

**Mayor and Council  
Regular Meeting  
January 21, 2009**

Mayor Little called the Meeting to order at 7:03 P.M.

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

**ROLL CALL:**

**Present:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**Absent:** None

**Also Present:** Nina Light Flannery, Borough Clerk  
Stephen Pfeffer, CFO  
Scott Arnette, Esq., Borough Attorney

**Late Arrival; Mr. Hilling arrived at 9:22 P.M.**

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**Executive Session Resolution:**

Mrs. Flannery read the following Resolution for approval:

Mr. Urbanski 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: Jennings vs. Borough**
- 2.Contract Negotiations: C.W.A Contract, P.B. A. Contract**
- 3.Real Estate: Aqua Life, Depuration Plant Lease, Natale – Stewarts Property**
- 4. Personnel Matters: Retirement – Ed O’Neil – Riced, Lay Off’s due to Sanitation**
- 5.**

**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.

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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. Caizza and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little**

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Regular Meeting back to order at 8:28 P.M.

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

**ROLL CALL:**

**Present: Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little**

**Absent: None**

**Also Present: Nina Light Flannery, Borough Clerk  
Stephen Pfeffer, CFO  
Scott Arnette, Esq., Borough Attorney**

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**Public Portion on Agenda Items:**

Allessandra Guinta of 197 Bay Avenue – informed the Council that she has renovated her home to conform to a Bed & Breakfast. She then explained that she has applied for a Mercantile License which has not been approved yet because of the Fire Inspection which she further described. She stated that she did what she was told to due and for the inspector to now say that the dwelling does not comply is not acceptable. She then mentioned that she may have to pursue this matter in court.

Mr. Arnette explained that because of Mr. Parker's status as Fire Official that any appeals of his decision go to the Department of Community Affairs, Construction Board of Appeals and Mr. Parker advised Ms. Guinta of that appeal process. He then advised the Governing Body that because Ms. Guinta referred to the utilization of court he advised the Council that comments made here may have an impact at future dates.

There were no other questions or comments from the public at this time so Mayor Little closed the public portion on agenda items.

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**Consent Agenda:**

Mr. Francy offered that Resolution R-09-35 be removed from the consent agenda.

Mr. Arnette – this item has been removed from the Consent Agenda.

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Mrs. Flannery stated that Resolution R-09-39 can also be removed because the person that was being appointed has withdrawn his application.

Resolution R-09-39 was also removed from the Consent Agenda.

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

**R-09-22  
RESOLUTION APPOINTING STAFF AT  
ROBERT D. WILSON MEMORIAL  
COMMUNITY CENTER**

**BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following employment assignments be made within the Department of Recreation of the Borough of Highlands

Jennifer Strehl	- Maternity Leave
Amanda Campbell	- Recreation Assistant – Temporary \$8.00/hour Hours at discretion of Recreation Director
Valerie Chaparro	- Recreation Aide – part-time 15 hours/week \$11.00/hour
Coleen Franklin	- Recreation Aide – part-time 10 hours/week \$7.50/hour
Dylan Vargas	- Recreation Aide – Temporary – part-time 10 hours/week \$7.50/hour

**BE IT FURTHER RESOLVED** that Amanda Campbell and Dylan Vargas be and required to complete a memorandum of understanding as to a “temporary” position.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**CORRECTIVE ACTION PLAN - SFY 2008**

**BOROUGH OF HIGHLANDS**

**SFY 2007 Recommendations:**

Municipal Court:  
Finding #1

1. That monthly bank reconciliations for the Municipal Court accounts be performed on a timely basis.
2. Analysis: The Municipal Court has one full time employee and a part time employee once a week. The Court Administrator cannot always comply with the above requirements because other Court duties take priority.

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3. Corrective Action: The Governing Body has hired a part time employee for 25 hours a week. The employee received the proper training in 2005/2006. As a result the Court Administrator was able to resolve this comment.
4. Implementation Date: Implemented in SFY 2008.

