

**Mayor and Council
Combined Meeting
December 3, 2008**

Mayor Little called the Meeting to order at 7:32 P.M.

Mrs. Cummins made the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a 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, Mayor Little

Absent: Mr. Nolan

Also Present: Carolyn Cummins, Deputy Clerk
Joseph Oxley, Esq., Borough Attorney
Bruce Hilling, Borough Administrator
Stephen Pfeffer, Chief Financial Officer
Joseph Blewett, Chief of Police

Executive Session Resolution:

Mrs. Cummins read the following Resolution for approval:

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

**RESOLUTION
EXECUTIVE SESSION**

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

- 1.Litigation: Goldman Litigation, Schultz Litigation**
- 2.Contract Negotiations: Dan-Rob Parking Lot Lease, Prof Serv Agr McKenna, P.B.A. Contract, CWA Contract**
- 3.Real Estate: Aqua Life & Depuration Plant, 2 Private Road**
- 4. Personnel Matters: Lay-Off's & Police Communications Panel**

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.

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7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
8. Related to investigation of violations or possible violations of the law.
9. **Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.**
10. **Falls within the attorney-client privilege and confidentiality is required.**
11. **Deals with personnel matters of public employees and employee has not requested that the matter be made public.**
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

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

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Mayor Little called the Regular Meeting back to order at 8:39 P.M.

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

ROLL CALL:

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

Absent: Mr. Nolan

Also Present: Carolyn Cummins, Deputy Clerk
Joseph Oxley, Esq., Borough Attorney
Bruce Hilling, Borough Administrator
Stephen Pfeffer, Chief Financial Officer
Joseph Blewett, Chief of Police

Consent Agenda: Payment of Bills

Mrs. Cummins stated that the Payment of Bills are on for approval and copies are available at the Borough Clerks office for anyone wishing to review them.

Mr. Caizza offered a motion and moved on the approval of the following Payment of Bills:

**RECAP OF PAYMENT OF BILLS
12/03/2008**

CURRENT:		\$ 564,532.94
Payroll	(11/30/08)	\$ 301,459.33
Manual Checks		\$ 49,482.39
Voided Checks		\$ -400.00
SEWER ACCOUNT:		\$ 209.62

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Payroll (11/30/08)	\$	12,294.36
Manual Checks	\$	17,843.90
Voided Checks	\$	
CAPITAL/GENERAL	\$	2,113.75
CAPITAL-MANUAL CHECKS	\$	34,763.00
Voided Checks	\$	
TRUST FUND	\$	5,869.63
Payroll (11/30/08)	\$	8,780.00
Manual Checks	\$	
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	600.00
Manual Checks	\$	
GRANT FUND	\$	
Payroll (11/30/08)	\$	495.60
Manual Checks	\$	
DEVELOPER'S TRUST	\$	
Manual Checks	\$	3,558.45
Voided Checks	\$	

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Nolan

ABSTAIN: Mrs. Burton

Ordinances: Introduce and Set Public Hearing Date for December 17, 2008

Ordinance O-08-017

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

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

**O-08-17
ORDINANCE AMENDING THE BOROUGH OF HIGHLANDS
CODE TO ADD THE FOLLOWING REGULATIONS ON
"GARBAGE COLLECTION"**

WHEREAS, the Borough of Highlands has maintained garbage collection for both residential and commercial uses within the Borough; and

WHEREAS, residential garbage collection and/or reimbursement is required under N.J.S.A. 40:66-1.2 et seq. The same garbage collection is not required for commercial uses; and

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WHEREAS, the Borough of Highlands seeks to reduce municipal expenses by eliminating garbage collection for commercial uses.

BE IT ORDAINED, by the Borough Council of the Borough of Highlands that the Code of the Borough of Highlands be amended and supplemented to add the following new Section:

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

SECTION ONE

GARBAGE COLLECTION – COMMERCIAL PREMISES

A. The Borough of Highlands shall not collect garbage, trash and refuse of any kind from business or commercial establishments. The collection of garbage shall be the responsibility of the owners and occupants thereof to provide for private collection of garbage, trash and refuse and to comply with all applicable Federal, State and Borough laws, rules and regulations regarding such collection. All businesses and commercial establishments shall also provide for recycling as required by law.

B. For purposes of this ordinance, businesses and commercial uses shall be designated as any business or commercial operation having a mercantile license issued under Section 4-9.1 of the Code of the Borough of Highlands.

