

**Mayor and Council
Regular Meeting
February 18, 2009**

Mayor Little called the meeting to order at 6:42 P.M.

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

ROLL CALL:

Present: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

Absent: Ms. Kane

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

Mayor Little stated that Ms. Kane was absent this evening because she has duties as Fire Chief at another location.

Executive Session Resolution:

Mrs. Flannery read the following Resolution for approval:

Mr. Francy 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: Highlands Business Partnership**
- 2. Contract Negotiations: CWA, Insurance Contract Matters (Ted Wardell), UFCWU Contract**
- 3. Real Estate: Aqua Life, Depuration Plant Lease, Dan-Rob Property Lease for Association Lot**
- 4. Personnel Matters: William Little – Riced, Edward Wheeler – Riced, Bruce Hilling – Riced, Police Dept Sgt Test**
- 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.**

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

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

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Mayor Little 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, Mr. Caizza, Mr. Urbanski, Mayor Little

Absent: Ms. Kane

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

Monmouth County Counsel Rick DeNoia, Esq. RE: End of Shore Drive by Pompamora Pk

Rick DeNoia, Assistant Monmouth County Counsel was present and is here to speak about Pompamora Park located at the end of Shore Drive. He explained that the County owns Pompamora Park at the end of Shore Drive and Shore Drive extends to that and right before you get to the park there are three houses on the left of Shore Drive that do not access to Shore Drive although they come right to the property line. He then showed the Governing Body some documents. He explained that one of the three properties located on the left of Shore Drive has become available, the homeowner approached the County and stated that they wanted to sell the property. When the County did a legal search of the property it found out that the County had legal access to the property but no actual access. What has happened is that for the last fifty or sixty years these three property owners have been driving across the front lawn of each other's property to get to their own homes. That creates two issues (1) there is no legal ability to continue to do that (2) from a safety standpoint it could be very difficult to get emergency vehicles back there. There are two different way to go with (1) go through process where we get legal cross easements from all of the property owners to have the right to be able to transgress across each other's property. (2) We had a surveyor look and the right of way on Shore Drive abuts the property line of these three properties, so there is legal access from Shore Drive to the ___ of these properties the only thing that makes it impossible to make a left hand turn is there is

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70 inches of debris that is overgrown in a middle section. Knowing budgetary constraints, the County is not even looking to ask your Public Works Dept. to clear this out to make access, they are willing to do that themselves. The County Parks Dept will send people over to clear that out. The reason that we are here is to show you what is going on and to make sure that you are comfortable and to make you aware of it which he further explained and showed photographs of the area to the Council. The County is hoping that the Highlands Council will allow them to clear the access in front of all three properties. They would like to just clear their property first so that the other people can see what it will look like so that we are not forcing them to let us do it. The County would be willing to clear all three ultimately but we do not intend to do that at this point. The County intentions for the property that they are purchasing is to demolish and clear it for open space and when the other two homes become available for sale they would be interested in acquire those.

The Council questioned Mr. DeNoia and had discussions with the County.

Mr. Caizza expressed the frustration with the Highlands Fire Department with regard to the locks on the gate for Pompamora Park. Mr. DeNoia stated that he would look into that.

Discussions continued between the Council and Mr. DeNoia.

Mayor Little – I don't have a problem with the County clearing what's in front of their property but she does not want the County to disturb what's in front of other people's property unless they have asked them to do it.

Mr. DeNoia – at this time there is no intension to clear the other properties unless the neighbors so desire. He will commit to restoring the driving surface to be drivable for the County property.

Mayor Little – it appears that there are four of us agree that you can clear the front of the County property. She would appreciate the County advising the Governing Body if the County is asked by any of the private property owners to clear their properties.

Mr. DeNoia – I will speak with the Borough Attorney tomorrow so that we can agree on memorializing a letter exactly what it is that the Borough feels comfortable with.

Foot Print Technology – Forms & Electronic Payment

Mrs. Flannery stated that the Administrative Staff has been working with the members of Foot Print Technology in developing some forms that can be filled out on line and submitted to the Borough via internet and paid for through technology rather than having to come to the Borough Office. Jay O'Donnell of Foot Print Technology was born and raised in Highlands and he has offered to come to Highlands to do our forms. He has met with other municipalities who have been very receptive to this. He is here tonight to introduce it to the Council. He has also met with Steve Pfeffer, CFO about payment arrangements.