**SFY 2008 Recommendations:**

Payroll:  
Finding #1

1. That salary ordinances be approved by the Governing Body on a yearly basis.
2. Analysis: The Governing Body approves all salary changes and contractual increases by resolution rather than by ordinance.
3. Corrective Action: A salary ordinance will be prepared after all bargaining units and the Borough agree on new contracts.
4. Implementation Date: Adoption of bargaining unit contracts or June 2009 whichever is earliest.

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

**R-09-23  
RESOLUTION ACCEPTING AUDIT  
BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year ended June 30, 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

Auditors' Opinions

and

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

Auditors' Opinions

as evidenced by the group affidavit form of the governing body: and

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**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

“R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Borough of Highlands, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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

**R-09-24  
RESOLUTION AUTHORIZING  
REFUNDS OF UNUSED PLANNING BOARD ESCROW FUNDS FOR  
JOHN HUHN FOR PB#2008-4  
BLOCK 14 LOT 2.014, 22 GRAND TOUR**

**WHEREAS**, the Board Secretary has reviewed the John Huhn PB Escrow Account #9000-9-08-4 and has determined there is a remaining balance of \$714.55; and

**WHEREAS**, no further review is needed for this Planning Board Application and the applicant has requested that his remaining funds be refunded to him.

**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 John Huhn the amount of \$714.55 for remaining unused Planning Board escrow funds.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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

**R-09-25  
AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector of the Borough of Highlands has reviewed the 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 AND IT IS HEREBY 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>
104	7.02	2008	\$5470.19	John Kennedy

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-09-26  
RESOLUTION AMENDING RESOLUTIONS 08-82 AND 08-96  
PROFESSIONAL SPECIAL COUNSEL  
MCKENNA, DUPONT, HIGGINS & STONE**

**WHEREAS**, the Borough of Highlands adopted Resolution R-08-82 at a meeting held on April 16, 2008 awarding the above contract to Mckenna, Du Pont, Higgins & Stone, 229 Broad Street, Red Bank, N.J. 07701 for an amount not to exceed \$2,500 plus reimbursable expenses for professional special counsel services for litigation related to a zoning ordinance; and

**WHEREAS**, the Borough of Highlands adopted Resolution R-08-96 at a meeting held on May 21, 2008 amending Resolution R-08-82 for an additional \$2,500 for professional special counsel services for litigation related to a zoning ordinance for a total contract not to exceed \$5,000 plus reimbursable expenses; and

**WHEREAS**, ongoing litigation necessitates that this contract be amended for an amount not to exceed an additional \$2,028.75 for professional special counsel services for a total contract not to exceed \$7,028.75 plus reimbursable expenses and extending the contract to June 30, 2009; 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 as follows:

Current Fund: Legal – 1070-R3755 \$28.75  
Current Fund: Legal – 1070-3755 \$2,000.00

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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. The firm of McKenna, Du Pont, Higgins & Stone are hereby retained to provide professional special counsel services as described above for an amended amount not to exceed \$7,028.75 plus reimbursable expenses and extending contract to June 30, 2009.
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 Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

**R-09-27**

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**RESOLUTION - APPROVAL OF CORRECTIVE ACTION PLAN FOR SFY 2008**

**WHEREAS**, the Directive by the Division of Local Government Services, Local Finance Notice 92-15 dated August 9, 1992, requires that the Chief Financial Officer must submit a Corrective Action Plan, relative to the findings and recommendation in the annual audit report; and

**WHEREAS**, the Governing Body of the Borough of Highlands has reviewed said Corrective Action Plan for the State Fiscal Year 2008;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that said Corrective Action Plan is hereby approved.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Chief Financial Officer, the Director of the Division of Local Government Services, and all appropriate Borough Officials.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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**CORRECTIVE ACTION PLAN - SFY 2008  
BOROUGH OF HIGHLANDS**

**SFY 2007 Recommendations:**

Municipal Court:  
Finding #1

1. That monthly bank reconciliations for the Municipal Court accounts be performed on a timely basis.
2. Analysis: The Municipal Court has one full time employee and a part time employee once a week. The Court Administrator cannot always comply with the above requirements because other Court duties take priority.
3. Corrective Action: The Governing Body has hired a part time employee for 25 hours a week. The employee received the proper training in 2005/2006. As a result the Court Administrator was able to resolve this comment.
4. Implementation Date: Implemented in SFY 2008.

