

**Mayor and Council
Regular Meeting
December 17, 2008**

Mayor Little called the meeting to order at 7:03 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 Regular Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Courier, The Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

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

Late Arrival: Mrs. Burton and Mr. Nolan both arrived to the meeting at 7:10 P.M.

Absent: None

Also Present: Carolyn Cummins, Deputy Clerk
Bruce Hilling, Borough Administrator
Stephen Pfeffer, CFO
Joseph Oxley, Esq., Borough Attorney
Jaclyn Flor, P.E., Borough Engineers Office
Dale Leubner, Borough Engineers Office

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: Worrell vs. Borough, Jennings vs. Borough, Goleman vs. Borough**
- 2.Contract Negotiations: PBA Contract, CWA Contract**
- 3.Real Estate: Aqua Life & Depuration Plant Lease**
- 4. Personnel Matters: Lay-Off's, Rectify Personnel Appointments in Police Dept., Effects of Garbage Ordinance RE: Personnel & Personnel aspect w/regard to the budget**
- 5. Minutes: December 3, 2008 Executive Session**

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.**

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- 6. Deals with purchase, lease or acquisition of real property with public funds.**
7. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
8. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
9. Related to investigation of violations or possible violations of the law.
- 10. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.**
- 11. Falls within the attorney-client privilege and confidentiality is required.**
- 12. Deals with personnel matters of public employees and employee has not requested that the matter be made public.**
13. 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: Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: Mrs. Burton, Mr. Nolan

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Little called the regular meeting back to order at 8:21 P.M.

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

ROLL CALL:

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

Absent: None

**Also Present: Carolyn Cummins, Deputy Clerk
Bruce Hilling, Borough Administrator
Stephen Pfeffer, CFO
Joseph Oxley, Esq., Borough Attorney
Jaclyn Flor, P.E. Borough Engineers Office
Dale Leubner, Borough Engineers Office**

PUBLIC PARTICIPATON ON AGENDA ITEMS:

The following people were listed on the Public Portion and they were advised that they would have an opportunity to speak on the items at the time of the public hearing.

Christian Lee of 2 Navesink Avenue – Ordinance O-08-17
Skip Ross of 71 Waterwitch Avenue – Ordinance O-08-17
James Parla – Ordinance O-08-17 Sanitation and Nose Ordinance
Pat Robertson of 101 Shore Drive – other items
Linda Mikail of the HBP – Ordinance O-08-17
Jim Filip of Doris & Ed's – Ordinance O-08-17
Dan Shields – Ordinance O-08-17
Vince & Laura Renzo – Ordinance O-08-17
Allison Loori of Driftwood Liquors – Ordinance O-08-17

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Mary Ann Soyka of Andys Shore Bar – Ordinance O-08-17
Dick Walker of One 28 Bay - Ordinance O-08-17
Steve Szulecki of 116 Highland Avenue – Ordinance O-08-17
Skip Shute of Sea Venture Marina – Ordinance O-08-17

Tara Ryan of 17 Ocean Street – spoke favorably about Resolution R-08-206 as long as there is no taxing on the residents.

CONSENT AGENDA RESOLUTIONS:

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

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

**R-08-203
CANCEL TAX OVERPAYMENTS**

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the tax rolls and determined that certain properties have credit balances that are old and outstanding, and

WHEREAS, the Tax Collector recommends that the tax overpayments be cancelled,

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Council of the Borough of Highlands, in the County of Monmouth, New Jersey, that the Tax Collector cancel tax overpayments effective immediately as follows:

<u>Block</u>	<u>Lot</u>	<u>Year</u>	<u>Amount</u>
1	3.01	2004	\$ 6.62
1.02	5	2004	8.89
3	1	2004	167.38
7	4.01	2004	22.07
7	5.01	2004	16.54
9.01	14	2004	250.00
11	16	2004	642.07
11	16.02	2004	563.50
11.04	6	2004	122.94
11.04	11	2004	923.43
11.06	3	2004	52.93
17	2.03	2004	199.55
17	4	2004	1,616.47
21	3	2004	.01
21	6	2004	227.57
23	3.01	2004	288.88
26	13	2004	154.79
28	3.01	2004	63.15
29	3	2004	2,194.55
39	14.01	2004	82.34
42	6	2004	157.15
43	4.01	2004	11.03
43	9.01	2004	10.59
45	2.04	2004	1,220.72
45	2.05	2004	1,247.66
48	6	2004	302.62
49	8	2004	228.84
49	9	2004	120.49
50	1	2004	19.53
50	2	2004	30.91
50	2.01	2004	61.81
52	2	2004	128.61
54	1	2004	43.54

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54	10	2004	54.85
56	1	2004	113.46
56	18.01	2004	6.83
57	10	2004	648.58
59	33	2004	408.59
62	7	2004	222.25
63	2	2004	35.20
63	27	2004	141.08
65	14	2004	.01
65	21	2004	644.87
66	1.01	2004	8.15
66	5.01	2004	5.50
66	7.01	2004	5.50
66	9.01	2004	9.26
66	10.01	2004	3.63
66	13.01	2004	11.03
66	14.04	2004	38.26
66	14.07	2004	6.81
66	14.09	2004	27.86
68	3.01	2004	107.70
69	2	2004	248.20
71.73	7.20	2004	1,331.25
72	9.14	2004	83.66
72	9.29	2004	172.31
72	9.40	2004	340.27
72	19	2004	820.12
80	3	2004	336.77
82	1.01	2004	37.53
91	9	2004	13.06
98	6.05	2004	2,705.24
98	10	2004	6.73
99	14.06	2004	774.26
100	26.66	2004	98.53
100	27.02	2004	19.55
100	27.04	2004	17.69
100	27.05	2004	14.73
100.4	26	2004	215.36
100.7	26	2004	511.65
100.7	33	2004	71.22
100.8	54	2004	811.39
100.9	86	2004	691.47
101	4	2004	898.00
106.1	104	2004	267.16
106.1	110	2004	.01
106.1	205	2004	267.16
106.1	302	2004	134.70
106.1	311	2004	134.70
106.1	507	2004	206.54
106.1	509	2004	.01
106.1	602	2004	136.95
106.1	604	2004	278.38
106.1	712	2004	139.19
106.1	1005	2004	305.00
106.1	1010	2004	202.05
106.1	1012	2004	771.79
106.1	1103	2004	204.30
106.1	1104	2004	537.36
106.1	1302	2004	39.87
106.1	1304	2004	291.85
106.1	1411	2004	1,130.78

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109	7	2004	179.60
112	12.12	2004	180.00
112	12.21	2004	286.88
120	10.2-6	2004	1,341.72
120	10.2-19	2004	<u>1,341.72</u>
Totals			\$32,283.31
1.01	18	2005	1,357.94
1.01	20	2005	66.63
1.04	4	2005	1,030.40
1.04	17	2005	960.95
4	2	2005	69.14
7	2	2005	4.63
11.01	9	2005	201.07
11.07	4	2005	892.34
11.10	16	2005	1.00
15	1	2005	1,476.49
17	2.01	2005	2,046.62
20	5.03	2005	157.65
22.1	7	2005	76.52
37	7	2005	.38
40	10.01	2005	1,251.75
44	10	2005	1,187.65
45	2.01	2005	2.85
45	2.04	2005	60.92
47	2	2005	24.02
54	1	2005	88.68
59	14	2005	72.00
59	20	2005	789.68
59	25	2005	941.04
61	10	2005	231.69
61	13.021	2005	44.20
61	20	2005	135.94
63	23	2005	1.24
63	24	2005	141.07
63	26	2005	616.88
64	4	2005	249.86
65	21	2005	57.13
65	27	2005	1,086.14
66	14.03	2005	5.97
70	8	2005	2.58
76	10	2005	1,232.54
77	3	2005	990.34
93	6	2005	1,837.98
98	10	2005	3,183.63
98	11	2005	3,683.42
100	8	2005	1,059.80
100	17	2005	104.57
100.8	42	2005	790.67
100.10	115	2005	790.67
100.12	148	2005	950.00
100.13	5	2005	228.71
103	1	2005	229.86
103	5	2005	710.36
104	6.01	2005	275.15
106.1	809	2005	272.97
106.1	1009	2005	119.88
106.1	1107	2005	14.02
106.1	1402	2005	913.82
112	12.16	2005	743.23