Mayor Little – the website that we own is not highlandsnj.com its highlands.us. highlandsnj.com is owned by someone else.

Mr. O'Donnell began his presentation to the Governing Body. He stated that there is no cost to the Borough for the use of this system, it's a free web based application. They will build it right off of the Borough website. They would add a button for electronic forms. He explained that the users would pay a convenience fee for using the system. He stated that Atlantic Highlands just started using this program this week. They will also be paying the town an end of the year rebate for the system.

Mr. Pfeffer stated that they are working on some issues on the money side of this.

Mrs. Flannery - we are hoping that the Council will approve us to get started.

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Mr. O'Donnell – there is a contract that will state that there will be no charges to the Borough of Highlands.

Mrs. Flannery – it's nothing that has to be decided tonight.

Mr. Francy – he has some reservations and thinks that we need to take a look at the bigger picture and he would like for a bid spec to allow for multiple vendors to quote on the same thing.

Mr. O'Donnell – there are other companies that do similar things but there are fees that the town has to pay.

The Governing Body continued to have discussions.

Mrs. Flannery – we actually pay to provide our information on www.highlandsnj.com.

Mayor Little – we pay to have things posted to the site like minutes.

Mr. O'Donnell – yes, we actually incorporated that into our proposal and I think that you will be presently surprised.

Bid Budget – Review/Introduce and Set Public Hearing Date

Mayor Little – this item has been removed and will be dealt with at the next meeting.

Mrs. Flannery - would someone move to make the next meeting a Regular meeting for this item.

Mr. Francy offered a motion to make the March 4, 2009 meeting a Regular Meeting for the purpose of the Bid Budget, seconded by Mr. Urbanski and all were in favor.

Public Participation on Agenda Items

Jim Filip of 348 Shore Drive was not present when his name was called.

Carl West of 78 Bay Avenue passed on his opportunity to speak.

Michelle Pezzullo of 115 Highland Avenue passed on her opportunity to speak.

Tara Ryan of 17 Ocean Street passed on her opportunity to speak.

Arnie Fuog of 50 Valley Street stated that with regard to the houses that the County Park system spoke about they never mentioned that there is a live creek between the first and second house and if they clear this there will be moisture there. There is also a huge tree in front of that house.

Mayor Little – the picture did not show a tree and they cannot remove a tree without a permit.

Arnie Fuog – do you know who owns highlandsnj.com.

Mayor Little – yes, the gentleman sitting in front of us.

A.J. Solomon of 102 Marina Bay Court was not present when her name was called.

Richard O'Neil of Route 36 was not present when his name was called.

Consent Agenda Resolutions

Mr. Francy offered that Resolution R-09-48 be removed from the Consent Agenda.

Mr. Urbanski offered that Resolution R-09-46 be removed from the Consent Agenda.

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Mr. Francy offered a motion on the approval of the consent agenda, seconded by Mr. Urbanski and the following Resolutions were approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSTAIN: None

ABSENT: Ms. Kane

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

R-09-44

**RESOLUTION AUTHORIZING
REFUNDS OF REMAINING
UNUSED ROAD VACATION ESCROW FUNDS &
UNUSED PLANNING BOARD ESCROW FUNDS FOR
ROSARIO SCATURRO IRREVOCABLE TRUST
CHARLES M. SCATURRO TRUST**

WHEREAS, the Board Secretary has reviewed the Planning Board and Road Vacation Escrows for the above referenced application for Block 3 Lots 6 & 7 and has received authorization from both the Board Attorney and Board/Borough Engineer that there are no outstanding invoices due to them; and

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 Rosario Scaturro Irrevocable Trust, Charles M. Scaturro Irrevocable Trust the amount of \$811.82 from PB Escrow Account #9000-9-06-7 and any remaining Road Vacation Escrow funds for Vacation Ordinance O-07-28 located between block 2 & 3.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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