**SFY 2008 Recommendations:**

Payroll:  
Finding #1

1. That salary ordinances be approved by the Governing Body on a yearly basis.
2. Analysis: The Governing Body approves all salary changes and contractual increases by resolution rather than by ordinance.
3. Corrective Action: A salary ordinance will be prepared after all bargaining units and the Borough agree on new contracts.
4. Implementation Date: Adoption of bargaining unit contracts or June 2009 whichever is earliest.

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

**R-09-28  
APPOINTING COMMISSIONER TO THE JOINT INSURANCE FUND**

**WHEREAS**, the Borough of Highlands is a member of the Monmouth County Joint Insurance Fund (JIF); and

**WHEREAS**, each member community must supply the JIF with a Commissioner to attend meetings to assist in making policy, administer the budget and interact with other member communities;

**NOW, THEREFORE, BE IT RESOLVED** that Bruce Hilling be an hereby is appointed to represent the Borough of Highlands as Commissioner to the Monmouth County Joint Insurance Fund.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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



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**R-09-29**

**RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO  
EXECUTE CONTRACT AGREEMENT WITH CONNOR STRONG FOR RANDOM  
DRUG AND ALCOHOL TESTING SERVICES**

**WHEREAS**, annually the Borough of Highlands contracts for random drug and alcohol testing for employees that carry a CDL drivers license (heavy equipment); and

**WHEREAS**, Connor Strong has supplied the Borough of Highlands with a quotation for this service for the year 2009;

**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 2009 contract agreement with Connor Strong for the sum of \$66.97 per CDL holder.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-09-30**

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

**WHEREAS**, the Borough of Highlands has a need for special counsel services for on going litigation related to the construction of the firehouse and other legal matters 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 at an hourly rate of \$170 for an amount not to exceed \$10,000 plus reimbursable expenses for special counsel services provided to the Borough of Highlands for the period January 1, 2009 through June 30, 2009, 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

I hereby certify funds are available as follows:

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Current Fund: Legal  
Bond Ordinance O-98-11

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Stephen Pfeffer, Chief Financial Office

**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. The firm of Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide special counsel services as described above for an amount not to exceed \$10,000 plus reimbursable expenses.
6. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
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 Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-09-31**

**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 at an hourly rate of \$170 for an amount not to exceed \$20,000 plus reimbursable expenses for professional labor relations counsel services provided to the Borough of Highlands for the period January 1, 2009 through June 30, 2009, and

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**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:

SFY 2009 Municipal Budget:  
SFY 2009 Municipal Budget:  
Current Fund: Legal  
Sewer: 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:

9. 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 \$20,000 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. The Mayor and Borough Clerk are hereby authorized to sign said contract.
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 Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little  
NAYES: None  
ABSENT: None  
ABSTAIN: None

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

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-09-32**

**RESOLUTION AMENDING RESOLUTION 08-201  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR  
PROFESSIONAL LABOR RELATIONS COUNSEL  
APRUZZESE, McDERMOTT, MASTRO & MURPHY**

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**WHEREAS**, the Borough of Highlands adopted Resolution R-08-201 at a meeting held on November 12, 2008 awarding the above contract to Apruzzese, McDermott, Mastro & Murphy , 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938 for an amount not to exceed \$7,500 plus reimbursable expenses for professional labor relations counsel; and

