

**Mayor and Council  
Regular Meeting  
October 15, 2008**

Mayor Little called the meeting to order at 7:27 p.m.

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

**ROLL CALL:**

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

**Absent:** None

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

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**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. Personnel: Police Commendations**
- 2. Contract Negotiations: PBA Contract**

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

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

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

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

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9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
10. Falls within the attorney-client privilege and confidentiality is required.
11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

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

**ROLL CALL:**

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

The Governing Body then entered into Executive Session.

Mayor Little called the Meeting back to order at 8:09 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 Administrator

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**Public Participation on Agenda Items:**

Tara Ryan passed on her opportunity to speak.

Chris Francy of 36 Fifth Street questioned the traffic changes for Portland Road and Highland Avenue with regard to NJDOT.

Mayor Little – we will handle that at the DOT meeting because it's a bridge issue.

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**Consent Agenda Resolutions:**

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

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

**R-08-179  
RESOLUTION GRANTING TAX EXEMPTION  
TO DISABLED VETERAN  
FOR BLOCK 26 LOT 5**

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**WHEREAS**, Joseph M. Hammond is a 100% disabled veteran and is the owner and resident of 7 South Peak Street, Highlands (Block 26 Lot 5) the 100% service connected disability having been awarded to Joseph M. Hammond by the Veteran Administration for medical conditions arising from his military service; and

**WHEREAS**, the petitioner Joseph Hammond has applied for exemption of the taxes assessed for his property located at 7 South Peak Street, Highlands, as a 100% disabled veteran pursuant to N.J.S.A. 54:4-3:30(A), and the Hammond residence is tax exempt for its tax assessment commencing on 06/01/2008 as the residence of a 100% disabled veteran; and

**WHEREAS**, the Governing Body of the Borough of Highlands, upon recommendation of the Tax Assessor, has determined that Joseph M. Hammond is entitled to a tax exemption as a 100% disabled veteran for conditions received in the honorable service of his Country and his fellow citizens, and that effectuating the policy of tax exemption as of the appropriate date is proper.

**NOW, THEREFORE, BE IT RESOLVED** that, pursuant to the authority of N.J.S.A.54:4-3.30(A), the Tax Collector is hereby authorized to exempt Block 26 Lot 5, 7 South Peak Street, Highlands, the residence of James Hammond, is a 100% disabled veteran effective June 1, 2008. The Governing Body thanks Mr. Hammond for his dedicated service in the military.

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

**ROLL CALL:**

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

Mr. Nolan offered the following and moved its adoption:

**R-08-182  
RESOLUTION – ACCEPTANCE OF MAINTENANCE BOND  
A. MONTONE CONSTRUCTION, INC.  
BASIN 8 SANITARY SEWER REHABILITATION (PROPOSAL A)**

**WHEREAS**, a contract was awarded for A. Montone Construction, Inc. as follows:

R-07-102	June 6, 2007	\$346,510.00
R-08-27	January 23, 2008	\$ 6,390.21
R-08-71	March 19, 2008	\$ 6,661.91
	Total	<u>\$359,562.12</u>

**WHEREAS**, the contract has been completed per payment certificate #4 (final) dated July 8, 2008 and certified by T & M Associates, Borough Engineer; and therefore

**BE IT RESOLVED** that the Borough of Highlands does hereby accept the maintenance bond from First Sealord Surety, Inc. in amount of \$179,781.00 for two years commencing on the date of substantial completion that is November 21, 2007. Said acceptance has been approved by the Borough Attorney in a letter dated September 24, 2008.

Seconded by Mrs. Burton and adopted 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

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

**R-08-183  
RESOLUTION MOVING DISTRIBUTION OF  
PERFORMANCE BOND FUNDS**

**WHEREAS**, in April 2000 Highland Port Holdings, LLC posted a performance bond in the amount of Three Hundred Fifty-Five Thousand Two Hundred Three Dollars and 90/100 (\$355,203.90) and a cash portion of Thirty-Nine Thousand Four Hundred Sixty-Seven Dollars and 10/100 (\$39,467.10) for the property located at Block 98, Lot 6.01, 6.02 and Block 99, Lot 14 located on Beach Boulevard; and

