the punchlist for this project on September 15, 2008. T&M Associates is coordinating completion of the punchlist with the contractor.
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 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, a 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 as well as 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.
2. **FY2008 NJDOT Municipal Aid – Shore Drive & South Linden Avenue Area:** The Borough has received funding in the amount of \$210,000.00 for the rehabilitation of Shore Drive between Miller Street and Waterwitch Avenue. The design for Shore Drive is substantially complete. As

**Mayor and Council
Regular Meeting
September 24, 2008**

discussed, T&M Associates will be including the four additional roads. These roads include: South Linden Avenue from Waterwitch Avenue to its terminus, Rogers Street, Waddell Street and the Unnamed ROW at the terminus of South Linden Avenue. The Borough is currently preparing bonding for this project. Upon project funding and authorization, T&M Associates will commence design which is anticipated to be in the fall/winter of 2008 with bidding for an early spring 2009 start of construction.

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.
4. **NJDOT Discretionary Aid - Highlands Avenue:** The Borough has received funding in the amount of \$1,184,000.00 from NJDOT for the reconstruction of Highland Avenue. This project also includes the reconstruction of portions of Valley Avenue and Miller Street, between Route 36 and Highland Avenue.

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

Very truly yours,

T&M ASSOCIATES

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

Mr. Urbanski asked if the Engineer had the cost to line Valley Avenue.

Mr. Keady – we don’t have one, I think that we were pursuing to see if the State would contribute towards that because it connects from Route 36 and down.

Mr. Leubner – there were discussion on this and the State wants more information on it which he further explained.

Rehabilitation Zone

Martin Truscott, P. P. of T & M Associates discussed and reviewed with the Council the Sept. 19, 2008 Master Plan Presentation document from T & M Associates and the September 19, 2008 letter regarding Master Plan Reexamination Report/Land Use Plan Element Amendment Designation of Rehabilitation Area. He described the process and procedures for the changes. He explained that a technical report would have to be done and a recommendation would have to be made to Council, a resolution would have be adopted by the Council, it would have to be reviewed by the Planning Board and the Planning Board make recommendations back to the Governing Body and assuming it was positive then the Council would adopt a Resolution and designate the area in need of Rehabilitation and that would have to be forwarded to the Dept. of Community Affairs. He continued to further explain the process to the Council.

The Governing Body had a discussion about the Rehabilitation Zone and Tax Abatement Program for residential properties located in the Rehabilitation Zone.

Mr. Urbanski – he does not see having a tax abatement for residential being as important as what put forth in the proposal. If that has to be done through declaring the downtown area in need of rehab then he is not for it. Basically what we put down on paper is what we want done. We did not want to go on this big scope of all these other things.

Mayor Little stated that she spent a lot of time reviewing the Master Plan and what she believes is important is that economic development be given a boost. She is looking at all alternatives that are available for that purpose. She does not see a rehabilitation area as an insult to the Borough, she sees it as a designation of hope for the Borough and an opportunity for residential property owners

**Mayor and Council
Regular Meeting
September 24, 2008**

to receive incentive by a savings over a five year period if they are willing to take initiatives to reduce the density in the multi-family dwellings which we so sorely need down town which she further explained. She spoke about parking issues down town as well. She stated this is a resolution that we could enact either tonight or next week. It can then go to the Planning Board and then the Planning Board will look at it and then send it back to us with a recommendation and that it was she is looking to do with this rehabilitation zone.

Mr. Urbanski questioned a Rehabilitation Area.

Mayor Little – spoke favorably about designating a rehabilitation area.

Mr. Urbanski expressed his concerns with designating a rehabilitation area. He then wanted to know what was going to happen with the proposed zoning that he worked on.

Mr. Nolan – agreed with the Mayor that we need to get going on this.

Scattered Site Redevelopment

Mayor Little – Scatter Site Redevelopment would be necessary where you have a privately owned piece of property in the Borough that is not being put to proper use or have code enforcement violation that are detailed and have not been corrected and have been sitting that way for a lengthy period of time. She then described meeting that could be set up with the private property owners. She would recommend that if we are going to work on the Scatter Site Redevelopment that we have the advice of legal council that is experienced in this area. She feels that it is extremely important to do something about any and all vacant buildings in town.

Mr. Caizza – today we had a meeting and back in May of 2007 we starting something on this matter. Mr. Hilling has the meeting tape and he is going to have that transcribed and we will have Mr. Oxley review the transcript and give us legal advice. He spoke about possible if the borough made the repairs and placing liens on the properties.