**WHEREAS**, a discrepancy over the hourly rate necessitates that this contract be amended to increase the hourly rate charged by Apruzzese, McDermott, Mastro and Murphy to \$170 per hour for an amount not to exceed \$7,500 plus reimbursable expenses for the period November 12, 2008 through December 31, 2008; and

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

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

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

SFY 2009 Budget:  
Legal 1070-3755

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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. Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide professional labor relations counsel as described above for an hourly rate of \$170 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. The Mayor and Borough Clerk are hereby authorized to sign said contract.
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 Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

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**R-09-33**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL LEGAL SERVICES  
THE ARNETTE LAW FIRM, LLC**

**WHEREAS**, the Borough of Highlands has a need for professional legal 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 engineering services can only be provided by licensed professionals and the Arnette Law Firm, LLC, 830 Broad Street, Shrewsbury, N.J. 07702 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 \$49,000 plus reimbursable expenses for Professional Legal Services provided to the Borough of Highlands for the period January 1, 2009 through June 30, 2009 per the attached contract:

Retainer \$4,129.05 per month  
Hourly Rate for additional services outside of retainer \$125

**WHEREAS**, the Arnette Law Firm LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the Arnette Law Firm 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 Arnette Law Firm LLC from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Arnette Law Firm LLC 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 for January 1, 2009 through June 30, 2009:  
Legal Other Expenses  
Sewer Utility Other Expenses

Funds for July 1, 2009 through December 31, 2009 are subject to appropriation by the Governing Body in the SFY 2010 Budget and will be certified by Chief Financial Officer at the appropriate time.

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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. The Arnette Law Firm, LLC is hereby retained to provide professional legal services as described above for an amount not to exceed \$49,000 plus reimbursable expenses.
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

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services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.

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 Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little**

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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

**R-09-34  
RESOLUTION PROFESSIONAL BOND COUNSEL SERVICES  
GIBBONS P.C.**

**WHEREAS**, the Borough of Highlands has a need for professional bond counsel services in connection with the authorization and issuance of bonds or notes; and

**WHEREAS**, such professional legal services can only be provided by licensed professionals and the firm of Gibbons P.C., One Gateway Center, Newark, New Jersey 07102 – 5310 is so recognized; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$9,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period January 1, 2009 through June 30, 2009. All rates based on the services utilized are provided for in the contract between Gibbons P.C. and the Borough of Highlands; and

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

2009 Municipal budget:

Legal

Sewer Utility

Various Bond Ordinances

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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:**

21. The firm of Gibbons P.C. is hereby retained to provide professional bond counsel services as described above for an amount not to exceed \$9,000 plus reimbursable expenses.

22. 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. The Mayor and Borough Clerk are authorized to sign the contract.

23. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.

24. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

HIGHLANDSNJ.COM

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**INSERT  
RESOLUTION  
R-09-36**

**HERE**

HIGHLANDSNJ.COM



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

**R-09-37  
RESOLUTION AUTHORIZING RATIFICATION  
OF CONTRACT FOR PBA SANDY HOOK LOCAL 48  
FOR THE YEARS 2009-2012**

**WHEREAS**, the Borough of Highlands and the PBA Sandy Hook Local 48 have come to an agreement on the terms of the employment contract for the years 2009-2012; and

**WHEREAS**, it is desirous for both entities to ratify the contract by signature of Officials of the Borough and the PBA Sandy Hook Local 48;

**NOW, THEREFORE, BE IT RESOLVED** that on behalf of the Governing Body of the Borough of Highlands that the Mayor and Municipal Clerk be and hereby are authorized to execute the Contract between the PBA Sandy Hook Local 48 and the Borough of Highlands.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little**  
**NAYES: None**  
**ABSENT: None**  
**ABSTAIN: None**

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

**R-09-38  
RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN  
THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE  
BOROUGH OF HIGHLANDS**

**WHEREAS**, the State of New Jersey is constructing the Highlands-Sea Bright Bridge within the Borough of Highlands; and