**WHEREAS**, the Borough of Highlands after numerous attempts to get Highland Port Holdings, LLC to correct the existing deficiencies at the property determined it appropriate to notify the surety bond company Am West to stand behind its performance bond and correct the deficiencies; and

**WHEREAS**, it was recently discovered that Am West Surety had declared bankruptcy and was no longer in operation and that its assets had been depleted and that the performance bond issued to the Borough had no value; and

**WHEREAS**, it is recommended that it is in the best interest of the Borough and the residents of the Highlands on the Bay to distribute the cash portion of the bond to the Highlands on the Bay Association to be used to remedy the existing deficiencies on the Premises.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of the Highlands that the Chief Financial Officer is authorized to distribute the cash portion of the Highlands Port Holdings performance bond minus any engineering costs incurred by the Borough for inspecting the development pursuant to R.-07-64 plus interest accrued on the account to the Highlands on the Bay Association.

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

**ROLL CALL:**

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

Mr. Nolan offered the following and moved its adoption:

**R-08-184  
RESOLUTION – AUTHORIZING FINAL PAYMENT  
TO LINDA GRECO AS ADMINISTRATOR OF THE MIDDLETOWN/HIGHLANDS  
REGIONAL CONTRIBUTION AGREEMENT FOR \$10,640**

**WHEREAS**, Linda Greco, the Borough of Highlands Administrator of the Middletown/Highlands Regional Contribution Agreement has overseen the rehabilitation of 49 units out of 50 units in accordance with the Regional Contribution Agreement; and

**WHEREAS**, Kathleen McGlinchy of the N.J. Council on Affordable Housing has verified the 49 units

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completed and that this payment for administrative services is a permitted expense under the Regional Contribution Agreement;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands authorizes the Chief Financial Officer to release the final payment of \$10,640 for a total of \$31,920 to Linda Greco for services rendered as the Borough's administrator of the Middletown/Highlands Regional Contribution Agreement. Funds for this payment are available from the Middletown/Highlands Regional Contribution escrow fund.

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

**ROLL CALL:**

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

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

**ABSENT: None**

**ABSTAIN: None**

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

**R-08-185**

**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 On-Call Pumping Services; and

**WHEREAS**, no bids were received on October 8, 2008; and

**WHEREAS**, it is the desire of the Mayor and Council to authorize the receipt of new bids for On-Call Pumping Services.

**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 On-Call Pumping Services. 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 Mrs. Burton and adopted on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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

**RECAP OF PAYMENT OF BILLS  
10/15/08**

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<b>CURRENT:</b>		\$ 1,096,394.91
Payroll	(09/30/08)	\$ 129,551.83
Manual Checks		\$ 26,010.22
Voided Checks		\$
<b>SEWER ACCOUNT:</b>		\$ 80,288.19
Payroll	(09/30/08)	\$ 6,147.18
Manual Checks		\$ 163.32
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$ 10,640.00
<b>CAPITAL-MANUAL CHECKS</b>		\$
<b>WATER CAPITAL ACCOUNT</b>		\$ 13,719.91
<b>TRUST FUND</b>		\$ 2,554.00
Payroll	(09/30/08)	\$ 1,520.00
Manual Checks		\$
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$
<b>DOG FUND</b>		\$ 15.00
<b>GRANT FUND</b>		\$ 21,355.63
Payroll	(09/30/08)	\$
Manual Checks		\$
Voided Checks		\$
<b>DEVELOPER'S TRUST</b>		\$
Manual Checks		\$
Voided Checks		\$

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

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

**ROLL CALL:**

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

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**Ordinances: Introduction & Setting of a Public Hearing Date:**

**Ordinance O-08-14**

Mrs. Flannery read the title of Ordinance O-08-14 for introduction and setting of a public hearing date.