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112	12.25	2005	.01
114	7.02	2005	963.70
114	7.09	2005	95.07
118	3	2005	1,006.98
119	3	2005	<u>117.89</u>
Totals			\$35,648.32

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

ROLL CALL:

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

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

**R-08-204
RESOLUTION AUTHORIZING
REFUNDS OF UNUSED ZONING BOARD ESCROW FEES**

WHEREAS, the Board Secretary has reviewed the following ZB Escrow Accounts and has confirmed that there are no outstanding or pending professional engineering or professional legal service invoices due on the following accounts:

Name	Block	Lot	Location	Escrow Acct	Refund Amt
Wood, Thomas & Mary	26	9.02	3 S. Peak St	9500-9-4-08	\$467.12
Bahrs, Craig	66	8		9500-9-06-06	\$451.25
Duane Realty, LLC	94	1/16	321 Bay Ave	9500-9-01-06	\$1147.34
Two River Construction	64	23	216 Bay Ave	9500-9-04-05	\$174.51
Branin, Keri	89	4/5	54 Huddy	9500-9-14-02	\$74.12

WHEREAS, no further review is needed for this Zoning Board Application and remaining funds should be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund the above referenced applicants the above listed remaining unused Zoning Board escrow fund amounts.

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

ROLL CALL:

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

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

**R-08-205
RESOLUTION APPOINTING MEMBER OF HOUSING
AUTHORITY**

WHEREAS, due to the expiration of the term of Pastor Martin McGrail on the on the Highlands Housing Authority; and

WHEREAS, the Governing Body desires to fill that position for the regular term;

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NOW, THEREFORE, BE IT RESOLVED that the following appointment be and hereby is made:

Pastor Martin D. McGrail, Jr. for the five year term
to expire November 30, 2013

BE IT FURTHER RESOLVED that commencement of said term be retroactive to December 5, 2008.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-08-206
A RESOLUTION TO SUPPORT EFFORTS BY THE
COUNTY AND OTHER MONMOUTH COUNTY MUNICIPALITIES
IN ESTABLISHING A REGIONAL
SCENIC BYWAY**

WHEREAS, the Monmouth County Planning Board has worked closely with the State of New Jersey and other municipalities in the county in determining ways to help showcase regional as well as local historic, cultural, scenic and natural qualities to the general public; and

WHEREAS, the pursuit a New Jersey and National Scenic Byway designation would promote more widespread recognition and appreciation of these assets and intrinsic qualities for both the Borough of Highlands and the region; and

WHEREAS, a properly administered scenic byway can provide benefits to the Borough of Highlands by show casing our historical Twin Lights, Bahr's Restaurant, Marina's, Highlands Hills and Beaches, cultural sites, scenic roadways and environmental features by welcoming visitors to explore and share in the rich heritage of our community; and

WHEREAS, a scenic byway designation can further benefit the community by fostering economic development that is in keeping with our preservation efforts and by providing access to federal resources for improving established roadways that constitute the byway alignment; and

WHEREAS, the Borough of Highlands recognizes specifically that this effort involves cooperation with the county and other municipalities in the development of a Scenic Byway Nomination Package for submission to the State of New Jersey (NJDOT) and the eventual development of a Corridor Management Plan; and

WHEREAS, a formally recognized scenic byway by the State is necessary in order to pursue federal assistance for access to scenic byway grants, marketing purposed and for the preparation of a Corridor Management Plan which will serve as a guide to protection, preserve, enhance and assist with interpretation along said byway.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands wishes to express its support for the establishment of a regional scenic byway and its commitment to participating in the process necessary for its designation; and

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BE IT FURTHER RESOLVED that the Borough of Highlands will cooperate with all other involved municipalities and the county as a member of a Monmouth County Regional Scenic Byway Committee in ongoing planning efforts that will result in the designation of a new State Scenic Byway in Monmouth County and that a copy of this Resolution shall be forwarded and filed with the Monmouth County Planning Board upon said adoption.