**WHEREAS**, the project requires the use of municipal police for work zone safety operations supplementing the traffic control plan established under the contract for construction of the project; and

**WHEREAS**, the State of New Jersey Department of Transportation has requested that the Borough of Highlands enter into a Police Agreement and Statement of Costs for Traffic Directors for calendar year 2009. The costs incurred by the Borough of Highlands Police Department in connection with the project shall be paid directly to the Borough of Highlands by the State of New Jersey Department of Transportation pursuant to an agreement attached hereto;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, in the County of Monmouth and the State of New Jersey, that the Borough Administrator (D. Bruce Hilling) and the Borough Clerk (Nina Light Flannery) are hereby authorized to execute an agreement between the State of New Jersey Department of Transportation and the Borough of Highlands to provide for the direct payment to the Borough of Highlands of costs incurred on the Highlands-Sea Bright Bridge construction project for municipal police services in the form attached hereto.

Seconded by Ms. Kane and adopted on the following roll call vote:

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**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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

**RECAP OF PAYMENT OF BILLS  
01/21/09**

<b>CURRENT:</b>		\$ 624,518.67
Payroll	(01/15/09)	\$ 155,480.32
<b>Manual Checks</b>		<b>\$ 31,319.66</b>
<b>Voided Checks</b>		<b>\$</b>
<b>SEWER ACCOUNT:</b>		\$ 89,953.02
Payroll	(01/15/09)	\$ 6,513.36
Manual Checks		\$ 89,649.60
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		<b>\$</b>
<b>CAPITAL-MANUAL CHECKS</b>		<b>\$</b>
<b>WATER CAPITAL ACCOUNT</b>		<b>\$</b>
<b>TRUST FUND</b>		\$ 3,221.09
Payroll	(01/15/09)	\$
Manual Checks		\$
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		<b>\$</b>
<b>DOG FUND</b>		\$ 14.40
<b>GRANT FUND</b>		\$ 10,035.45
Payroll	(01/15/09)	\$ 500.40
Manual Checks		\$
Voided Checks		\$
<b>DEVELOPER'S TRUST</b>		<b>\$</b>
Manual Checks		<b>\$</b>
Voided Checks		<b>\$</b>

**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 January 21, 2009

Apruzzes, McDermott, Mastro & Murphy	General Labor – December 2008 at \$170 per hour	\$4,978.38
Apruzzes, McDermott, Mastro & Murphy	General Labor November 2008 Balance \$170 per hour of previously paid invoice at \$115 per hour	\$ 269.50

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Total Supplemental Bill List

\$ 5,247.88

Seconded by Ms. Kane and approved for payment on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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**Other Resolutions:**

Resolution R-09-35

Mr. Francy questioned prior discussion about this lease agreement and the need for a new Police vehicle.

Mr. Caizza explained the need for these police vehicles.

Chief Blewett also explained the need for the police vehicles and the status of existing vehicles.

Discussions continued on this matter between the Council and Chief Blewett and Mr. Pfeffer.

Mr. Francy requested that Chief Blewett look into purchasing a hybrid vehicle.

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-09-35**

**RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO  
AMEND THE EQUIPMENT LIST FOR THE PURCHASE AGREEMENT WITH  
THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY**

**WHEREAS**, the Mayor and Council have determined that it is in the best interest of the Borough of Highlands to amend the 2003, 2005, and 2007 lease purchase agreements with the Monmouth County Improvement Authority in order to add a Police SUV and to utilize the following amounts; and

2003 Lease Purchase \$ 8,714.77  
2005 Lease Purchase \$ 5,590.89  
2007 Lease Purchase \$16,894.60

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer Stephen Pfeffer is hereby authorized and directed to amend the Equipment List for the 2003, 2005 and 2007 Lease Purchase Agreements with the Monmouth County Improvement Authority as noted above and to execute all documents necessary to make such amendments.

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

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Resolution R-09-40**

Mrs. Flannery explained that this resolution came about after discussions with a couple of members from the Council.