Mr. Caizza offered the following Ordinance on introduction and set a public hearing date for Wednesday, November 12, 2008 after publication according to law:

**O-08-14  
ORDINANCE AMENDING CHAPTER III  
"GENERAL POLICE REGULATIONS"  
SPECIFICALLY SECTION 3-2 "NOISE" OF  
THE CODE OF THE BOROUGH OF HIGHLANDS**

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**WHEREAS**, the Borough currently regulates unwanted noise but these regulations do not follow the requirements set forth in N.J.A.C. 7:29-1 et seq. for “Noise Control” and therefore are unenforceable; and

**WHEREAS**, the Borough seeks to set forth the required standards for noise control.

**NOW THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Highlands that Chapter III of the Code of the revised general ordinances of the Borough of Highlands be amended as follows:

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

**SECTION ONE**

Section 3-2 “Noise” and Section 3-2A “Noise Restrictions” shall be deleted in their entirety and the following substituted therefore.

**SECTION TWO**

**NOISE**

**3-2 Findings and purpose.**

A. It is hereby found and declared that the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises constitutes a detriment to public health, comfort, safety and welfare of the residents of the Borough of Highlands.

B. The necessity in the public interest for the provisions, regulations and prohibitions contained in this article is declared as a matter of legislative determination and public policy, and it is further declared that the provisions, regulations and prohibitions hereinafter contained are in pursuance of and for the purpose of securing and promoting the public health, safety and welfare and the peace and quiet of the Borough and its inhabitants.

**3-2.1 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**Commercial Operation:** Any facility or property used for the purchase or utilization of goods, services, or land or its facilities, including but not limited to:

- (a) Banks and office buildings.
- (b) Commercial dining establishments.
- (c) Community services.
- (d) Noncommercial vehicle operations.
- (e) Other commercial services.
- (f) Public services.
- (g) Recreation and entertainment.
- (h) Retail services.
- (i) Wholesale services.
- (j) Sale or serving of alcoholic beverages.

**Continuous Airborne Sound:** Sound that is measured by slow response of setting of sound-level meter.

**dBA:** The measured sound level expressed in dB when using the A-weighted network Of a sound-level meter.

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**Decibel:** A unit for measuring the volume of a sound equal to the logarithm of the ratio of the sound pressure of the sound to the sound pressure of the standard (0.0002 microbars), abbreviated “dB”.

**Emergency Energy Release Device:** Emergency safety devices expressly used to release excess energy which do not have regularly scheduled operation. Process control devices are not to be considered emergency devices.

**Frequency:** The number of oscillations per second expressed in hertz (abbreviation “Hz”).

**IEC:** International Electronic Commission.

**Impulsive Sound:** Either a single pressure peak or a single burst (multiple pressure peaks) for a duration of less than one second.

**Industrial Operation:** Any facility or property used for the following:

- (a) Storage, warehouse or distribution, provided that said operation shall not be construed to be an industrial operation when it is part of a commercial motor vehicle operation as defined herein.
- (b) Property used for the production and fabrication of durable or nondurable man-made goods.
- (c) Activities carried out on the property.

**Octave Band Sound-Pressure Level:** Sound-pressure level measured in standard octave bands with sound-level meter and octave band analyzer that meet ANSI S1.4 and S1.11 or the latest revision thereof.

**Person:** Any individual, public or private corporation, political subdivision, governmental agency, department or bureau of the state, municipality, industry, co-partnership or association.

**Public Celebrations:** Public events which have received the prior approval by resolution of the Mayor and Council of the Borough of Highlands

**Residential Property:** Property used for human habitation, including but not limited to the following:

- (a) Commercial living accommodations and commercial property used for human habitation.
- (b) Recreational and entertainment property used for human habitation.
- (c) Community service property used for human habitation.

**Sound Level:** The measured level of a sound, expressed in dB re 0.0002 microbar, obtained using a sound-level meter. Sound levels include all factors inherent in measuring with the sound-level meter, including microphone frequency response, amplifier characteristics, meter damping, observer effects and weighting networks.

**Sound-Pressure Level:** The sound-pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to the reference sound pressure. Sound-pressure level is measured with a sound-level meter meeting ANSI S1.4 or the latest revision thereof

**Stationary Emergency Signaling Device:** Any device, excluding those attached to motor vehicles, used to alert persons engaged in emergency operations. These include but are not limited to fire fighters, first aid squad members and law enforcement officers, whether paid or volunteer.