SECTION TWO

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

SECTION THREE

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

SECTION FOUR

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Nolan

ABSTAIN: None

Ordinances: Adoption

Mrs. Cummins stated that on for adoption at this time is Bond Ordinance O-08-12. She stated that there was a public hearing on this ordinance at the October 15th meeting and that at this time it is on for final reading and adoption. She then read the title of Bond Ordinance O-08-12.

Mrs. Burton offered the Bond following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O-08-12
BOND ORDINANCE PROVIDING AN APPROPRIATION
OF \$800,000 FOR ACQUISITION OF OPEN SPACE FOR**

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**AND BY THE BOROUGH OF HIGHLANDS IN THE
COUNTY OF MONMOUTH, NEW JERSEY AND,
AUTHORIZING THE ISSUANCE OF \$760,000 BONDS
OR NOTES OF THE BOROUGH FOR FINANCING
PART OF THE APPROPRIATION.**

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

SECTION 1:

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

SECTION 2:

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

SECTION 3:

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

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

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

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

SECTION 4:

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

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SECTION 5:

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

SECTION 6:

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

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

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

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

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

SECTION 7:

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

SECTION 8:

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

SECTION 9:

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

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SECTION 10:

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Nolan

ABSTAIN: None

Committee Reports:

Finance

Mr. Pfeffer stated that the budget hearing will be held at the December 17th meeting. He informed everyone that he is preparing a budget amendment which he further described. He briefly discussed municipalities being able to defer half of their pension payments and spoke about the pros and cons of doing this.

Mayor Little stated that she wants to meet with the CFO about the Capital Budget before the December 17th meeting.

DPW

Mr. Urbanski stated that there was no report at this time.

Public Safety

Chief Blewett stated that there was no report at this time.

Building & Housing

Mr. Caizza spoke about the Substandard Housing Committee meetings and informed them of the status of subject properties.

Parks & Recreation

Mr. Hill stated the following:

1. The Tree Lighting is this Friday.
2. Holiday Helpers will be this Saturday which is a babysitting program for parent to be able to go out and shop.
3. Breakfast with Santa is coming up.
4. Holiday Magic Show is next Thursday at the Henry Hudson School.

Highlands Business Partnership

Mrs. Burton stated that the Holiday Decorations are up.

Other Business:

Tom Kavookjian – Field Report

Tom Kavookjian and George Bradley were present and gave a lengthy presentation of proposed improvements to be made at the Kavookjian Field. He stated that he wants to get the Council's blessing because he wants to be able to start collecting funds and spoke about interest in applying for grants to cover the cost of the improvements.

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The Governing Body had discussion about Mr. Kavookjian possibly needing to apply for a non-profit status to collect funding or he has the option of the Borough depositing the donations and having control on the spending of those funds. If people send donations to the Borough they must accompany a letter with the check indicating that it's a donations for the Kavookjian Field to protect the money for this project. The Council also discussed liability concerns of Mr. Kavookjian and Mayor Little advised him to speak to his attorney and insurance agent.

The Governing Body supported the project.

Depuration Lease

Mayor Little – we have been speaking of terms of a lease and we will be getting a draft lease for the next executive session meeting to review.

PUBLIC PORTION:

Tara Ryan of 17 Ocean Street spoke about vehicle signage safety concerns on Miller and Highland Avenue.

Mr. Hilling stated that he would look into this for Ms. Ryan.

Jim Parla of 16 Portland Road had no questions at this time.

Pauline Jennings of 27 Ralph Street spoke about the HBP loan/grant application that the Council recently approved a Resolution for.

Lori Dibble of 32 Paradise Park questioned the activitiy that is going on by Pompamora Park and wanted to know what was going on with the Shore Drive extension. She also wanted to know the status of any action being taken to address previous safety concerns for signage by the Sandy Hook Bay Marina.

Mr. Hilling stated that he would call the County to find out about this for Ms. Dibble and he would speak to the Chief about the signage for Sandy Hook Bay Marina traffic concerns.

John Bentham, 39 Washington Avenue – stated that as a member of the AHHRSA he wants the AHHRSA Committee to be able to come and address the Council at a Work Shop Meeting about infiltration into the sewer system by private homeowners.

The Council spoke about possibly allowing them to be on an agenda after the new year.

There were no further questions or comments from the public.

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

The Meeting adjourned at 9:50 P.M.

CAROLYN CUMMINS, DEPUTY CLERK