R-09-45

**RESOLUTION
AUTHORIZING RELEASE OF MAINTENANCE BOND
FOR CHRISTOPHER & ANN OSBORN FOR PROPERTY LOCATED
AT 164 BAY AVENUE ALSO KNOWN AS
BLOCK 58 LOT 26**

WHEREAS, the applicant Christopher & Ann Osborn posted a Two Year Maintenance Bond in the amount of \$1,020.00 (Cash) which went into effect on December 20, 2006 for 164 Bay Avenue (Block 58 Lot 26); and

WHEREAS, the T & M Associates, Borough Engineer's Office has verbally stated that a final inspection is not needed for the release of said maintenance bond.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Chief Financial Officer is hereby directed to release and refund the Maintenance Guarantees for Christopher & Ann Osborn for Block 58 Lot 26 in the amount of \$1,020.00 plus any accrued interest, any remaining engineering inspection fees and any remaining legal fees.

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

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ROLL CALL:

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

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

R-09-47

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**RESOLUTION - SPECIAL ITEM OF REVENUE
STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the state fiscal year 2009 in the amount of \$5,705.00 which is now available from the State of New Jersey Department of Transportation..

BE IT FURTHER RESOLVED that a like sum of \$5,705.00 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Department of Transportation:	\$5,705.00
Speed Monitoring Sign	

BE IT FURTHER RESOLVED that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

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

ROLL CALL:

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

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

R-09-49

**RESOLUTION CANCELING UNEXPENDED BALANCES OF THE
GENERAL CAPITAL FUND**

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

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WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

ORDINANCE NUMBER	PROJECT DESCRIPTION	AMOUNTS TO BE CANCELED	
		CAPITAL SURPLUS	UNFUNDED
O-98-10	Acquisition of Public Works Equipment	\$ 2,408.44	\$ 19,750.00
O-02-08	Various Road Improvements		2,000.00
O-06-13	Various Road Improvements	7,533.88	187,500.00
		\$ 9,942.32	\$209,250.00

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

ROLL CALL:

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-50

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

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

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

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

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

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

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

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

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

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

ROLL CALL:

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

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-09-51
RESOLUTION
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
SPECIAL COUNSEL SERVICES
SCARINCI & HOLLENBECK, LLC**

WHEREAS, the Borough of Highlands has a need for special counsel services to perform any and all legal services in redevelopment, taxation, land use and environmental matters regarding the disposition of various properties in the Borough of Highlands including litigation if necessary; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, N.J. 07071-0790 is so recognized; and

WHEREAS, this contract is to be awarded at an hourly rate of \$135 for an amount not to exceed \$15,000 plus reimbursable expenses for special counsel services provided to the Borough of Highlands for the period January 1, 2009 through June 30, 2009; and

I hereby certify funds are available as follows:

Current Fund: Legal \$15,000

Stephen Pfeffer, Chief Financial Officer

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

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Scarinci & Hollenbeck, LLC 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 Scarinci & Hollenbeck, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and Submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c.271; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands as follows:

1. Scarinci & Hollenbeck, LLC are hereby retained to provide special counsel services as described above for an amount not to exceed \$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. The Mayor and Borough Clerk are hereby authorized to sign said contract.
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: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-52

**RESOLUTION – REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION
OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY
RIDER FOR THE
ACCEPTANCE OF BEQUESTS, LEGACIES AND GIFTS
FOR KAVOOKJIAN FIELD RESTORATION PROJECT**

WHEREAS, N.J.S.A. 40A:5-29 authorizes and empowers municipalities to accept bequests, legacies and gifts made to it and empowers municipalities to utilize such bequests, legacies and gifts in the manner set forth in the conditions of the bequest, legacy or gift; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

1. The Governing Body hereby requests permission of the Director of the Division of Local Government Services to place such bequests, legacies and gifts in a specific trust fund and such trust fund shall be considered a "Dedication by Rider" to the budget of the local unit per N.J.S.A. 40A:4-39 for the sole purpose stated above (Kavookjian Field Restoration Project).
2. The Borough Clerk of the Borough of Highlands is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

ROLL CALL:

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

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**INSERT
RESOLUTION
R-09-53
HERE**