### 3-2.2 Noise Level Restrictions



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No person shall cause to be made or permit to be made, directly or indirectly, by any means whatsoever, any sound that exceeds the following measurements on the A-weighted scale of the sound-level meter when measured at any point on the complainant's property or borough-owned or publicly-owned property, including streets, alleyways, thoroughfares, easements or any other property which may be designated or dedicated for public use:

- (a) Sixty-five decibels (dBA) between the hours of 7:00 a.m. and 10:00 p.m.
- (b) Fifty decibels (dBA) between the hours of 10:00 p.m. and 7:00 a.m.

3-2.3 Exceptions.

The operation performance standards established in this article shall not apply to any of the following noise sources:

- (a) Bells, chimes or carillons while being used in conjunction with religious services.
- (b) Commercial motor vehicle operations.
- (c) Emergency energy release devices.
- (d) Emergency work to provide electricity, water or other public utilities when public health or safety is involved.
- (e) National Warning System (NAWAS). Systems used to warn the community of attack or imminent public danger, such as flooding or explosion. These systems are controlled by the New Jersey Civil Defense and Disaster Control Agency.
- (f) Noise of aircraft flight operations.
- (g) Public celebrations.
- (h) Public roadways.
- (i) Use of explosive devices. These are regulated by the New Jersey Department of Labor and Industry under the 1960 Explosives Act (N.J.S.A. 21:1A-128 et seq.).
- (j) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building.

3-2.4 Test Equipment; Methods and Procedures.

For the purposes of measuring sound in accordance with the applicable provisions of these regulations, test equipment methods and procedures shall conform to the standards as published by the Department of Environmental Protection or their approved equivalent as approved by the Mayor and Council of the Borough of Highlands and further as approved and authorized by the manufacturer's representative representing the maker and manufacturer of the equipment being utilized in the conduct of the test procedures.

3-2.5 Additional Remedies; Injunction.

As an additional remedy, the maintenance or operation of any device, instrument, vehicle or machinery in violation of any provisions hereof which causes discomfort or annoyance for reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by restraining order or injunction issued by a court of competent jurisdiction.

3-2.6 Violations and Penalties.

Any person, as defined in this section, who violates any provision of this section shall be subject to the penalties set forth in subsection 3-9.1. Each day of such violation's continuance shall be considered a separate offense and may be separately punishable.

3-2.7 Separate Violations.

Where any violation of the provisions of this article shall occur, the owner of the commercial establishment, if the owner shall be an individual, may be charged, as well as any manager or person actually on the premises in charge of the commercial operation therein

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conducted. If the owner of the commercial operation shall be a corporation, the officers of the corporation, as well as any manager on the site of the commercial operation, shall be charged with the conduct thereof. Each incident of violation of the terms and provisions of this article following a cease and desist order issued by any officer of the law or any administrative official of the Borough of Highlands shall be deemed to be a separate violation. The cease and desist order may be written or verbal.

**SECTION THREE**

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

**SECTION FOUR**

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

**SECTION FIVE**

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

Seconded by 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  
**ABSENT:** None  
**ABSTAIN:** None

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

**Ordinance O-08-11**

Mrs. Flannery read the title of Bond Ordinance O-08-11 for the second reading and public hearing. She also stated that this ordinance was published in its entirety in the October 2, 2008 edition of the Courier.

Mayor Little opened up the public hearing Bond Ordinance O-08-11.

Maureen Kraemer of 200 Portland Road questioned the road improvements.

Mr. Urbanski – the description is listed on the second page.

Maureen Kraemer questioned grant funds.

Mayor Little explained that we do not receive DOT grant money for every road and even if we do receive grant money we still have to bond out which she further explained.

Mr. Urbanski – we did receive funding for Shore Drive and this is going to be added to that project.

There were no further questions from the public; therefore Mayor Little closed the public hearing on Bond Ordinance O-08-11.

Mrs. Flannery read the title of Bond Ordinance O-08-11 for the third and final reading and adoption.

Mr. Nolan offered the following ordinance for adoption and directed 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:

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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:

(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

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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. Urbanski 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

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**Bond Ordinance O-08-12**

Mrs. Flannery read the following title of Bond Ordinance O-08-12 for the second reading and public hearing. She also stated that it was advertised in its entirety in the October 2, 2008 edition of the Courier.