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Mayor Little explained that it's been past policy to move alternate board members up and to appoint new members to alternate positions and we believe that we made an appointment in error and this resolution is to correct the error.

Mr. Francy – it's not an error on his part.

Mr. Urbanski also agreed that the appointment was made in error.

The Governing Body continued to discuss the appointments.

Mrs. Flannery read the following Resolution for approval:

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

**R-09-40  
RESOLUTION AMENDING RESOLUTION  
R-09-06 THE APPOINTMENT OF MEMBERS  
OF THE ZONING BOARD OF ADJUSTMENT**

**WHEREAS**, the Governing Body of the Borough of Highlands adopted Resolution R-09-06 at its January 1, 2009 Meeting appointing Annemarie Tierney as a Regular Member of the Zoning Board to replace the expired term of Christopher Francy and reappointed Ryan Britton as Alternate #1 Member of the Zoning Board; and

**WHEREAS**, it was the intent of the Governing Body to appoint Ryan Britton as a replacement Regular Member and to appoint Annemarie Tierney as Alternate #1 member of the Zoning Board.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Resolution R-09-06 is hereby amended and the following appointments are hereby made/corrected:

Annemarie Tierney	Alternate #1 Member of the Zoning Board For a 2-Year Term to expire on 12/31/2010
Ryan Britton	Regular Member of the Zoning Board For a 4-Year Term to expire on 12/31/2012.

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

**ROLL CALL:**

**AYES:** Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** Mr. Francy

**ABSENT:** None

**ABSTAIN:** None

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**Ordinances: Introduce & Set P.H. Date**

**Ordinance O-09-01**

Mrs. Flannery read the title of Bond Ordinance O-09-01 for introduction and setting of a public hearing date for February 18, 2009.

Mr. Francy questioned the expense and funding for a generator.

The Governing Body discussed Ordinance O-09-01 and the funding for the generators with Steve Pfeffer, CFO and Robert Keady, P.E., Borough Engineer.

Mr. Caizza offered the following Bond Ordinance on introduction and set a public hearing date for February 18, 2009 at 8:00 P.M.

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**O-09-01**

**BOND ORDINANCE AMENDING BOND ORDINANCE  
NUMBER 08-02 FINALLY ADOPTED BY THE BOROUGH  
COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW  
JERSEY ON APRIL 16, 2008.**

**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 the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The Bond Ordinance of the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") entitled "Bond Ordinance Providing an Appropriation of \$515,000 for Various Improvements at Certain Pump Stations and Community Center for and by the Borough of Highlands in the County of Monmouth, New Jersey and, Authorizing the Issuance of \$313,300 Bonds or Notes of the Borough for Financing Part of the Appropriation," finally adopted on April 16, 2008 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 3(a) of the Ordinance is hereby amended by inserting after the phrase "Improvements to Waterwitch Avenue Pump Station, South Bay Pump Station and the Community Center" the following additional improvement "and Borough Hall".

Section 3. 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 resolutions 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 of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 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 the 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 \$313,300.

Section 5. All other provisions of the Ordinance shall remain unchanged.

Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

Seconded by Ms. Kane and introduced on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little**

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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**Other Business:**

**Bond Anticipation Note Issue**

Mr. Pfeffer informed the Governing Body that on January 15, 2009 we sold a Bond Anticipation Note to fund four projects within the borough as follows:

RE: Report on Issuance of Bond Anticipation Notes: \$965,300

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Projects:

Sewer Rehabilitation	06-06	\$140,000
Various Improvements to Pump Station & Community Center	08-02	\$313,300
Improvements to Shore Drive	08-05	\$256,000
Various Road Improvements	08-11	\$256,000
		\$965,300

Issuance Date: January 27, 2009

Maturity Date: January 26, 2010

Days Outstanding: 359

Bidder	Interest Rate	Gross Proceeds	Less Premium	Net Interest	Net Interest Rate
Central Jersey Bank	1.9000%	18,289.75		18,289.75	1.9000%
Two River Bank	3.9000%	37,542.13		37,542.13	3.9000%
Jenney Montgomery Scott	3.5000%	33,691.65	270.00	33,421.65	3.472%

Awarded to: Central Jersey Bank

**Appeal from Denial of Mercantile License – A. Guinta of 197 Bay Avenue**

Mayor Little stated that this item has to be appealed to the Construction Board of Appeal's.