HIGHLANDSNJ.COM

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

**R-09-54
RESOLUTION GRANTING TAX EXEMPTIONS TO
DISABLED VETERANS**

WHEREAS, the following persons are 100% service connected disabled veterans, awarded by the Veterans Administration for medical conditions arising from military service:

James J. Hudson	Block 21	Lot 10 97 Navesink Avenue
John C. Ziegler	Block 99	Lot 4 34 Central Avenue

; and

WHEREAS, the petitioners have applied for exemption of the taxes assessed for their properties as a disabled veteran, pursuant to N.J.S.A. 54:4-3.30, and their residences are tax exempt for its local assessment as the residence of a 100% disabled American veteran; and

WHEREAS, the Governing Body upon recommendation of the Tax Assessor has determined that the residents are entitled to this exemption as a 100% disabled veteran for conditions received in the honorable service of their country and their fellow citizens, and that effectuating the policy of tax exemption as of the appropriate date is proper;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that pursuant to the authority of N.J.S.A. 54:4-3.30, the Tax Collector is hereby authorized to exempt the following from the assessments set forth below:

Block 21	Lot 10 97 Navesink Avenue	February 1, 2009
Block 99	Lot 4 34 Central Avenue	January 1, 2009

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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

**R-09-55
AUTHORIZING THE EXECUTION OF A
MUNICIPAL ASSISTANCE/SHARED SERVICES AGREEMENT
WITH THE COUNTY OF MONMOUTH**

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act (C40A:65-1, et seq.) authorizes local units such as this Borough to enter into shared service agreements with other local units; and

WHEREAS, the County of Monmouth, a local unit, has offered to provide Municipal Assistance/Shared Services to this Borough; and

WHEREAS, it is in the best interest of this Borough to enter the proposed Municipal Assistance/Shared Services Agreement with the County of Monmouth.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that the Mayor and the Borough Clerk are hereby authorized to execute the attached Municipal Assistance/Shared Services Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED, that the Borough Clerk will forward a certified copy of this resolution, along with the executed Municipal Assistance/

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Shared Services Agreement to the Clerk of the Board of Chosen Freeholders,
County of Monmouth, Hall of Records, 1 East Main Street, Freehold, N.J. 07728

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

ROLL CALL:

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

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

**R-09-56
RESOLUTION AUTHORIZING THE EXECUTION
OF A COMMODITY RESALE AGREEMENT
WITH THE COUNTY OF MONMOUTH**

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreement for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Monmouth has authorized the creation of the Monmouth County Commodity Resale System; and

WHEREAS, it would be in the best interest of this Borough to become a member of the Monmouth County Commodity Resale Program.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands and the Borough Clerk are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED, that the Borough Clerk will forward a certified copy of this resolution along with the executed Commodity Resale Agreement to the Clerk of the Board of Chosen Freeholders, County of Monmouth, Hall of Records, 1 East Main Street, Freehold, N.J. 07728.

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

ROLL CALL:

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

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

**R-09-57
RESOLUTION APPROVING STIPEND
FOR ACTING DPW SUPERINTENDENT
FOR THE PERIOD OF
JANUARY 1, 2009 THROUGH DECEMBER 31, 2009**

WHEREAS, Edward O'Neil of the DPW has been asked to perform additional Supervisory duties from January 1, 2009; and

WHEREAS, the Borough has a genuine need for Edward O'Neil to continue with the duties of DPW Superintendent through December 31, 2009.

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NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that Edward O'Neil be paid immediately a stipend in the amount of \$2,500 (non-pensionable, one-time only) for his services as DPW Superintendent for the period of January 1, 2009 through December 31, 2009.