**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**

Mayor Little opened up the public hearing on Bond Ordinance O-08-12.

Patricia Robertson of 101 Shore Drive questioned if this was for the Miller Street property option.

Mayor Little – yes

Patricia Robertson then stated that she thought this was going to be done through a grant.

Mayor Little – there are two grants that have been applied to for this and bonding is a requirement for application of grant monies once received. We are anticipating receiving those monies and she believes that votes at the table may have been contingent upon that.

Patricia Robertson – if we don't get the grant are we still spending money from our budget?

Mayor Little – I am not sure of that we will have to look and see how many voted contingent upon that. We should find out soon as to if we received the grant monies.

Mrs. Burton – the resolution for this bond also makes the grantors look more favorably upon us because it shows that the Borough is backing the project.

Mayor Little – technically we are not under contract which means that they can take another contract so we need to do something formal to allow for the property owner to have confidence that we are truly interested in the property.

Chris Francy of 36 Fifth Street – another vote is needed to acquire the property.

Mayor Little – that is not what I said. We do need to examine who put a condition on their vote and then evaluate how many people voted in favor with a condition and how many did not. We will have to go back to the minutes to review that. The vote has been taken to purchase and some voted regardless if there is grant money.

Pauline Jennings of 27 Ralph Street – do you have a purchase price for these properties?

Mayor Little – I believe there is a purchase price referenced in the ordinance.

Mr. Pfeffer – no, actually the ordinance is prepared on top of the base price for other items that the Borough will have to pay for to actually obtain the property. The base price that he used in preparation of the ordinance was \$739,000.

Mrs. Burton – the property is listed for \$739,000 but there are other fees that the Borough would acquire to go ahead with the acquisition.

Mayor Little – those fees would be reimbursed by grant money.

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Jim Parla of 16 Portland Road – is there any connection between this and the question that we are going to be voting on in November.

Mrs. Burton explained the referendum questioned that will be on the November election ballot.

Lori Dibble of 32 Paradise Park – is it possible that the price of the property will come down?

Mrs. Burton – it is possible

Mayor Little – there is an appraisal involved and we cannot pay more than the appraisal. She then spoke about public entities purchasing private property and the process that takes place.

Mrs. Burton explained that the grants generally cover what the property is appraised at so that will be our responsibility to make offers for the assessed value or close to it.

Conor Jennings of 27 Ralph Street questioned the cost that the borough is going to put out that is not recoverable.

Mr. Pfeffer explained that so far to date we have spent a little over \$6,000 for this. If the ordinance should pass nothing for cost unless the council authorizes to move forward on the sale which he further explained.

Mayor Little for now the property owners have said that they would wait for us.

Connor Jennings – is it possible that the Green Acre funds will retract or be suspended?

Mr. Pfeffer – my conversations with them is that they are going to have another round of funding and whoever wanted to submit for it already submitted for it.

Mrs. Burton – this round of funding is the last round of funding for the past 12-years which she further explained.

Michelle Pezullo of 115 Highland Avenue questioned the asking price of the property.

Mayor Little explained that we cannot sit and negotiate for a property like a private person. She then explained the process. If the appraisal comes in less than the asking purchase price then the purchase price is unacceptable to us. She further explained the process to Ms. Pezullo. We have to go back to the initial vote that brought us here in order to determine whether we have the authority to continue if the circumstances change.

Mr. Pfeffer – the ordinance is set up for \$800,000 and we have built in costs over and above the purchase price for the funds that we have to put up to close on a real estate transaction. If the purchase price comes in materially different than what we had established and we could run short on to do the other things that we need to do, then we would have to come back and amend the ordinance and that would require a separate vote. If it comes back less obviously there is no impact on the ordinance.

Chris Francy of 36 Fifth Street – questioned the site assessment and stated that we need a title search.

Mr. Pfeffer – a site assessment is an environmental assessment. He also stated that the cost for title insurance is built in this.

There were no further questions or comments from the public with regard to Bond Ordinance O-08-12; therefore Mayor Little closed the public hearing on this ordinance.

Mr. Urbanski – at first we were approached with this at getting close to what it takes to purchase this property and now we are hearing 25% and 50%.

