

**Mayor and Council  
Combined Meeting  
November 12, 2008**

Mayor Little called the Combined Meeting to order at 7:29 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 Combined Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Courier, The Asbury Park Press and The Two River Times. Notice has been posted on the public bulletin board.

**ROLL CALL:**

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

**Absent:** None

**Also Present:** 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.Contract Negotiations: PBA & CWA Contracts**
- 2.Real Estate: Depuration Plant Lease, Dan-Rob Property Lease Agreement**
- 3. 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.
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 Combined Meeting back to order at 8:35 P.M.

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

**ROLL CALL:**

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

**Absent:** Mr. Caizza

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

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**Introduction of SFY 2009 Municipal Budget**

Mayor Little spoke about the SFY Municipal Budget and explained that this budget is increasing by 1.97%. Due to declining revenues and because of the current economic conditions the next tax billing if this budget were adopted as it is being introduced would increase by 4.9 cents.

Mr. Pfeffer explained that 4.9 cents is \$49.00 per \$1,000 of assessed value. He explained that this is an introduction of the municipal budget. He stated that the term approved means introduced not adopted. He described the budget review and decision process that occurred in preparing this budget. He then read the budget resolution and notice for approval as follows:

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**INSERT BUDGET RESOLUTION HERE**

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Mr. Nolan offered a motion and moved on the introduction of the SFY 2009 Municipal Budget, seconded by Mrs. Burton and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

Mr. Pfeffer advised the public that the Public Hearing on the budget will be held on December 17, 2008.

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**Public Participation on Agenda Items**

Donald Manrodt of 268 Bayside Drive questioned Resolution R-08-191.

Mr. Pfeffer explained that he has not seen all of the documents with regard to this HBP Loan/Grant Application but his interpretation of the discussions on this matter is that the Borough of Highlands would be the guarantee on the loan.

Mayor Little – yes, that is true.

Donald Manrodt questioned the digging up for the underground utilities.

Mayor Little – underground utilities would be Verizon.

Mr. Pfeffer stated that that he believes that this would be a bided job.

Mr. Manrodt stated that he feels that this loan should be held over.

Pauline Jennings of 27 Ralph Street expressed her objection to the HBP loan/grant.

Janet Peterson of 55 Portland Road expressed her objection to the HBP loan/grant resolution and the digging up of the town for Wi-Fi.

Michelle Pezzullo of 115 Highland Avenue questioned the noise ordinance.

Mr. Urbanski stated that he spoke with the Chief of Police and he asked that this ordinance be tabled.

Michelle Pezzullo then questioned Ordinance O-08-12.

Mayor Little – that's for 2 Private Road

Michelle Pezzullo then spoke about Resolution R-08-191 with regard to the HBP loan/grant for Wi-Fi. She stated that it's a great idea but not at this time.

Mayor Little explained the opportunity limits for obtaining the funding for the HBP loan/grant.

John Bentham of 39 Washington Avenue questioned Resolution R-08-191.

Mayor Little explained that the HBP is going to be paying the loan back and the only time the Borough would be on the hook is if they defaulted on the loan.

Jim Parla of 16 Portland Road spoke about Wi-Fi with regard to Resolution R-08-191. He then stated that he did some research on this issue installing Wi-Fi. He then urged the council to act with caution.

Conor Jennings of 27 Ralph Street had several questions about Resolution R-08-191.

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Mr. Oxley stated that it is legal for the HBP to have the Borough be the guarantee on the loan/grant application and that he does not see any problem with this Resolution being placed on the Consent Agenda.

Conor Jennings urged the Council to reject Resolution R-08-191 until the HBP opens their books to the public.

Donna O'Callaghan of 29 South Bay Avenue questioned Resolution R-08-191 expressed her concerns about the HBP loan/grant application.

Rita Caizza of 2 King Street - \_\_\_\_\_.

Richard O'Neil of Route 36 questioned the yearly monthly loan payment amount for Resolution R-08-191.

Nancy Burton, Council Liaison for the HBP – it is her opinion that the wording for the underground Wi-Fi could have been possibly premature wording that was put on this Resolution. HBP has spoken about this opportunity to take this loan for about 2 years. The HBP will have a meeting on Monday to finalize if this resolution is put through to determine what project they will put this money towards. The funding can be from \$500,000 down to \$100,000 which she further explained.

Richard O'Neil then questioned the Highlands Business Partnership Association and what effect it would have on this loan if the HBP were to disband.

Mayor Little explained the State Statute with regard to creating a Business Improvement District and the non-profit corporation status. She explained that she believes that the loan payment for this would be incorporated into the HBP budget and that something would be taken off the budget for this. She also believes that the water taxi is coming off of their budget.

Discussions continued between Mr. O'Neil and the Council about the HBP loan/grant Resolution.

Jim Bollerman of Sandy Hook Bay Marina spoke about Resolution R-08-191 stated that he is here as a member of the HBP Board of Trustees and as a member of the Economic Development Committee. He spoke favorably about the HBP loan/grant resolution and spoke about underground utilities. He then spoke about the Huddy Park area being a location where they can put the fewest dollars in and having the biggest impact with regard to underground utilities.

Mayor Little – with regard to Wi-Fi she does not believe that there is any digging involved that goes on broadband and will be placed on existing telephone poles or aerial type stanchions and as far as underground utilities that requires digging.

Maureen Kraemer of 200 Portland Road Unit A-14 spoke about Resolution R-08-91 unfavorably.

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**Consent Agenda Resolutions:**

Mrs. Flannery stated that with regard to Resolution R-08-200 Agreement with Highlands on the Bay that was pulled and a different Resolution has been put in its place. She then read the titles of the following Resolutions for approval:

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

**R-08-186  
RESOLUTION AUTHORIZING MAYOR AND CLERK  
[TO EXECUTE AND AGREEMENT WITH THE HIGHLANDS  
BOARD OF EDUCATION FOR SNOW PLOWING SERVICES**

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**WHEREAS**, the Highlands Board of Education (the Board) and the Governing Body of the Borough of Highlands (the Governing Body) have reviewed the need for snow plowing services at Highlands Elementary School; and

**WHEREAS**, the Governing Body of the Borough of Highlands agrees that the Borough can provide snow plowing services the Department of Public Works; and

**WHEREAS**, the Governing Body and the Board have agreed on the terms under which snow plowing will be provided; and

**WHEREAS**, an insurance certificate naming the Borough of Highlands as additionally insured has been provided to the Borough Clerk;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Mayor and Municipal Clerk be and hereby are authorized to execute the Interlocal Services Agreement between the Board and the Borough.