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

ROLL CALL:

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

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

**RECAP OF PAYMENT OF BILLS
02/18/09**

CURRENT:	\$	64,660.82
Payroll (02/15/09)	\$	125,600.41
Manual Checks	\$	32,210.55
Voided Checks	\$	
SEWER ACCOUNT:	\$	90,420.65
Payroll (02/15/09)	\$	6,725.13
Manual Checks	\$	2,343.12
Voided Checks	\$	
CAPITAL/GENERAL	\$	4,035.10
CAPITAL-MANUAL CHECKS	\$	
WATER CAPITAL ACCOUNT	\$	477.28
TRUST FUND	\$	5,796.60
Payroll (02/15/09)	\$	
Manual Checks	\$	
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	100.36
DOG FUND	\$	
GRANT FUND	\$	1,210.28
Payroll (02/15/09)	\$	
Manual Checks	\$	1,700.00
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.**

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Caizza, Mr. Urbanski, Mayor Little
NAYES: None

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ABSENT: Ms. Kane

ABSTAIN: None

Other Resolutions:

Resolution R-09-46

Mr. Urbanski – why spend the money if you don't have a consensus to purchase this property.

Mayor Little questioned if there was a deadline to get this work done in order to maintain the \$250,000 grant. She wanted to know if there was a deadline for 2 Private Road.

Mr. Arnette stated that he does not know if there is a deadline for this.

Mr. Pfeffer explained that there usually is a two year window to get the project completed. He further explained the funding process to the Council.

Mayor Little requested that the CFO reach out and find out the deadline for this item.

Mayor Little offered a motion to table Resolution R-09-46 until we receive further information, seconded by Mr. Urbanski and all were in favor.

Mayor Little then directed the CFO to get the deadline information before the next meeting.

Resolution R-09-48 A

Mr. Francy expressed his concern with the escalating engineering expenses in general and this is an extension for general engineering services through the end of the fiscal year. He suggested at this point that while Mr. Leubner has been providing to be a good liaison with the DOT and reporting back to the Fridays meetings that maybe we can back away with that on a go forward basis.

Mayor Little – that is fine as long as the Administrator can be able to handle those meetings which she further explained.

Mr. Francy – I think that we have the bridge meetings covered.

Mayor Little – I am thinking that when she is asking for payment for projects with regard to Portland Road or Bayside Drive that she needs Dale Leubner.

Mr. Francy – those are separate projects.

The Governing Body further discussed the attendance of D. Leubner at bridge meetings.

Mr. Francy – we need to cut spending.

Mayor Little questioned Mr. Pfeffer about bonding of soft cost for down town drainage.

Mr. Pfeffer explained that only in a couple of rare instances does soft cost come out of general engineering.

Governing Body continued discussion with the Chief Financial Officer.

Mayor Little stated that the depletion of the general engineering fund that Mr. Francy is seeing is because we spent engineering dollars on designing the down town flooding solution that has now been presented to going out with the bond ordinance.

Mr. Francy – this is a resolution and I think that we can reduce this resolution by \$10,00 and not impact engineering services in general.

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Mr. Pfeffer – I don't think that amount will last three months.

Mr. Francy – we have to cut this stuff out.

Mr. Pfeffer – stated that the amount would not last three months.

Mayor Little – her solution to spending in the category of engineering is to change the way we provide engineering. The best way for us to save money on engineering is to do so in house rather than contracting it out which she further explained a suggesting for an full time shared in house engineer.

Council continued to discuss engineering expenses.

Mr. Urbanski – we shouldn't send the engineer to look out wish list projects when we have so many in the wings waiting.

Mr. Pfeffer explained that we need to set aside funds before we use it.

Mr. Francy suggested that we stop having D. Leubner attend the bridge meetings and he would like to meet the engineers office to see how we can find some savings. He wants to study last year's engineering expenditures to see where we have spent.

Mr. Francy offered a motion to table this ordinance but that motion failed due to lack of a second.

Mr. Pfeffer – you are not supposed to incur any expenditures until you have the authorization in place. He suggested that we adopt the resolution tonight with a reduced amount.

Mr. Francy suggested that the amount be reduced to \$21,000 which will take us out through March.

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-09-48A
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional engineering 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 firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed **\$21,000** plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands for the period January 1, 2009 through June 30, 2009; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous

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one year and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify funds are available as follows::

**Current Fund: General Engineering and Stormwater Management \$14,000
Sewer Utility Fund: Other Expenses \$7,000**

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:

5. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$21,000 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 Mr. Francy and adopted on the following roll call vote:

ROLL CALL:

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

Mr. Keady – should we attend the Bridge Meetings.

Mayor Little – Mr. Francy's opinion that T & M does not attend the bridge meetings.