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Mayor Little – there are two grant sources.

Mr. Urbanski – first, the amount of the grant was to get the full amount of the purchase of the property. Second part with bonding this before we know how much it is that we could spend is what we could bond is a \_\_\_\_\_ duplicated a number borough owned property. With this we would be taking off a big ratable off the tax rolls.

Mrs. Burton – Monmouth County Open Space is \$250,000 currently we would be eligible for 25% otherwise which is about \$200,000. If the referendum passes then we are looking at \$650,000. We can then apply again for \$250,000 next year from Monmouth County Open Space Grant. So it's still her hope to find grant money to cover the entire costs as well as improvements but it's like putting together a puzzle.

Mayor Little spoke about the grants

Council discussed the grants.

Mayor Little asked for a motion on this Ordinance.

Mrs. Burton - if we want to table this bond ordinance and she can report back at the next meeting about funding.

Mr. Nolan offered a motion to carry this to the next meeting, 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

Mr. Urbanski – I want it known that I want to know what we are going to get in grant funding before I vote on the Bond Ordinance.

**Ordinance O-08-13**

Mrs. Flannery read the title of Ordinance O-08-13 for the second reading and public hearing. She also stated that this Ordinance was published in its entirety in the October 2, 2008 edition of the Courier.

Mayor Little opened up the public hearing on Ordinance O-08-13.

Jim Parla of 16 Portland Road thanked the Council.

Michelle Pezzullo of 115 Highland Avenue – asked if this ordinance does away totally with teens having a place to go and having a party night? They kind of need something to do or a place to go without alcohol.

Mr. Oxley – no, what this ordinance does is make an outright prohibition for any of our liquor licensed establishments in the Borough to entertain teen nights.

Jim Parla of 16 Portland Road – we have a neighborhood watch meeting tomorrow night and this is one of the things that we are going to be talking about. It's sad that they don't have someplace to go.

There were no further questions or comments from the public on Ordinance O-08-13.

Mrs. Flannery read the title of Ordinance O-08-13 for the third and final reading and adoption.



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Mr. Nolan offered the following ordinance for adoption and directed its publication according to law:

**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

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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. Caizza 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

**OTHER BUSINESS:**

**Borough Engineers Report**

Robert Keady, P.E. of T &M Associates – Borough Engineer

Mr. Keady reviewed the following report with the Governing Body:

**HGHL-G0801**

**October 9, 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 continuing to complete final repairs to the court areas. A site meeting is to be held the week of October 13, 2008 regarding same.

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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. We are currently compiling a cost estimate to line the pipes in question. Based upon recent discussions with the NJDOT, they may provide financial assistance towards completing this project.
3. **Master Plan:** We have met with the Planning Board to discuss Master Plan changes as recommended by members of Council. As authorized by Mayor and Council, we have started preparing 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 have submitted all remaining paperwork to the NJDOT to obtain the remaining 25% of the overall grant amount.
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". As a requirement of the AHHRSA grant for this project, we are submitting a cost proposal to provide metering services within the project area in an effort to identify the overall reduction of I/I.
3. **Hillside Avenue between Portland Road and South Bay Avenue:** Construction has been substantially completed on this project. A punchlist for this project has been issued and we are coordinating a schedule with the contractor to complete final repairs.
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.

**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 also 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 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

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ROBERT R. KEADY, JR. P.E., C.M.E.  
HIGHLANDS BOROUGH ENGINEER

Mayor Little – with regard to the Master Plan - there was an ordinance found from 1997 it's Ordinance O-97-06 and this was an ordinance creating an area in need of rehabilitation and it was the entire Borough of Highlands. So this is not a new concept in the Borough.

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**MINUTES:**

**Executive Session: July 16, 2008, August 13, 2008, September 3, 2008**

Mrs. Flannery – Executive Session Minutes are redacted which means that any item that has been completed is available for the public to review at the Clerks Office. Any item that has not been completed has been blacked out and is not available to the public.

Mr. Nolan offered the approval and release of the Executive Session Minutes of July 16, 2008, August 13, 2008, September 3, 2008 with the redacted black out, seconded by Mr. Urbanski and all were in favor except Mrs. Burton who abstained.