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

**ROLL CALL:**

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

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

**R-08-187  
RESOLUTION AUTHORIZING REFUND  
OF TAX OVERPAYMENT**

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

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
103	28	2008	\$2,550.27	Holzer/Schmidt

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

**ROLL CALL:**

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

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

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

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**R-08-188**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES  
2008 CAPITAL IMPROVEMENT PROGRAM  
T & M ASSOCIATES**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services for the 2008 Capital Improvement Program (Road Improvement Program) as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$28,800 plus reimbursable expenses per T & M Associates proposal dated August 27, 2008 for Professional Engineering Services for the 2008 Capital Improvement Program 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 Bond Ordinance 08-11 contingent upon expiration of the 20-day estoppels period.

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**Stephen Pfeffer, Chief Financial Officer**

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

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

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$28,800 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

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**ROLL CALL:**

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

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

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-08-189  
RESOLUTION AMENDING RESOLUTION R-08-40  
THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL  
ENGINEERING SERVICES  
SURVEY, DESIGN AND INSPECTION  
FOR THE RECONSTRUCTION OF HILLSIDE AVENUE  
T & M ASSOCIATES**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services for the survey, design and inspection of the reconstruction of Hillside Drive (New Jersey American Water Company project) 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**, a contract was awarded on February 20, 2008 for an amount not to exceed \$65,400 for the Professional Engineering Services for the survey, design and inspection of the reconstruction of Hillside Avenue (New Jersey American Water Company); and

**WHEREAS**, T & M Associates has requested an additional \$6,500 from New Jersey American Water Company per their letter dated September 15, 2008 due to the addition of the sanitary sewer main replacement, design issues related to interference of unknown utilities and the duration of the project being extended longer than anticipated; and,

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; 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 New Jersey American Water Company.  
Trust Fund Escrow 9800-9869

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**Stephen Pfeffer, Chief Financial Officer**



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

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

5. T & M Associates contract amount is increased by \$6,500 for a total contract amount not to exceed \$71,900.
6. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

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**INSERT  
R-08-190  
Emergency Approp #3**

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

**R-08-191  
RESOLUTION AUTHORIZING THE APPLICATION FOR  
GRANT/LOAN AGREEMENT BETWEEN  
HIGHLANDS BUSINESS PARTNERSHIP AND  
NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS**

**WHEREAS**, the Highlands Business Partnership desires to apply for and obtain a grant/loan from the New Jersey Department of Community Affairs for approximately \$500,000.00 to carry out a project to place utilities underground in the area of Huddy Park in the Borough of Highlands, and to establish a Wi- Fi internet access in the downtown business districts in the Borough of Highlands;

**BE IT THEREFORE RESOLVED**, that the Highlands Borough Council does hereby authorize the application for such grant/loan; and, upon receipt of the grant/loan agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the grant/loan agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Highlands Business Partnership and the New Jersey Department of Community Affairs.

**BE IT FURTHER RESOLVED**, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

\_\_\_\_\_  
Signature  
Carla Cefalo-Braswell, President  
Highlands Business Partnership

\_\_\_\_\_  
Signature  
William Weber, Treasurer  
Highlands Business Partnership

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

**ROLL CALL:**

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

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

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-08-192  
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES  
T & M ASSOCIATES  
BASIN 8 FLOW METERING**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services to provide follow up flow metering to record post sewer rehabilitation flows for Basin 8 as required by the Atlantic Highlands/Highlands Regional Sewer Authority to confirm infiltration/inflow removed by the Basin 8 sewer rehabilitation project and calculate the connection credit due the Borough as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5.; and

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**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**, this contract is to be awarded for an amount not to exceed \$7,300 plus reimbursable expenses per T & M Associates proposal dated October 9, 2008 for Professional Engineering Services to provide follow up flow metering to record post sewer rehabilitation flows for Basin 8 as required by the Atlantic Highlands/Highlands Regional Sewer Authority to confirm I/I removed by the project and calculate the connection credit due 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 Sewer Utility Operating Fund 3008-3757

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**Stephen Pfeffer, Chief Financial Officer**

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

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

9. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$7,300 plus reimbursable expenses.
10. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
11. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
12. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

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

**R-08-193  
RESOLUTION AMENDING RESOLUTION R-08-60  
PROFESSIONAL ENGINEERING SERVICES OF A NON-FAIR AND OPEN  
CONTRACT  
SURVEY, DESIGN AND INSPECTION  
FOR THE REHABILITATION OF SANITARY SEWERS IN BASIN 2  
T & M ASSOCIATES**

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**WHEREAS**, there exists the need for Professional Engineering Services for the survey, design and inspection of the rehabilitation of sanitary sewers in Basin 2 of the Borough's sanitary sewer system 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 T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

**WHEREAS**, a contract was awarded on March 19, 2008 for an amount not to exceed \$52,750 plus reimbursable expenses for the Professional Engineering Services for the survey, design and inspection of the rehabilitation of sanitary sewers in Basin 2 of the Borough's sanitary sewer system; and

**WHEREAS**, T & M Associates has requested per their letter dated October 30, 2008, that the remaining balance of \$14,091 from the Basin 2 Sanitary Sewer Infiltration/Inflow Physical Investigation contract be combined with the above contract for an amended contract amount not to exceed \$66,841 plus reimbursable expenses; and

**Certification of Funds: Sewer Utility Appropriation Reserve**

**Stephen Pfeffer, Chief Financial Officer**

**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**, the determination of value has been placed on file with this resolution with the Borough Clerk; and

**WHEREAS**, T & M Associates has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005,c271, s2).

**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 Mayor and Council of the Borough of Highlands of the following:

1. T & M Associates' contract for professional engineering services is hereby increased by \$14,091 for an amount not to exceed \$66,841 plus reimbursable expenses.
2. This 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 person authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

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

**R-08-194  
RESOLUTION  
AUTHORIZING RELEASE OF MAINTENANCE BOND  
FOR ROBERT BOWMAN FOR PROPERTY LOCATED  
AT 25-27 CEDAR STREET ALSO KNOWN AS  
BLOCK 68 LOT 2**

**WHEREAS**, the applicant Robert Bowman posted a Two Year Maintenance Bond in the amount of \$1,414.93 (Cash) which went into effect on October 1, 2005 for 25-27 Cedar Street (Block 68 Lot 2):

**WHEREAS**, the applicant Robert Bowan also posted a separate Performance Guarantee in the amount of \$480.00 (Cash) for the installation of monuments

**WHEREAS**, the Borough Engineers office has authorized the release of said maintenance bond in the amount of \$1,414.93 at this time but not the release of the performance bond in the amount of \$480.00.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highland that the Chief Financial Officer is hereby directed to release and refund the Maintenance Guarantees for Robert Bowman for Block 68 Lot 2 in the amount of \$1,414.93 plus any accrued interest.