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

ROLL CALL:

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

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

**R-08-207
RESOLUTION CANCELLING OPEN ENCUMBRANCE**

WHEREAS, on or about May 24, 2005, the Chief Financial Officer was directed to encumber funds in the amount of \$28,000.00 pursuant to Purchase Order 250602; and

WHEREAS, said sum represented an estimate for electrical work performed in connection with the relocation of a utility pole for electrical service at the Highlands Regional Sewerage Authority Plant; and

WHEREAS, the Governing Body of the Borough of Highlands is satisfied this work was completed and no claim for reimbursement has been forthcoming.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to unencumber these funds.

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

ROLL CALL:

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

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-08-208
RESOLUTION AMENDING RESOLUTION 08-156
PROFESSIONAL BOND COUNSEL SERVICES
GIBBONS P.C.**

WHEREAS, the Borough of Highlands adopted Resolution R-08-156 at a meeting held on August 13, 2008 awarding the above contract to Gibbons P.C., One Gateway Center, Newark, N.J. 07102-5310 for an amount not to exceed \$10,000 plus reimbursable expenses for professional bond counsel services in connection with the authorization and issuance of bonds or notes for the period July 1, 2008 through December 31, 2008; and

WHEREAS, the Borough of Highlands participated in the 2008 Monmouth County Improvement Authority Bond Sale which necessitates that this contract be amended for an

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additional \$5,000 for professional bond counsel services for a total contract not to exceed \$15,000 plus reimbursable expenses; and

I hereby certify funds are available as follows:

SFY 2009 Budget: Current Fund: Legal
SFY 2009 Budget: Sewer
Various Bond Ordinances
SFY 2009 Current & Sewer: contingent upon the necessary funds being appropriated by the
Governing Body in the SFY 2009 municipal budget.

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. Gibbons P.C. is hereby retained to provide professional bond counsel services as described above for an increased amount of \$15,000 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 Mr. Urbanski and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mr. Nolan offered the following Payment of Bills and moved on its adoption:

**RECAP OF PAYMENT OF BILLS
12/17/08**

CURRENT:	\$ 625,824.85
Payroll (12/15/08)	\$
Manual Checks	\$ 103,433.47
Voided Checks	\$ - 225.00
SEWER ACCOUNT:	\$ 19,931.10
Payroll (12/15/08)	\$
Manual Checks	\$ 4,444.89
Voided Checks	\$
CAPITAL/GENERAL	\$
CAPITAL-MANUAL CHECKS	\$
WATER CAPITAL ACCOUNT	\$
TRUST FUND	\$ 5,609.60

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Payroll	(12/15/08)	\$	
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	26.40
GRANT FUND		\$	
Payroll	(12/15/08)	\$	
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

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

BOROUGH OF HIGHLANDS
Supplemental Bill List for December 17, 2008

Gagliano & Company	Appraisal – 2 Private Road	\$ 3,000.00
Apruzzes, McDermott, Mastro & Murphy	M & R Mechanical Contractors	148.75
Apruzzes, McDermott, Mastro & Murphy	General Labor	1,066.50
		\$ 4,215.25
Total Supplemental Bill List		\$ 4,215.25

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

ROLL CALL:

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

OTHER RESOLUTIONS:

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

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

**Borough of Highlands
County of Monmouth**

R-08-209

**Resolution approving the terms of a new Collective Negotiations Agreement between the
Borough of Highlands and the Sandy Hook PBA Local No. 48**

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WHEREAS, the Collective Negotiations Agreement between the Borough of Highlands and the Sandy Hook PBA Local No. 48 (PBA) expired on June 30, 2008 ; and

WHEREAS, the Borough and the PBA have been in negotiations for a new collective agreement since that time; and

WHEREAS, representatives of the Borough and the PBA who were involved in collective negotiations have reached an agreement on terms and conditions for a new collective negotiations agreement and have recommended those terms to the full membership of the PBA and the governing body of the Borough of Highlands for approval; and