**Regular Session: September 24, 2008**

Mr. Caizza offered a motion to approve the September 24, 2008 Minutes, seconded by Mr. Nolan and all were in favor except Mrs. Burton who abstained.

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**PUBLIC PORTION:**

Lori Ann Bodnar-Nolan of 51 Waterwitch Avenue advised the public about the Highlands Cares Breast Cancer Walk that will take place on Sunday, October 26<sup>th</sup> at 1:00 P.M at the Community Center.

Pat Robertson of 101 Shore Drive questioned the Borough Engineer about Valley Street and then asked about the Borough actions with regard to the FEMA changes and expressed her concerns with the FEMA changes.

Mr. Keady explained that there is a storm sewer in the hill area from the end of the improved portion of Valley to Shore Drive. That portion was investigated and it appears during rain events water comes up and out of the manhole. So we discussed that with the State and the State has asked us to come up with costs to line that. We will have pricing for the Borough within the next week or so.

Mayor Little stated that we have joined Congressman Pallone's request for a moratorium which has not been respected at this time. She further explained her communication on the FEMA matter and stated that we can make this an agenda item to further discuss if the Council desires.

Lori Dibble of 32 Paradise Park questioned if the Master Plan item is a reexamination. She then stated that this is Planning function.

Mr. Keady explained that it is a gathering of information from the Planning Board and taking that information and reviewing the existing zoning and the comments from the Planning Board essentially its coming up with recommendations as a Master Plan Amendment.

Lori Dibble continued to question the Master Plan Reexamination process and Mr. Keady explained it to her and stated that the Borough is following the proper procedure in this matter.

Lori Dibble then spoke about a recent small fire at Paradise Park and stated that she was concerned because no citations were issued on this matter.

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Mr. Caizza explained that it was a chiminea fire and that is not citable. He also spoke about the Fire Safety Inspection Program.

Mayor Little – if there is any need for further clarification the Fire Marshall can be consulted.

Tara Ryan of 17 Ocean Street thanked Officer Robert Burton and the Highlands Volunteers who dealt with a medical emergency involving a family member of hers. She then spoke about the potential closing of Portland Road and expressed her concerns with the closing of it and how it will affect Ocean Street. She spoke about speeding concerns with additional traffic flow.

Mayor Little asked Mr. Leubner to bring this up at tomorrow's bridge meeting.

Mr. Leubner – it is my understanding that the closure is going to affect Highway 36 and Portland Road but Highland and Portland intersection will not be effected.

Mayor Little – we have to confirm that.

Chris Francy of 36 Fifth Street – we understand that Chief Blewett is asking for the intersection to be closed based on his letter of October 6, 2008.

Mr. Hilling – the letter was based on the initial information that was given by the NJDOT that the access to Portland was going to be completely shut from Route 36 and the whole intersection was going to be shut down. Then it changed again they came back and said maybe the access is going to be open, so it's gone back and forth.

Mayor Little – why does Mr. Francy have this letter and the Council does not?

Mr. Hilling – the actual letter went out to the school and residents in the area.

Mr. Nolan commented.

Discussions continued about the NJDOT closing of the Portland Road and the intersection.

Mr. Francy – if Chief Blewett wants something he should have to defend that here before he goes to the NJDOT meeting.

Mayor Little advised Mr. Hilling that the Governing Body needs to be informed about letters .

Mr. Hilling – we have been in contact with DOT over the past week and their story on this issue changes on a daily basis.

Mayor Little – we need to see the letter, we need to speak to Chief Blewett and then we need to ask DOT.

Sean Collins of 141 Highland Avenue expressed traffic safety concerns.

Annemarie Tierney of 29 Shrewsbury Avenue asked for Master Plan information from Mr. Keady . She also questioned the reference to a rehabilitation area.

Mr. Keady described the amendments that are being reviewed.

Mayor Little explained Ordinance O-97-06 to Ms. Tierney.

Mayor Little then left the meeting at 9:24 p.m. and Mr. Nolan assumed control of the meeting. She returned to the meeting shortly after.

Mr. Nolan explained the Rehabilitation designation and how this all came to be. He discussed tax abatements.

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Ms. Tierney questioned what actions the Borough has taken to reopen Bayside Drive.