**BE IT FUTHER RESOLVED** that the Performance Bond in the amount of \$480.00 (Cash) for the installation of the monument will remain in place.

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

**ROLL CALL:**

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

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

**R-08-195  
RESOLUTION  
AUTHORIZING RELEASE OF MAINTENANCE BOND  
FOR TINA FRANCO FOR PROPERTY LOCATED  
AT 45 FIFTH STREET ALSO KNOWN AS  
BLOCK 64 LOT 9**

**WHEREAS**, the applicant Tina Franco posted a Two Year Maintenance Bond in the amount of \$814.32 (Cash) which expired in October 2008 for 45 Fifth Street (Block 64 Lot 9): and Engineering Inspection Fees; and

**WHEREAS**, the Borough Engineers Office has authorized the release of said Maintenance Bond and any remaining engineering inspection fees via an email dated 11/3/08.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highland that the Chief Financial Officer is hereby directed to release and refund the Maintenance Guarantees for Tina Franco for Block 64 Lot 9 in the amount of \$814.32 plus any accrued interest and engineering inspection fees less any outstanding invoices.

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

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**ROLL CALL:**

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

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

**R-08-196  
RESOLUTION  
AUTHORIZING RELEASE OF MAINTENANCE BOND  
FOR CORZAC, LLC FOR PROPERTY LOCATED  
AT 328 BAY AVENUE ALSO KNOWN AS  
BLOCK 94 LOT 15**

**WHEREAS**, the applicant Corzac, LLC posted a Two Year Maintenance Bond in the amount of \$478.88 (Cash) which expired for 328 Bay Avenue (Block 94 Lot 15); and Engineering Inspection Fees; and

**WHEREAS**, the Borough Engineers Office has authorized the release of said Maintenance Bond via email dated 11/3/08 subject to outstanding invoice #LES68284 in the amount of \$295.00 being paid.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highland that the Chief Financial Officer is hereby directed to release and refund the Maintenance Guarantees for Corzac, LLC for Block 94 Lot15 in the amount of \$478.88 plus any accrued interest less any outstanding invoices (T & M Inv.#LES6824 \$295.00).

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

**ROLL CALL:**

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

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

**R-08-197  
RESOLUTION  
AUTHORIZING RELEASE OF MAINTENANCE BOND  
FOR KEN RICH DEVELOPERS, INC FOR PROPERTY LOCATED  
AT 9 WADDELL STREET ALSO KNOWN AS  
BLOCK 119 LOT 10**

**WHEREAS**, the applicant Ken Rich Developers, Inc. posted a One Year Maintenance Bond in the amount of \$927.00 (Cash) which expired for 9 Waddell Street (Block 119 Lot 10); and Engineering Inspection Fees; and

**WHEREAS**, the Borough Engineers Office has authorized the release of said Maintenance Bond via email dated 11/3/08.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highland that the Chief Financial Officer is hereby directed to release and refund the Maintenance Guarantees for Ken Rich Developers, Inc. for Block 119 Lot10 in the amount of \$927.00 plus any accrued interest less any outstanding invoices.

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

**Mayor and Council  
Combined Meeting  
November 12, 2008**

**ROLL CALL:**

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

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-08-198  
RESOLUTION AMENDING R-98-42  
AUTHORIZING CASH MANAGEMENT PLAN**

**WHEREAS**, R-98-42 Authorizing Cash Management Plan was adopted by the Governing Body of the Borough of Highlands on February 18, 1998, and

**WHEREAS**, the adopted Cash Management Plan included a list of designated depositories of the Borough of Highlands, and

**WHEREAS**, the Chief Financial Officer has requested that the list of designated depositories be amended as follows:

TD Bank, National Association (Commerce Bank)  
Two River Community Bank

**WHEREAS**, the banks listed above have filed Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

In addition, all banks protected by the State of New Jersey Governmental Unit Protection Act after filing Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands that Resolution R-98-42 be amended as stated above.

**BE IT FURTHER RESOLVED** that said banks are hereby authorized to honor checks drawn upon said banks, signed by the Mayor, Chief Financial Officer, Administrator and/or the Borough Clerk. All checks require two signatures, one of which maybe a facsimile signature. The payroll account checks may utilize two facsimile signatures.

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

**ROLL CALL:**

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

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

**R-08-199  
RESOLUTION AUTHORIZING ADVANCE  
FOR EXPENSES FOR BOROUGH OFFICIALS**

**WHEREAS**, NJSA 40A:5-16.1 provides for the lawful advancement of funds to officials and employees of the Borough for their expenses for authorized travel and incidents thereto; and



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**WHEREAS**, the following officials of the Borough of Highlands will be traveling to the New Jersey League of Municipalities Convention during November 18, 2008 through November 21, 2008.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following officials and employees be given an advance in the amount (\$100 a day) set forth next to their names and positions **and said officials are required to submit there receipts for expenses and/or return any unused moneys:**

Frank Nolan – Councilman	\$400.00
Nancy Thomas – Councilwoman	\$400.00

**BE IT FURTHER RESOVLED** that other Borough Official and Employees will be reimbursed for such expenses up to \$100.00 a day with a maximum of 4 –days \$400.00 for the convention upon submission of receipts to the Borough.

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

**ROLL CALL:**

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

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

**R-08-200**

**RESOLUTION AUTHORIZING BONDS AGGREGATING THE PRINCIPAL SUM OF \$3,373,000 AUTHORIZED BY EIGHT BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE PART OF THE COST OF VARIOUS GENERAL IMPROVEMENTS IN THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, NEW JERSEY INTO ONE CONSOLIDATED ISSUE OF BONDS AND PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF SAID CONSOLIDATED ISSUE.**

Adopted: November 12, 2008

**WHEREAS**, the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey (the “Borough”), has heretofore adopted eight bond ordinances authorizing bonds to finance part of the cost of various general improvements in said Borough; and

**WHEREAS**, it is necessary to issue bonds pursuant to said ordinances in an aggregate principal amount of \$3,373,000 and it is deemed advisable and in the best interests of the Borough, for the purpose of the orderly marketing of said bonds and for other financial reasons, to combine the bonds authorized under said eight ordinances into one consolidated issue in the aggregate principal amount of \$3,373,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey; **NOW, THEREFORE**,

**BE IT RESOLVED BY 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) that:

Section 1. There shall be issued bonds of the Borough in the following principal amounts pursuant to the following bond ordinances:

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November 12, 2008**

A. \$175,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 98-10):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$205,000 FOR ACQUISITION OF PUBLIC WORKS EQUIPMENT FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$194,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 5 years.