WHEREAS, it has been determined by the Mayor and Council that the terms agreed to by the parties, which are contained in a written memorandum of agreement, for the period from July 1, 2008 through June 30, 2012 will provide a fair and reasonable level of benefits and compensation for Borough Police Officers for the next four years; now therefore

IT IS HEREBY RESOLVED this 17th day of December, 2008 that the Mayor and Borough Council hereby approve the terms of the Memorandum of Agreement negotiated between the Borough and the PBA; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to sign any and all contracts, agreements or amendments order to effectuate these agreed upon and approved terms and conditions.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: Mrs. Burton

ORDINANCES: 2nd Reading, Public Hearing & Adoption:

Ordinance O-08-15

Mrs. Cummins read the title of Ordinance O-08-15 for the second reading and public hearing and stated that this ordinance was published in its entirety in the November 20th edition of the Courier.

Mayor Little opened the public hearing.

Mr. Pfeffer gave an explanation on this CAP Bank.

There were no questions or comments from the public; therefore Mayor Little closed the public hearing on Ordinance O-08-15.

Mrs. Cummins read the title of Ordinance O-08-15 for the third and final reading and adoption.

Mayor Little offered the following Ordinance pass third and final reading and moved on its adoption and authorized its 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)**

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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.

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. Nolan and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

SFY 2009 BUDGET

Mrs. Cummins stated we are having the public hearing on the adoption of the SFY 2009 Municipal Budget which was advertised in the November 20th edition of the Courier.

Mayor Little opened up the public hearing on the SFY 2009 Municipal Budget.

There were no questions or comments from the public; therefore Mayor Little closed the public hearing on the SFY 2009 Municipal Budget.

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Mr. Pfeffer then spoke about the budget and also stated that there is a Resolution that was prepared to amend the SFY 2009 Budget. This amendment covers the items that were previously discussed which he further explained. He then requested that the Council introduce this amendment for a public hearing in January. He then spoke about the pension legislation that has stalled regarding deferred payments.

Mayor Little recommended that a public hearing on the budget amendment be scheduled for January 7, 2009.

Mr. Pfeffer then read Resolution R-08-210 in its entirety for approval.

HIGHLANDSNJ.COM

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**INSERT
RESOLUTION
R-08-211**

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ORDINANCES: 2nd Reading, Public Hearing, Adoption

Ordinance O-08-17

Mrs. Cummins read the title of Ordinance O-08-17 for the second reading and public hearing and stated that this ordinance was advertised in its entirety in the December 6th edition of the Asbury Park Press.

Mayor Little then opened up the public hearing on Ordinance O-08-17.

Linda Mikail of the Highlands Business Partnership spoke against O-08-17.

Jim Filip of Doris & Ed's Restaurant, 348 Shore Drive spoke against this ordinance, questioned the ordinance and spoke about the bad economy.

Dan Shields of the Wyndansea & Sugar Shack spoke against this ordinance and read some recent newspaper headlines about the bad economy.

Mayor Little – noted for the record the enthusiasm of the public with regard to the recent public comments on this ordinance and asked the public to reframe from the applause so that we can move through the statements.

Jay Cosgrove of Bahrs Restaurant spoke against this ordinance and spoke about an alternative about possible waste reduction.

Vincent Renzo of Laura's Restaurant – nothing more to add.

Allison Loori of Driftwood Liquors – similar sentiments.

Mary Ann Soyka of Andy's Bar – similar sentiments.

Dick Walker of One28 Bay – was not present when his name was called.

Tara Ryan of 17 Ocean Street – was not present when her name was called.

Steve Szulecki of 116 Highland Avenue stated that he is not a business owner but a resident and stated that if the borough has looked into the cost savings on this it would be irresponsible to move forward with this and as Chairman of the Environmental Commission supports Mr. Cosgrove's comments with regard to waste management.

Mr. Pfeffer stated that there was not a dollar amount of what the borough would save with regard to the tipping fees.

Mayor Little explained that the record keeping so the detailed analysis would take close to a year to collect.