Mr. Leubner explained that the Mayor has asked us to look at the roadway and evaluate the current condition that it's in and what it would cost to reopen the roadway for normal daily traffic. We are currently in the process of doing that to get that roadway into a usable condition. Once we get the cost estimate completed then we will have to talk to DOT again because it is going to be a substantial costs and if the DOT hops on board and assist in funding this project it's going to be into the next project season because at a minimum to get this up.

Mrs. Burton left the meeting.

Mayor Little spoke about grants and Bayside Drive.

Maureen Kraemer of 200 Portland Road - the guardrail on Portland Road she wanted to know the status of that.

Mrs. Burton returned to the meeting.

Mr. Hilling – we are trying to work with our contact at the County and are trying to work with leads to get this done without cost. He advised her that he will follow up on this.

Maureen Kraemer stated that nobody at the Wyndmoor Condo's received the letter from Chief Blewett regarding the closing of Portland Road. She asked that the residents of Wyndmoor be sent copies of this letter.

Mr. Nolan – we will clarify this tomorrow.

Maureen Kraemer said that she spoke with Tony Marcella and he told her that the State does not want to close that road that Chief Blewett is the one because he was concerned with trucks going down Hillside. She then expressed her concerns with the traffic lights by the bridge.

Mr. Oxley explained that Chief Blewett may have an opinion but in the future he should address the Council first.

Mr. Hilling stated that he will make sure that this does not happen again.

Michele Pezzulo of 115 Highland Avenue spoke about the Chief Blewett letter and expressed her opinion about the traffic signs and the need to fine truck violators. She thinks that the speed limits may need to be readdressed on Highland Avenue if we are going to be using it more as a thorough fair.

Donna O'Callahan of 29 South Bay Avenue stated that the Children at Play signs on South Bay are not working because people are still speeding. She wants to know if something else can be done.

Mr. Hilling – it was your request to have the sign moved up forward to your house, he will take a look at that.

Donna O'Callahan then requested a 120 look ahead because we were promised this on November 10<sup>th</sup>. She then spoke about when they close the South Bay Avenue beach and made some recommendations for that.

Mr. Nolan – we have heard your concerns and agree with a lot of them and Mr. Hilling is going to emphasize our concerns at the meeting tomorrow.

Jim Parla of 16 Portland Road spoke about the Chief Blewett letter about the closing of Portland Road. He also spoke about the lack of people knowing about the fact that there is a Neighborhood Watch Group.

The Council discussed the issue of trying to get more information out to the public.

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Jim Parla then questioned Resolution R-08-184 with regard to final payment to Linda Greco.

Mr. Urbanski explained that he voted "No" on this resolution because there is one project that she did not complete.

Mayor Little explained that this is a Middletown COAH requirement and funding.

John Bentham of Washington Avenue spoke about his Halloween Extravaganza that he has at his house and told everyone that they could stop by to visit it.

Arnie Fuog of 50 Valley Street questioned the status of the Attorney's work on the houses that have been condemned.

Mr. Hilling – through Mr. Oxley's office we have identified Pat McNamara who is going to be representing the Borough with regard to these matters. The first step is that we are going to call a hearing. We identified twelve houses and next month we have on November 17th and November 24<sup>th</sup> Mr. McNamara will be here along with the Substandard Housing Committee. We will have each of the owners of those houses in to tell us each what they have done and what they plan to do. Basically it will be made known to them that if there is no improvements or no plan then we are going to take the appropriate action to take care of the situation. There is an ordinance for the Sub Housing Committee that was formed and he does not think that there is a specific ordinance that addresses what we can do now.

Mayor Little – the Committee was formed before she became Mayor. There were meetings conducted up to a certain point the then Borough Attorney was instructed to take legal action and that is where it stopped and for this entire year we have been trying to get this started again. So we need some action on this.

Mr. Nolan – part of the ordinance that Mr. Urbanski and I have been working on stiffens fines greatly for this situation.

Mayor Little – we need detail of the condition of these places now and we need that information.

There were no further question or comments from the public.

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

The Meeting adjourned at 9:52 P.M.

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**CAROLYN CUMMINS, DEPUTY CLERK**