B. \$1,654,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 98-11):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,275,000 FOR CONSTRUCTION OF A FIREHOUSE/EMERGENCY MANAGEMENT FACILITY FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$973,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

which was amended by an ordinance entitled: (Ord. No. 02-22)

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 0-98-11 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW JERSEY ON DECEMBER 16, 1998.

which was amended by an ordinance entitled: (Ord. No. 04-10)

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 0-98-11 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW JERSEY ON DECEMBER 16, 1998.

heretofore finally adopted. The period of usefulness stated in said ordinance is 30 years.

C. \$135,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 05-11):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$175,000 FOR VARIOUS DRAINAGE IMPROVEMENTS FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$166,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 40 years.

D. \$464,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 05-20):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$840,000 FOR VARIOUS IMPROVEMENTS TO THE COMMUNITY CENTER FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW

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JERSEY AND, AUTHORIZING THE ISSUANCE OF \$624,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 15 years.

E. \$365,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 06-02):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$378,000 FOR VARIOUS IMPROVEMENTS TO THE VALLEY STREET STORMWATER PUMP STATION FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$359,100 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

which was amended an ordinance entitled: (Ord. No. 06-07)

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 06-02 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW JERSEY ON MARCH 15, 2006.

heretofore finally adopted. The period of usefulness stated in said ordinance is 40 years.

F. \$240,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 06-13):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$427,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 20 years.

G. \$145,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 07-04):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$245,000 FOR VARIOUS IMPROVEMENTS TO THE COMMUNITY CENTER PARK AND PLAYGROUND FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$177,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 15 years.

H. \$195,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 06-06):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$650,000 FOR REHABILITATION OF SANITARY SEWER SYSTEM FOR AND BY THE BOROUGH OF HIGHLANDS IN

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THE COUNTY OF MONMOUTH, NEW JERSEY AND,  
AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR  
NOTES OF THE BOROUGH FOR FINANCING PART OF THE  
APPROPRIATION.

which was amended by an ordinance entitled (Ord. No. 07-15):

BOND ORDINANCE AMENDING BOND ORDINANCE  
NUMBER 0-06-06 FINALLY ADOPTED BY THE BOROUGH  
COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW  
JERSEY ON JUNE 7, 2006

heretofore finally adopted. The period of usefulness stated in said ordinance is 40 years.

Section 2. The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount of \$3,373,000 and are sometimes hereinafter collectively referred to as the "Bonds." The bond referred to in Subsections A through G shall be designated "General Improvement Bond, Series 2008" and shall be numbered with the prefix G from one (1) consecutively upward. The bonds referred to in Subsection H shall be designated "Sewer Utility Bonds, Series 2008" and shall be numbered with the prefix SU from one (1) consecutively upward. The bonds of said consolidated issue shall be dated the date of delivery of the Bonds and will be issued in fully registered form.

The Bonds shall bear interest and shall mature on December 1 of each of the following years and in the following principal amounts:

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General Improvement Bonds

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2009	\$110,000	3.000%	2019	\$156,000	4.500%
2010	110,000	4.000	2020	166,000	4.500
2011	110,000	4.000	2021	169,000	5.000
2012	116,000	5.000	2022	179,000	5.250
2013	119,000	5.000	2023	189,000	5.000
2014	125,000	5.000	2024	201,000	5.125
2015	129,000	5.000	2025	208,000	5.125
2016	138,000	4.000	2026	220,000	5.000
2017	143,000	4.000	2027	220,000	5.000
2018	150,000	5.250	2028	220,000	5.000

Sewer Utility Bonds

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2009	\$7,000	3.000%	2019	\$10,000	4.500%
2010	7,000	4.000	2020	10,000	4.500
2011	7,000	4.000	2021	10,000	5.000
2012	7,000	5.000	2022	11,000	5.250
2013	7,000	5.000	2023	11,000	5.000
2014	8,000	5.000	2024	12,000	5.125
2015	8,000	5.000	2025	13,000	5.125
2016	8,000	4.000	2026	13,000	5.000
2017	9,000	4.000	2027	14,000	5.000
2018	9,000	5.250	2028	14,000	5.000

The Bonds maturing on or prior to December 1, 2018 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after December 1, 2019 are subject to redemption at the option of the Borough on or after December 1, 2018 upon notice as described in a bond resolution adopted by the Monmouth County Improvement Authority on October 10, 2008, either in whole or in part by lot within a single maturity from maturities selected by the Borough, on any date, at a redemption price equal to 100% of the principal amount thereof (the "Redemption Price"), plus in each case accrued interest to the date fixed for redemption.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

Section 3. It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the said General Improvement Bonds is to be issued, taking into consideration the amount of such General Improvement Bonds to be issued for said improvements or purposes, is 26.56 years. It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the said Sewer Utility Bonds are to be issued, taking into consideration the amount of such Sewer Utility Bonds to be issued for said improvements or purposes, is 40 years

Section 4. The Bonds shall be payable as to interest at the corporate trust office of U.S. Bank National Association, payable semi-annually five business days prior to the first day of June and December in each year until maturity, commencing on June 1, 2009, and payable as to principal at the corporate trust office of U.S. Bank National Association, payable five business days prior to the first day of December, commencing on December 1, 2009. Interest on the Bonds shall be calculated on the basis of a 360-day year or twelve 30-day calendar months.

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Section 5. The Bonds shall be signed by the Mayor or Deputy Mayor and the Borough Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Borough shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Borough.

Section 6. The Bonds are hereby sold and awarded to the Monmouth County Improvement Authority at the price of \$3,465,144.50. The Mayor and Deputy Mayor are hereby authorized on behalf of the Borough to execute the Bond Purchase Agreement by and between the Borough and the Monmouth County Improvement Authority and the Continuing Disclosure Agreement by and between the Borough and U.S. Bank National Association.

Section 7. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

**DATE:** November 12, 2008

\_\_\_\_\_  
**NINA LIGHT FLANNERY, Borough Clerk**

I hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on November 12, 2008.