Skip Shute of Sea Venture Marine – spoke against this ordinance.

Christian Lee of 2 Navesink Avenue – spoke against this ordinance.

Skip Ross of 71 Waterwitch Avenue – spoke against the ordinance and expressed his concerns with private garbage pickup and the expense.

Jim Parla of 16 Portland Road – spoke about his neighbors Jim Carton's concerns on this ordinance. He suggests that all pickups be reduced to once a week for a period of time.

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He then spoke about his personal questions with the ordinance. He then asked how the Council Members that own businesses in town can vote on this ordinance.

Mr. Oxley then explained that this is not a conflict.

Pat Robertson of 101 Shore Drive – echoed what everyone else has said.

Jim Filips of Doris & Ed's then requested that Mr. Oxley fax him a Statute to verify what his opinion that there is no conflict with the Council Members who own a business.

Mr. Oxley stated that he would fax it to the Mayor.

Larry Colby of 44 S. Bay Avenue stated that this ordinance devalues every business in the Borough. He spoke against this adoption of this ordinance.

Henry Moyer of Off the Hook – spoke against the adoption of this ordinance.

Doug Douty of 88 Bay Avenue, Lusty Lobster – spoke against this ordinance being adopted today.

Pauline Jennings of 27 Ralph Street spoke against this ordinance.

Dan Kish of 321 Bay Avenue, Hardware Store – spoke against this ordinance and against having different private companies picking up garbage.

Kenneth Harbor of 67 Waterwitch Avenue – spoke against this ordinance.

There were no further questions or comments from the public.

Mayor Little closed the public hearing on Ordinance O-08-17.

The Governing body members then commented on this ordinance.

Mayor Little then asked Michael _____ of Scallion Waste Services to comment on the public comments.

Michael _____ of Scallion Waste then briefly spoke about cost. It's basically \$7.00 or \$14.00 per yard which is based upon the business type which he further explained.

Skip Ross from 71 Waterwitch Avenue spoke against.

Larry Colby – questioned the possibility of the business owners being able to file a tax appeal if this ordinance were adopted.

Jim Parla questioned how Scallion Waste is able to quote figures when the cost of fuel is bouncing up and down.

Michael _____ of Scallion Waste explained.

Mayor Little asked the CFO to speak about the budget Cap.

Mr. Pfeffer explained that the Borough is faced with two budget CAPS and the financial problems with the Borough.

Mayor Little then spoke about forming a Budget Review Committee.

Mrs. Cummins then read the title of the Ordinance O-08-17 for the third and final reading and adoption.

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Mr. Urbanski offered the following ordinance pass third and final reading and moved on its adoption 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

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 on May 1, 2009.

Seconded by Mayor Little and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mrs. Burton, Mr. Nolan

ABSTAIN: None

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Mayor Little during her vote voted yes with an amendment that this be implemented in 90-days.

Mrs. Cummins stated that the ordinance states that this is to go into effect upon publication.

Mr. Oxley stated that it can be amended to a later date via a motion.

Mayor Little - the motion is for May 1, 2009.

Seconded by Mr. Urbanski and amended on the following vote:

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

NAYES: Mrs. Burton, Mr. Nolan

ABSTAIN: None

Ordinance O-08-14

Mrs. Cummins read the title of Ordinance O-08-14 for the second reading and public hearing.

Mayor Little stated that Chief Blewett requested that this ordinance be tabled.

Mr. Caizza offered a motion to table Ordinance O-08-14.

**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:

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

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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.

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.

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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:

- (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.

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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

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

SECTION FIVE

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

Seconded by Mr. Nolan and all were in favor.

Mayor Little stated that there were people that wanted to make comments on this ordinance and she then allowed the public to speak on this ordinance and opened up a public hearing.

Steve Szulecki of 116 Highland Avenue supports a revised Noise Ordinance and described his professional background with regard to Noise Control. The Ordinance as presented is unworkable and is not legal which he further explained. He then briefly spoke about waste reduction with regard to Ordinance O-08-17.

Jim Parla of 16 Portland Road question the ordinance and how it would be enforced.