**Engineer's Report**

Robert Keady, P.E., Borough Engineer and Dale Leubner of T & M Associates are both present.

Mr. Keady reviewed the following Engineer's Status Report:

**HGHL-G0801**

**December 12, 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. 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.

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**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 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. Keady stated the following:

1. Basin Eight – the post metering has been completed and we just received the report this week and we are currently reviewing the report.

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2. Generators – what we advised in our proposal is to schedule a meeting with Borough Representatives to review the size and location of the proposed generators. He then asked the Council who he should meet with.

Council discussed that Mr. Caizza, Reg Robertson, Tim Hill should meet with T & M.

Mr. Francy – we have to take into account Ms. O’Callaghan’s concerns with regard to the location of the S. Bay Ave generator location. He suggested that she be part of the committee.

Mayor Little – we can include Ms. O’Callaghan into the committee.

Mr. Keady continued as follows:

3. Shore Drive/S. Linden Ave Project – its approximately 90% complete in design.

4. Economic Stimulus Package – He submitted a letter to the Council dated 11/26/08 which he spoke about with the Council. He spoke about different projects that could be applied for under this package. He explained that there is a March 2<sup>nd</sup> deadline for submission of projects.

Mr. Pfeffer then informed the Governing Body that he does not believe that the Borough has the money to pay T & M Associates to do a project, secondly he has had a lot of discussions with T & M Associates over the sewer situation and he believes that going into the second basin is going to create the need to increase the sewer rates. He then spoke about the debt service.

Council had a discussion with the CFO

Mr. Hilling arrived to the meeting at 9:22 P.M.

Mr. Pfeffer continued to speak with the Council about costs with regard to sewer projects. He also continued to speak about the borough running out of money to pay the engineer.

Mr. Francy spoke about partnering up with the engineer regarding the cost for the preparation for the applications for Stimulus Package.

Mr. Urbanski spoke about not doing projects unless it’s a priority.

Mr. Leubner informed the Council that the meter for the basin eight was pulled within the last two weeks and we received a report.

Discussions continued with regard to the sewer projects with the engineers and Mr. Pfeffer, CFO.

Pavement Restoration – Woodland Street - Mayor Little stated that we will try to submit this to NJDOT.

Portland Road – Construction Cost Estimate - Mayor Little we will submit that to NJDOT or we already have.

Valley Street – Pump Station Upgrades – was already discussed.

Outfall Improvements – Duckbill Drains – Mr. Keady stated that this is something that you might want to see if the Public Works can install.

Council discussed projects for the Economic Stimulus Package – the Council discussed the engineering fees for doing the Valley Storm Project and wanted a cost estimate for engineering for this project.

Mr. Caizza – suggested that we go with the Valley Street Project.

Mr. Pfeffer – we would need a cost estimate.

Mayor Little asked the engineer how quickly could we get a television of the Valley Street line.



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Mr. Francy – expressed his reservations because at this point its half filled with sand so Oswald has to come in and clean it which he further explained.

Mr. Keady – time, it's the 21<sup>st</sup> of January – schedule Oswald and once that's done we need to get it \_\_\_\_\_ then I will give the Council a proposal and the Council has to act on the proposal.

Mayor Little – I think it's the consensus of the Council that we are not going to rush things. We are going to act when we are ready and do it right and use whatever programs are available when we are ready.