\_\_\_\_\_  
**BOROUGH CLERK/DEPUTY CLERK**

No. 2008 G-, or 2008 SU-

**UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF MONMOUTH**

**BOROUGH OF HIGHLANDS  
GENERAL IMPROVEMENT BOND, SERIES 2008**

**SEWER UTILITY BOND, SERIES 2008**

DATE OF  
ORIGINAL  
ISSUE: December 4, 2008

BOROUGH OF HIGHLANDS in the County of Monmouth, New Jersey, hereby acknowledges itself indebted and for value received promises to pay to

**THE MONMOUTH COUNTY IMPROVEMENT  
AUTHORITY (the "Authority")  
c/o U.S. BANK NATIONAL ASSOCIATION  
(the "Trustee")**

Account No. \_\_\_\_\_

the principal sums on the dates and in the amounts set forth on Schedule A attached hereto and made a part hereof and to pay interest on such sum from the DATE OF ORIGINAL ISSUE of this bond until payment in full at the interest rates per annum and in the amounts shown on Schedule A attached hereto and made a part hereof. Interest is payable to the Authority at the

**Mayor and Council  
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corporate trust office of the Trustee on the May 15 and November 15 prior to each June 1 and December 1, commencing June 1, 2009, in an amount equal to the interest accruing to each such June 1 and December 1. This bond as to principal will be payable on the fifteenth day of the month immediately preceding the due date therefor at the corporate trust office of the Trustee. Amounts not paid when due hereunder shall bear interest at the Late Payment Rate until paid. This bond shall be prepayable as set forth in Section 1303 of the bond resolution adopted by the Authority on October 10, 2008 (as the same may be supplemented and amended, the "Resolution").

Both principal of and interest on this bond is payable in lawful money of the United States of America and in immediately available funds.

As used herein, "Business Day" shall mean any day that is not a Saturday, a Sunday or a legal holiday in the State of New Jersey or the State of New York or a day on which the Trustee is legally authorized to close. "Late Payment Rate" shall mean a rate per annum equal to the lower of (i) the greater of three percent above the interest rate that JPMorgan Chase publicly announces from time to time as its prime lending rate, such interest rate to change on the effective date of each announced change in such rate and (ii) the maximum interest rate allowed by law.

The Bonds maturing on or prior to December 1, 2018 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after December 1, 2019 are subject to redemption at the option of the Borough on or after December 15, 2019 upon notice as described in a bond resolution adopted by the Authority on October 10, 2008, either in whole or in part by lot within a single maturity from maturities selected by the Borough, on any date, at a redemption price equal to 100% of the principal amount thereof (the "Redemption Price"), plus in each case accrued interest to the date fixed for redemption.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of New Jersey, and is one of the Bonds referred to in a resolution of the Borough of Highlands adopted on November 12, 2008 and entitled "Resolution Authorizing Bonds Aggregating the Principal Sum of \$3,373,000 Authorized By Eight Bond Ordinances Heretofore Adopted To Finance Part Of The Cost of Various General Improvements In The Borough of Highlands, County of Monmouth, New Jersey into One Consolidated Issue of Bonds and Providing for the Form, Maturities and Other Details of Said Consolidated Issue," and the bond ordinances referred to therein, each in all respects duly approved and published as required by law.

The full faith and credit of the Borough of Highlands are hereby irrevocably pledged for the punctual payment of the principal of and the interest on, and all other amounts due under, this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Borough of Highlands, is within every debt and other limit prescribed by such Constitution or statutes.

The Borough of Highlands agrees to pay (i) all costs and expenses (including legal fees) in connection with the administration and enforcement of this bond and (ii) its share of the amounts payable pursuant to Section 9(vi)(B) of the Bond Purchase Agreement between the Borough of Highlands and the Authority.

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**IN WITNESS WHEREOF**, the BOROUGH OF HIGHLANDS, in the County of Monmouth, New Jersey has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor or Deputy Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Borough Clerk, and this bond to be dated the DATE OF ORIGINAL ISSUE as specified above.

BOROUGH OF HIGHLANDS

ATTEST:

By: \_\_\_\_\_  
Anna Little, Mayor

\_\_\_\_\_  
Nina Light Flannery, Clerk

By: \_\_\_\_\_  
Stephen Pfeffer, Chief Financial  
Officer

HIGHLANDSNJ.COM



**Mayor and Council  
Combined Meeting  
November 12, 2008**

SCHEDULE A

BOROUGH OF HIGHLANDS

GENERAL IMPROVEMENT BONDS

Schedule of Principal and Interest Payments

<u>Maturity Date</u> <u>(December 1)</u>	<u>Principal Amount</u>	<u>Interest</u>
2009	\$110,000	3.000%
2010	110,000	4.000
2011	110,000	4.000
2012	116,000	5.000
2013	119,000	5.000
2014	125,000	5.000
2015	129,000	5.000
2016	138,000	4.000
2017	143,000	4.000
2018	150,000	5.250
2019	156,000	4.500
2020	166,000	4.500
2021	169,000	5.000
2022	179,000	5.250
2023	189,000	5.000
2024	201,000	5.125
2025	208,000	5.125
2026	220,000	5.000
2027	220,000	5.000
2028	220,000	5.000

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SEWER UTILITY BONDS**

Schedule of Principal and Interest Payments

<u>Maturity Date</u> <u>(December 1)</u>	<u>Principal Amount</u>	<u>Interest</u>
2009	\$7,000	3.000%
2010	7,000	4.000
2011	7,000	4.000
2012	7,000	5.000
2013	7,000	5.000
2014	8,000	5.000
2015	8,000	5.000
2016	8,000	4.000
2017	9,000	4.000
2018	9,000	5.250
2019	10,000	4.500
2020	10,000	4.500
2021	10,000	5.000
2022	11,000	5.250
2023	11,000	5.000
2024	12,000	5.125
2025	13,000	5.125
2026	13,000	5.000
2027	14,000	5.000
2028	14,000	5.000

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Section 8. The Borough Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Gibbons P.C. (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Borough Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by the CUSIP Service Bureau of Standard & Poor's Ratings Services of New York, New York, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 9. Upon the date of issue of the Bonds, the Borough Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said successful bidder (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Gibbons P.C. as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 10. The proceeds of the Bonds shall be applied in the amounts and for the purpose provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

Section 11. The Mayor or Deputy Mayor and Borough Chief Financial Officer are hereby authorized, as is the Borough Clerk or Deputy Clerk, to execute all documents and certificates necessary for the sale and delivery of said Bonds.

Section 12. This resolution shall take effect immediately.