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There were no further questions or comments from the public.

Ordinance O-08-16

Mrs. Cummins read the title of Ordinance O-08-16 for the second reading and public hearing and stated that it was advertised in its entirety in the November 20th edition of the Courier.

Mayor Little opened up the public hearing on Ordinance O-08-16.

There were no questions or comments from the public; therefore Mayor Little closed the public hearing on Ordinance O-08-16.

Mrs. Cummins read the title of Ordinance O-08-16 for the third and final reading and adoption.

Mr. Urbanski offered the following Ordinance and moved on its adoption 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

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

OTHER BUSINESS:

Engineer's Status Report

Dale Leubner of T & M Associates reviewed the following status report:

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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. We have reviewed said repairs with the Borough Recreation Director, Tim Hill. The repairs have been found to be satisfactory and we are preparing closeout documentation for the project.
2. **Valley Avenue Slope Repairs:** We have been requested by the Mayor, based on her recent discussion with the NJDOT, to prepare a Discretionary Aid application to the NJDOT for the cost of the repairs.
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 discussed the recommendations with the Planning Board on November 13, 2008 and provided copies of the draft report to the Board members. The Planning Board will be providing comments to T&M Associates at the January 8, 2009 Board meeting.

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 been authorized by the Governing Body to provide metering services within the project area in an effort to identify the overall reduction of I/I. The meter was installed December 9, 2008 and will remain in place for four weeks.
3. **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

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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.

4. **Emergency Generators Project:** As authorized, we are currently under design of the three emergency generators partially funded by CDBG. The three locations are the South Bay Avenue and Waterwitch Avenue pumpstations, as well as the Community Center. It is our understanding that the Borough is updating the Bond Ordinance already in place for this project to include an additional generator at Borough Hall. Once authorized to proceed, we will design this portion of the work and bid it as an add-alternate with the base contract.
5. **Roadway Improvement Program (South Linden Avenue area):** As authorized, we are currently under design of the improvements of the roadways within this project. They include Waddell Street, Rodgers Street and South Linden Avenue. Once designed, these roadways will be combined with the Shore Drive Improvements project and will be bid as one project. We are anticipating a spring construction for this project.

Grants and Loans

1. **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 road rehabilitations as a part of this project. These roads include: South Linden Avenue from Waterwitch Avenue to Route 36, Rogers Street, Waddell Street.
2. **FY 2009 NJDOT Municipal Aid – Waterwitch Avenue:** The Borough was recently notified that they received funding for this project in the amount of \$192,000.00.
3. **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. As requested, we are currently preparing a cost proposal for the design and contract administration of this project.

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. Leubner then spoke about the **Stimulus Package Federal Grants for Infrastructure**. We have heard from several reliable sources that the Federal Government is looking to do this in 2009 with the stipulation that the grant money be utilized for infrastructure improvements, roadways,

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sewer and storm water. The stipulations are is that the projects have to be designed immediately and has to go out to bid immediately. There is a short window of time for these projects to be constructed. He said that Basin 2 is already designed and that project could be submitted immediately once this money becomes available.

Mayor Little – we will try to get more information and probably advise you in January.

Mr. Leubner with regard to the **Valley Avenue Drain** he understands that the NJDOT contacted the Mayor about possibly funding the repairs to the storm sewer line in the unimproved portion of Valley Avenue from Shore Drive to Route 36 as such they have comprised an application for discretionary aide through the State for \$69,000 to cover that expense to basically realign that pipe which he further explained. He would need authorization from Mayor and Council to submit the application.

Resolution R-08-210

Mrs. Cummins then read the title of the following Resolution for approval:

Mayor Little offered a motion and moved on the adoption of R-08-210, seconded by Mr. Caizza and approved on the following roll call vote:

ROLL CALL:

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

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**INSERT
RESOLUTION
R-08-210
HERE**

HIGHLANDSNJ.COM

Mr. Leubner spoke about several major drainage issues in the downtown area. There are several pipe lines that need to be replaced, relined or repaired but the approach that should be taken to improve things would be the pump stations. North Street Pump is out dated and in need

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of work and their recommendation is a total replacement and that cost is about \$500,000 and we could look for grant money. The Valley Street Pump Station was updated and the pump has been operationable and has had some issues lately which he briefly described.