**Slope Discussion**

Ms. Kane stated that she was contacted by residents that live on Shore Drive under the Morford property on Linden Avenue. The residents are becoming more and more concerned with the slope which if you drive by you can see the condition of the slope. She wanted to know what the Borough can do.

Mr. Caizza explained that eventually the slope problem will pull the Morford house down. The owner says that it's going to cost him \$30,000. He as a date with the Freehold on this.

Mr. Urbanski – I think that if it's going to Freehold then our guy should go there because time is of the essence.

Mr. Caizza – when Morford built the house we all complained about it because he ripped all of the trees down and threw them at the bottom of the hill.

Mr. Leubner of T & M Associates explained his prior discussions with Paul Murphy, Code Enforcement Officer on this matter. He explained that he went to the site with Mr. Murphy a while back and it appeared that the owner notched out a section of the slope and he took the material and threw it down the hill. Basically by doing that he can destabilize what is underneath. He encouraged him to stop what he was doing but he did not have the official capacity to make him stop, only the Construction Official has that capacity. The owner did not want to take his advice to have it engineered properly, which he further explained. He then went to the Building Department and spoke with the Secretary, Dawn Horniacek and told her to have Mr. Wheeler look at this to stop it. It was his understanding that Mr. Wheeler issued a "Stop Work Order". Mr. Wheeler advised him last month that the resident was taking this issue to the Construction Board of Appeals.

Mayor Little – stated that she wants the information forwarded to the Borough Attorney so he can be brought up to speed on this matter.

Mr. Urbanski and Mr. Caizza expressed their frustration with Mr. Wheeler for canceling the hearing on this matter.

Mr. Arnette – Mr. Hilling will call me on this matter.

Mayor Little told Mr. Arnette that she needs to know what the Council can do with regard to Mr. Wheeler not showing up for the hearing and advise on if the Borough can do anything.

Mr. Arnette stated that he will report back on this matter.

**Firemen Application to Fire Department**

Ms. Kane offered a motion to approve the applications for Fire Department Membership to Thomas Snow and Brian Burton, seconded by Mr. Caizza and all were in favor.

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**Approval of Minutes:**

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The Governing Body carried the approval of Executive Session Minutes.

Mr. Urbanski offered a motion to approve the December 17, 2008 Council Meeting Minutes, seconded by Mr. Caizza and Caizza, Urbanski and Little were in favor.

Mr. Urbanski offered a motion to approve the January 1, 2009 Council Meeting Minutes, Seconded by Ms. Kane and all were in favor.

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**Public Portion:**

Pauline Jennings of 27 Ralph Street suggested that the Council look into a Hybrid SUV for the Police Department.

Maureen Kraemer of 200 Portland Road wanted clarification on the Portland Road Construction.

Mr. Leubner explained that we are looking to possibly reconstruct Portland Road from about \_\_\_\_\_ intersection up to the County boarder, which he further explained.

Maureen Kraemer of 200 Portland Road suggested that the New Street section be included in this project.

Mayor Little explained that DOT would not help with New Street. We do have designs done and will look for a way to fund it.

Maureen Kraemer spoke about the Police Car purchase. She spoke about the poor condition of police department and spoke favorably about the purchase of a new police vehicle and suggested that the type of car be discussed with the police officers. She also stated that she hopes the Council does not cut the Police Department budget.

Jim Parla of 16 Portland Road questioned the status of the Bayside Drive Street opening.

Mayor Little – both Mr. Francy and myself believe that Bayside Drive is necessary for emergency vehicle during high traffic period, so the two of us have made that a priority to present that. Design is being presented to DOT with the strong urgency that it's with emergency management necessity. She is strongly urging DOT for the funding for this project.

Mr. Leubner spoke about plans for this project and a safe travelling width of the road.

Council discussed this project with Mr. Leubner.

Donna O'Callaghan of 29 South Bay Avenue – no comments.

The Meeting adjourned at 10:14 P.M.

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CAROLYN CUMMINS, DEPUTY CLERK