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

**RECAP OF PAYMENT OF BILLS  
11/12/08**

<b>CURRENT:</b>	\$ 78,093.48
Payroll (10/30/08)	\$ 246,873.25
<b>Manual Checks</b>	<b>\$ 132,202.39</b>
<b>Voided Checks</b>	<b>\$</b>
 <b>SEWER ACCOUNT:</b>	 \$ 86,758.41
Payroll (10/30/08)	\$ 12,470.13
Manual Checks	\$ 4,477.49
Voided Checks	\$
 <b>CAPITAL/GENERAL</b>	 \$ 11,623.94
<b>CAPITAL-MANUAL CHECKS</b>	<b>\$</b>
Voided Checks	\$
 <b>TRUST FUND</b>	 \$ 12,806.01
Payroll (10/30/08)	\$ 4,847.81
Manual Checks	\$ 100.00
Voided Checks	\$
 <b>UNEMPLOYMENT ACCT-MANUALS</b>	 <b>\$</b>
 <b>DOG FUND</b>	 \$ 14.40

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Manual Checks	\$	
<b>GRANT FUND</b>	\$	6,242.50
Payroll (10/30/08)	\$	1,700.00
Manual Checks	\$	
<b>DEVELOPER'S TRUST</b>	\$	146.30
Manual Checks	\$	
Voided Checks	\$	

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

BOROUGH OF HIGHLANDS  
Supplemental Bill List for November 12, 2008

T & M Associates	Basin 2 I/I Study	\$ 17,409.60
Sansone Auto Network	F-350 Dump Truck	\$34,763.00
Total Supplemental Bill List		\$ <u>52,172.60</u>

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

**ROLL CALL:**

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

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

**Ordinance O-08-14**

Mr. Nolan stated that Chief Blewett wanted to have this item tabled.

The Governing Body discussed Chief Blewett's request.

Mr. Nolan offered a motion to table the public hearing and adoption of this ordinance until December 17, 2008:

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

**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:

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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.

**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.

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**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

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:

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- (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 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**

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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. Urbanski and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

Mrs. Flannery advised the public that the public hearing on Ordinance O-08-14 has been has been rescheduled for December 17<sup>th</sup> at 8:00 P.M.

=====

**ORDINANCES: Introduction and Set Public Hearing Date for December 17, 2008**

**Ordinance O-08-15**

Mrs. Flannery read the title of Ordinance O-08-15 for introduction and setting of a public hearing date for December 17<sup>th</sup>, at 8:00 P.M.

Mr. Nolan offered the following Ordinance on introduction and set a Public Hearing date for Wednesday, December 17, 2008 after publication according to law:

**O-08-15**

**STATE FISCAL YEAR 2009**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Governing Body of the Borough of Highlands in the County of Monmouth finds it advisable and necessary to increase its SFY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

**WHEREAS**, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$65,234.63 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.



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**NOW THEREFORE BE IT ORDAINED**, by the Governing Body of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the SFY 2009 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$228,321.21, and that the SFY 2009 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of the ordinance upon adoption, with the recorded vote included thereon, be filed with said Director with 5 days after such adoption.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

**Ordinance O-08-16**

Mrs. Flannery read the title of Ordinance O-08-16 for introduction and setting of a public hearing date for December 17, 2008 at 8:00 P.M.

Mr. Hilling explained that there are some amendments to this ordinance as a result of the traffic changes that have been made in connection with the bridge and in accordance with the NJDOT we changed the code to indicate any vehicles over seven tons will not be authorized on Highland Avenue. In addition with the one way on Hillside Avenue it needs to be stated in the code.

Dale Leubner of T & M Associates then described some amendments needed for this ordinance.

Ordinance O-08-16 was then introduced as follows:

Mr. Nolan offered the following ordinance and moved on its introduction as amended and setting of a public hearing date be set for December 17, 2008 at 8:00 P.M. and authorized its publication according to law:

**O-08-16  
AN ORDINANCE AMENDING VII TRAFFIC  
OF THE REVISED GENERAL ORDINANCE OF THE  
BOROUGH OF HIGHLANDS**

{additions shown in underline, deletions shown by ~~strikeouts~~}

**WHEREAS**, there exists a need to amend the Borough traffic ordinances to enhance pedestrian and vehicle safety due to the ongoing Route 36 bridge construction project.

**THEREFORE BE IT ORDAINED** by the Governing Body of the Borough of Highlands that Chapter VII, Traffic of the Revised General Ordinances of the Borough of Highlands is hereby amended as follows:

Under Schedule VIIA Weight Limitation on Certain Borough Streets

Under Name of Street: Highland Avenue

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Under location: Portland Road to Valley Avenue

Under Schedule II One Way Street

Under Name of Street:	Direction:	Limits
<u>Hillside Avenue</u>	<u>East</u>	<u>Portland Road to South Bay Ave</u>
<u>South Bay Avenue</u>	<u>North</u>	<u>Hillside Ave to Bay Ave</u>

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Mr. Caizza**

**ABSTAIN: None**

**Ordinance O-08-12**

Mrs. Flannery stated that this Bond Ordinance did have a public hearing and was tabled by on a motion by Mr. Nolan so it may be considered at this time for adoption. She then read the title of Ordinance O-08-12.

**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.**

Mrs. Burton requested that this ordinance adoption be tabled until the first meeting in December so that she could give a presentation to the Council.

Mrs. Burton offered a motion to carry the adoption of Ordinance O-08-12 to the December 3, 2008 meeting, seconded by Mr. Nolan and all were in favor.

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**OTHER RESOLUTIONS:**

**Resolution R-08-201**

Mr. Urbanski stated that he wanted to make a motion to hire Bob Clark of Appruzzese, Mastro, McDermott for the purpose of contract negotiations for Professional Labor Council Services for the PBA Contract at a rate of \$115.00 per hour not to exceed \$7,500.00.

Seconded by Mr. Nolan.

Mr. Oxley explained that by doing this we would not break this continuity of the contract negotiations.

Mr. Pfeffer stated that this was fine but that this would have to be approved as a Non Fair and Open Contract.

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

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BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-08-201**

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

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

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

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

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$7,500 plus reimbursable expenses for professional labor relations counsel services provided to the Borough of Highlands for the period November 12, 2008 through December 31, 2008, and

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

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

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

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

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Stephen Pfeffer, Chief Financial Officer

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

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

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

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



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2. It will be proposed to the Executive Board to eliminate the Water Taxi unless grants are obtained.
3. The October Fest was a great success.
4. The Tree Lighting Event will be held on December 5<sup>th</sup> at 6:00 P.M.
5. The HBP will have the holiday decorations installed on November 28<sup>th</sup>.
6. The HBP would like to request another meeting regarding the Mercantile License Process.
7. Back in June we gave Mr. Murphy a "Go To Guide" to review and we have not heard any response.