Mayor Little asked Mr. Leubner if he could determine and prove where the problem is occurring from with regard to the drainage issues.

Mr. Leubner – the issues that remain right near the pump station are the inflow line and that line is serious need of help which he explained. Construction cost is about \$325,000. They also looked at the Snug Harbor area they notice some fixes along Bay Ave that would be about \$125,000. So for the three areas downtown it would be about \$1,000,000 construction cost.

Mayor Little – hopefully this would be funded by grants and if the Council approved this what results could we expect.

Mr. Leubner explained that it would be better but it's not going to solve all of your issues which he explained. He then spoke about Phase 2, they looked at all of the outfalls in town and they came up with recommendations for the valves that don't have anything and basically they broke it into three phases and purchase price alone is about \$33,000 and he believes DPW could install some on them on their own. He has a letter about this that should be received by the Borough tomorrow.

Mr. Leubner continued to discuss the drainage concerns and recommendations with the Governing Body.

Mayor Little – let's look at the areas that the DPW can install, lets looked at the cost for those and lets determine at the January Meeting if we want to take action. She stated that the major drainage improvement projects can be sent to the HBP to add to the DeBiz loan.

Mr. Caizza and Mr. Urbanski commented against the forwarding of this to the HBP.

Letter from Resident RE: Master Plan

Mrs. Cummins stated that the Borough received a letter from Rafaella Lee regarding the Master Plan.

Mayor Little – her letter was submitted to the Planning Board. She is asking for us to consider her concerns with regard to the height limit on Bay Avenue.

Mercantile Licensing

Mayor Little – I submitted a letter and the Council needs to be aware of that letter. She then explained that there was a license that was filed in November for a business on Bay Avenue and the fingerprinting process was taking longer than a month. She explained that the ordinance indicates that the police report has to be in within a reasonable amount of time and she feels that 30-days is a reasonable amount of time.

Mr. Caizza explained that the police background check/fingerprinting does take longer than 30-days.

Mayor Little – we need to come up with a reasonable amount of time for the fingerprinting and we need to look into this. She feels that 30-days should be sufficient and perhaps there another way to get the fingerprint reports back.

Chief Blewett spoke about fingerprinting process.

Mr. Oxley – maybe a conditional license can be an option.

Mr. Caizza – what if we issue a conditional license then the fingerprints come back bad then what do you do?

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The Governing Body had a discussion on the background check for mercantile applicants.

Mayor Little – we should discuss this at the January Meeting.

Planning Board Memo RE: Steep Slope Ordinance

Mayor Little – the Planning Board is asking for three more months to submit their recommendations. She stated that the Borough needs to move forward with the Steep Slope Ordinance.

Mr. Mullen of the Planning Board stated that there is a Steep Slope Ordinance in place right now and he thinks that there were recommendations because of a case that was heard before the Planning Board and was over turned by a Judge where he stated that we needed to tighten up our ordinance having to do with lot size and so forth. The recommendation to update of this ordinance came from the Planning Board.

Mayor Little expressed her reasons for wanting the Planning Board comments sooner than 90-days.

Mr. Urbanski offered a motion to give the Planning Board 60-days to forward their recommendations, second by Mr. Nolan and all were in favor.

APPROVAL OF MINUTES:

Mr. Urbanski offered a motion to approve the November 12, 2008 and the December 3, 2008 Council Meeting Minutes, seconded by Mrs. Burton and all were in favor except for the following abstentions: Caizza for November 12 and Nolan for the December 3, 2008.

PUBLIC PORTION:

Arnie Fuog of 50 Valley Street volunteered his wife to be on the Budget Review Committee.

Roberta McEntee of Fifth Street made a comment but it could not be heard on the recording.

There were no further questions from the public.

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

The Meeting adjourned at 11:15 P.M.

CAROLYN CUMMINS, DEPUTY CLERK

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