Mr. Nolan spoke about another state that does take action against the properties.

Mr. Caizza – when we get the paperwork done then we will send to Mr. Oxley's office and move forward from there.

Mayor Little – we will put this on for discussion at our Workshop Meeting in November.

Mr. Caizza stated that there are 7 houses now that need clean up.

Raffle License – Henry Hudson Booster Club

Mr. Caizza offered a motion to approve the Raffle License for the Henry Hudson Booster Club, seconded by Mr. Nolan and all were in favor.

Raffle License – Marina Striper Club

Mr. Nolan offered a motion to approve the Raffle License for the Marina Striper Club, seconded by Mr. Urbanski and all were in favor.

Raffle License – Highlands Fire Department

Mr. Nolan offered a motion to approve the Raffle License for the Highlands Fire Dept., seconded by Mr. Caizza and all were in favor.

Planning Board Request for Extension of Time RE: Steep Slope Ordinance

Mayor Little explained that the PB only received a response from the Environmental Commission the date of their meeting and are still waiting for a report from the Shade Tree Commission.

**Mayor and Council
Regular Meeting
September 24, 2008**

Mayor Little offered a motion to grant an extension of time, seconded by Mr. Caizza and all were in favor.

Fire Department Membership Applications

Mr. Caizza offered a motion to approve the membership application for Rudolph Trivett, Jr., seconded by Mr. Nolan and all were in favor.

Mr. Caizza offered a motion to approve the membership application for Warren Terwilliger, Jr., seconded by Mr. Nolan and all were in favor.

Approval of Minutes:

Mr. Nolan offered a motion to approve the August 13, 2008 Council Minutes, seconded by Mr. Caizza and all were in favor.

Mr. Nolan offered a motion to approve the September 3, 2008 Council Minutes, seconded by Mr. Caizza and all were in favor.

Public Portion:

Roberta McEntee of 55-B Fifth Street questioned and spoke about a house on Fifth Street that has been condemned for many years and it's a hotel for animal and complained about the odor. She stated that she has previously complained about this property and said that summons's were issued a while back but not issued this summer and she wants to know why.

Mr. Caizza responded that is one of the houses that are on our list. He also stated that they are going around and inspecting it again. The Borough is going to work strong on this which he further explained.

Roberta McEntee continued to express her complaints about the property on Fifth Street.

S. Cassidy of 7 Kay Street was not present for public portion.

Michele Pezzullo of 115 Highland Avenue said that the new Highlands sign looks good.

Lori Dibble of 32 Paradise Park questioned redevelopment and asked if the Borough means to take the properties.

Mayor Little explained that Council stated very clearly that it's Rehabilitation, not Redevelopment and the reason for that is because it does not allow for eminent domain. She stated that she is not in favor of eminent domain.

Lori Dibble questioned the Scattered Site Redevelopment that was discussed tonight.

Mayor Little explained that she believes that fines would be imposed and liens placed on the properties.

Conner Jennings of 27 Ralph Street had no questions.

Peter Dickerson of 174 Linden Avenue had no questions.

Donna O'Callahan of 29 South Bay Avenue questioned if there was a resolution on having signs posted on S. Bay such as "Slow" and "Children at Play".

Mayor Little stated that spoke about the reduced the schedule of Friday Bridge Meetings because the activity at the bridge is moving toward the Sea Bright side but she there was a discussion about this at the last bridge meeting about the signs.

**Mayor and Council
Regular Meeting
September 24, 2008**

Mr. Hilling – we are working on getting the signs.

Donna O’Callahan commented about a storm that is coming this way.

Mayor Little spoke about Storm preparation meetings.

Donna O’Callaghan expressed concerns from another woman Ms. Benson about the crane for the bridge and securing the crane before the storm.

Mr. Caizza stated that the State said that if the storm were to have more than 40 m.p.h. they would have laid the cranes down and if the winds were higher would have took up around rocky point in Rumson.

Mayor Little – for the record Ms. Benson of 30 S. Bay Ave was present at this meeting and it’s now 9:45 p.m. and she did leave the meeting.

Jim Parla of 16 Portland Road stated that he received a lot of responses from Highlands Residents that have not heard about the pending Teen Night Ordinance.

Mayor Little explained how the Teen Night Ordinance came about.

Fran Benson of 30 South Bay Avenue was not present at the meeting.

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

The Meeting adjourned at 9:58 P.M.

NINA LIGHT FLANNERY, Borough Clerk

CAROLYN CUMMINS, Deputy Clerk