Mercantile Licenses – Mrs. Flannery advised the Council that information on pending Mercantile Licenses was placed in each of the Governing Body's mail boxes.

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**OTHER BUSINESS:**

Robert Keady, P.E. of T & M Associates discussed the following Engineers Status Report:

**HGHL-G0801**

**November 6, 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 has indicated they have completed the repairs to the court areas. T&M will review the repairs with Tim Hill.
2. **Valley Avenue Slope Repairs:** Based upon recent discussions with the NJDOT, they may provide financial assistance towards stormwater pipe repairs. As a result, T&M provided an estimate on October 29, 2008 for lining the existing storm pipe in the unimproved portion of Valley Avenue.
3. **Master Plan:** T&M Associates has met with the Planning Board to discuss Master Plan changes as recommended by members of Council. As authorized by Mayor and Council, T&M Associates has started preparing a Master Plan Reexamination Report. T&M Associates will discuss the recommendations with the Planning Board on November 13, 2008.

**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. T&M Associates has 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, T&M Associates has submitted a cost proposal on October 9, 2008 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 completed.

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4. **Basin Two Sanitary Sewer Rehabilitation Project:** T&M Associates has 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.

**Gants 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. T&M Associates has 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 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 has adopted Bond Ordinance #08-11 for this project. Upon authorization, T&M Associates will commence design, which is anticipated to be in the fall/winter of 2008/2009, 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 - Highland 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

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

Mr. Keady also spoke about the Mayor's request that he look into valving on the existing outfalls. He explained that T & M is working on a spread sheet of status of the existing outfalls.

Mr. Leubner of T & M Associates explained the study spread sheet. He stated that there are approximately 24 outfalls in town and half of them do have some type of valve on them. He then stated that the outfall line and inflow line at the Valley Street Pump Station has disintegrated and that line needs to be replaced which he further described. There is a crossing down on the western end of Bay Avenue that is crushed and needs to be replaced and he believes that the DPW could probably do that line because it's a small line. The structure behind the firehouse by the Sewerage Authority needs work also. The line behind the Armstrong property coming down the hill needs lining.

Generators – Mr. Hilling stated that we need a Professional Service Agreement for T & M to move forward with the generator work for \$90,000.00.

Mayor Little – we don't have an agreement on the agenda to discuss this tonight.

Mr. Pfeffer stated that if the borough moves forward on the Borough Hall generator then we need to do a minor amendment in the bond ordinance to include the borough hall. He stated that he has a

resolution prepared for this. He recommended that the Council amend the agenda to include this resolution, award the contract subject to the \$16,300 being subject to the bond ordinance being amended to add this.

Mr. Nolan offered a motion to amend the agenda to include a Resolution Authorizing the Award of a Non-Fair and Open Contract for Professional Engineering Services – Installation of Emergency

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Generators for an Amount not to Exceed \$90,000, seconded by Mr. Urbanski and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-08-202**

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

**WHEREAS**, the Borough of Highlands has a need for professional engineering services for the installation of emergency generators at the Community Center, Waterwitch Avenue Pump Station and South Bay Avenue Pump Station and an optional emergency generator at Borough Hall if so desired by the Borough as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

**WHEREAS**, this contract is to be awarded for an amount not to exceed the following amounts plus reimbursable expenses per T & M Associates proposal dated August 14, 2008 for Professional Engineering Services for the installation of emergency generators provided to the Borough of Highlands for the period of one year:

Design & Inspection Fees:

Three (3) CDBG Generators .....	\$65,200
Borough Hall Generator.....	\$16,300 (optional)
Spill Prevention Plan Preparation (4 tanks).....	\$8,500
	-----
Total.....	\$90,000

**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:

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I hereby certify funds are available from Bond Ordinance 08-02 except for generator for Borough Hall (Bond Ordinance 08-02 will need to be amended for this option)

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**Stephen Pfeffer, Chief Financial Officer**

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

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

17. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$90,000 plus reimbursable expenses if all options are chosen.
18. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
19. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
20. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

**Scattered Site Redevelopment**

Mr. Hilling stated that they have notified fifteen property owners with a letter that Mr. McNamara and Mr. Oxley drafted. This letter informs the property owners that we plan on moving forward to improve these properties and we are asking them to attend a meeting next Monday at 7:30 P.M. to discuss their individual property situations.

Mrs. Burton – we have the HBP Meeting that night also.

**HBP Calendar of Events**

Mrs. Burton – this was put on the agenda for the Mayor & Council to approve the 2009 Events.

The Governing Body discussed the events.

Mrs. Burton offered a motion and moved on the approval of the following 2009 HBP Events Calendar:

**Highlands Business Partnership  
2009 Events Calendar**

Saturday	March 21	St. Patrick's Day Parade Bay Avenue 2PM
Sunday	May 24	Seaport Craft Show Huddy Park 10AM-5PM



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Saturdays	June 27-Nov 7	Farmer's Market 9AM Huddy Park
Thurs-Sun	Aug 6 – Aug 9	Clamfest Huddy Park Thursday 6-11PM Friday 6-11PM Saturday 12-11PM Sunday 12-8PM
Sunday	September 26	Twin Lights Bike Ride 7AM Huddy Park-Shore Drive
Saturday	October 3	Oktoberfest 2-10PM
Sunday	October 4	Rain date- Veteran's Park

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

**ROLL CALL:**

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

**Joint Study with HES RE: Consolidation of School Districts**

Mayor Little stated that the HES did apply for a grant and they were turned down, it was a Tri-District Application. They need to continue with the study in order to try to consolidate the school districts. There is a request from the Highlands Council for \$6,000 and \$3,000 of which would go to the Highlands Elementary School and \$3,000 of which would go to Henry Hudson for the purposes of contracting with someone to perform that study. She believes that Atlantic Highlands is being asked to contribute an equal amount.

Mrs. Burton suggested having a meeting similar to the one that we do for the School Board Budget where both Atlantic Highlands and the Highlands Council get together to discuss this.

The Governing Body briefly discussed approving \$6,000 for the study.

Rita Caizza of the Highlands Elementary School Board spoke about this desire to have this study conducted to see if the schools can be consolidated.

Mr. Nolan offered a motion to authorize \$6,000 for the HES study for school consolidations, seconded by Mr. Urbanski and approved on the following roll call vote:

**ROLL CALL:**

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

**Resignation from Zoning Board Member – A. Solomon**

Mayor Little stated that Ms. Solomon has submitted a letter of resignation from the Zoning Board Mayor Little accepted this resignation with regret.

**Depuration Plan Lease**

Mayor Little – we need a status on this lease.

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Mrs. Flannery – we have terms listed for a lease in the October 1<sup>st</sup> Executive Session Minutes.

Mayor Little – can we authorize the Attorney to draft this lease.

Mr. Nolan offered a motion to authorize the Borough Attorney to prepare a lease with the terms listed in the October 1<sup>st</sup> Executive Session Minutes.

Mrs. Burton stated that she was not at the October 1<sup>st</sup> meeting but does have an idea of a term to add which would be landscaping improvements.

Mayor Little believes that there is already a capital improvement term in the conditions that would cover that item.

The Governing Body briefly discussed.

Mr. Oxley stated that the Council would have the draft lease to review at the next Executive Session Meeting.

Mr. Nolan's motion was seconded by Mayor Little and all were in favor.

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**MINUTES:**

Mr. Urbanski offered a motion to approve the October 1, 2008 and October 15, 2008 Regular Meeting Minutes, seconded by Mayor Little and all were in favor except for Mrs. Burton and Mr. Nolan who abstained.

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**PUBLIC PORTION:**

Don Manrodt of 268 Bayside Drive spoke about the tax increase back in July and stated that we are getting another increase.

Mr. Pfeffer explained that the Borough can only control the municipal tax rate.

Don Manrodt then informed the Borough Administrator that there is water coming out of the ditch so it needs to be dug out. He cautioned Mr. Hilling that the soil may be contaminated.

Mr. Hilling stated that he will take care of it.

Pauline Jennings of 27 Ralph Street congratulated both Chris Francy and Rebecca Kane for their election results.

Janet Peterson of 55 Portland Road questioned R-08-191 and the funding for the HBP loan/grant agreement. She stated that the resolution did not just authorize the application for the grant but also authorized the spending of the funds.

Michelle Pezzullo of 115 Highland Avenue asked what a Work Shop Meeting was and what was going on by OLPH . She also stated that Rosemary Ryan wanted to know when the yellow line would be painted by Off the Hook. She then thanked everyone for their work regarding Highland Avenue.

Mrs. Flannery – a Work Shop meeting is where the Governing Body talks about what they want on the next meeting and what they want to take action on at the next meeting. Normally no formal action is taken at a Workshop Meeting.

Mr. Hilling – stated that the curbs have all been repainted.

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Mr. Urbanski – where they pull out of that driveway that has to be done by ordinance.

Michelle Pezullo stated that she does not think that its painted.

Mr. Urbanski suggested that we have a Police Officer take a look up there to see that its proper.

Mr. Leubner then informed Ms. Pezzullo that the work in question by OLPH is a retaining wall that is being replaced.

Maureen Kraemer of 200 Portland Road said that the Route 36 and Miller Street lights the timing for the left hand signals has not been accomplished.

Mr. Hilling – we are waiting for NJDOT to make a decision on this for both Miller and Linden Avenue lights.

Maureen Kraemer then spoke about a car that has been parked on Highland Avenue and has not been moved for several months.

Mr. Hilling – Chief Blewett said the owner of that vehicle lives across the street and is not available right now and Chief Blewett feels that there is nothing in the code that we could site to have the vehicle removed. So our option would be to have “No Parking” signage placed there to get rid of that vehicle.

Mayor Little – didn’t we talk about temporary no parking.

Mr. Hilling – we did talk about that and that is something that the Chief is looking at.

Maureen Kraemer spoke about the utility lines being marked recently and she wanted to know what this was all about.

Mr. Leubner spoke about the utility mark out process. The approach to the bridge basically starts by the driveway by the Off the Hook Restaurant on the Highway and as it gets to Portland Road, the road is going to come up about 18 inches at that intersection which he further described.

Tom Walczewski of 80 Shrewsbury Avenue spoke about the Resolution R-08-184 regarding Linda Grecco payment. He stated that his house and as of this month his house is still empty and this project started over ten years ago. He does not know how the Borough can pay her when his house is not finished yet. He wants to know when his house will be finished.

Mr. Hilling explained that he has been in contact with the Middletown Administrator and they want to get the last unit done and they said that Mr. Walczewski should fill out an application and they are still waiting for Mr. Walczewski to complete the application.

Discussions continued with Mr. Walczewski about his house.

Mr. Pfeffer said that COAH said that Linda Grecco should be paid. His understanding is that Middletown would be responsible for the last unit and that the funds will come from the RCA Agreement that the Borough had which we do have the funds on hand.

Mayor Little asked the Borough Attorney what we could do to help Mr. Walczewski.

Mr. Oxley stated that Mr. Walczewski should fill out the application that they asked him to fill out and if he doesn’t fill it out there are then going to find another house to rehab.

Mr. Walczewski complained about having to fill out another application.

Mayor Little – we need to reconvene another meeting about this issue. She did suggest Mr. Walczewski to submit the requested application. She advised the Borough Administrator to set up a meeting.

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Jim Parla of 16 Portland Road congratulated both Mr. Francy and Ms. Kane on their election and thanked both Mr. Nolan and Mrs. Burton for all of their work. He then questioned the budget.

Mr. Pfeffer spoke about their budget process and goals.

Mayor Little commented on the budget.

Conor Jennings of 27 Ralph Street – no questions at this time.

Lori Dibble of 32 Paradise Park questioned if HBP is subject to Open Public Records Request.

Mr. Oxley – I don't know but he will take a look into that.

Donna O'Callaghan of 29 South Bay Avenue wanted to know if the Borough has access to the HBP financial records. She then questioned if the HBP is able to pay back the loan that the Council just authorized.

Mayor Little – I believe their books are available and their budget is on the website. She then suggested that the public attend a HBP meeting.

Rita Caizza of 2 King Street – no questions

Richard O'Neil of Route 36 commented on the Walczeweski house matter and stated that he believes that the Borough is closed out of this matter. He also stated that he does not think that Ms. Grecco should have gotten paid for doing 50 houses when one is not complete.

Jim Bollerman of Sandy Hook Bay Marina stated that the HBP will have their meeting on Monday night and he urged people to go to answer their questions.

There were no further questions from the public.

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

The Meeting adjourned at 10:52 P.M.

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**CAROLYN CUMMINS, DEPUTY CLERK**