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Ordinances: Introduce, Set Public Hearing Date for February 18, 2009

O-09-02 Noise Ordinance

Mrs. Flannery read the title of Ordinance O-09-02 for introduction and setting of a public hearing date.

Mayor Little – we need to have the section numbers.

Mr. Arnette – is section three. We will reorganize the ordinance the ordinance to comply with how its set up.

Mr. Caizza offered the following ordinance pass introduction and set a public hearing date for Wednesday, March 18, 2009 after publication according to law:

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**O-09-02
AN ORDINANCE AMENDING CHAPTER 3-2 NOISE
SECTION 3-2.1 PROHIBITED NOISES OF THE
CODE OF THE BOROUGH OF HIGHLANDS**

BE IT ORDAINED by the Mayor and Council of the Borough of Highlands as follows:

Section _____ . Exceptions.

The within prohibitions shall not apply to any public works projects for construction deemed to be in the public's welfare, safety and for the public good and only with prior approval from the Mayor and Council.

Schools; Courts; Churches; Hospitals. The creation of excessive noise on a street adjacent to a school, institution of learning, church or court while in use or adjacent to a hospital, which unreasonably interferes with the working of the institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such a street indicating that it is a school, hospital or court street.

Nothing herein contained shall be construed to apply to:

- A. The use of bells, chimes or sound amplifiers by churches engaged in church activities.
- B. Activities of municipal departments in the performance of their duties, drills or public demonstrations.
- C. Activities in public parks, playgrounds or public buildings under permission or authority of borough officials.
- D. The playing by a band or orchestra in a hall or building or in the open air, where duly authorized.

Section _____ . Prohibited Noise.

- A. The making, creation or permitting of any unreasonable, disturbing or unnecessary noise in the Borough of Highlands is hereby prohibited.

No person shall permit any noise to emanate from any speaker, vehicle or instrument, whether natural or artificial, or use amplification or sound system equipment outside a fully enclosed principal dwelling on a property in the Borough of Highlands such that the noise created thereby is plainly audible at a distance of 100 feet from the boundary line of such property. When an officer can hear plainly audible music or other noise 100 feet beyond the property line of the noise-generating property, or any unreasonably, disturbing or unnecessary noise, there is a violation of this chapter.

The following activities, among others, are declared unreasonably loud, disturbing and unnecessary noise in violation of this chapter, but said enumeration shall not be deemed to exclude those not included herein:

- (1) The sounding of a horn or signaling device on an automobile, motorcycle or other motorized vehicle, except as a warning of danger, and then only for such period of time as is reasonably necessary for giving such warning.
- (2) The playing, using, operating or permitting to be played, used or operated of any electronic receiving set, musical instrument, phonograph or machine or device for the production or reproduction of sound with louder amplified volume than is necessary for the normal sensitive hearing of the person so playing, using or operating such instrument or device and such persons who are voluntary listeners thereto or in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants.

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(3) The use, operation or playing of any loudspeakers, amplifiers or other machines or devices for the producing of sound which is cast upon a public street for the purpose of commercial advertising or attracting the attention of the public.

(4) The keeping of any animal or bird which by causing frequent or long-continued noise, such as barking or jabbering, shall disturb the peace, quiet and comfort of neighboring inhabitants.

(5) Creating an audible noise by landscape and erection, excavation, demolition, alteration or repair of any building other than between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday and Sunday, except in the case or urgent matters and the interest of public safety and health.

(6) The making, creation or permitting of any unreasonable, disturbing or unnecessary noise in the Borough of Highlands is hereby prohibited, especially between the hours of 8:00 p.m. and 8:00 a.m. on Sunday Monday, Tuesday, Wednesday and Thursday, and 10:00 p.m. and 8:00 a.m. on Friday and Saturday. Consequently, no person shall permit any noise to emanate from any source or instrument whether natural or artificial, or use equipment outside a fully enclosed principal dwelling on a property in the Borough of Highlands such that the noise created thereby is plainly audible, as defined in section "B" hereinafter, at a distance of 100 feet from the property line.

B. "Plainly audible" shall mean any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is live entertainment or a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic base component of the music is sufficient to verify plainly audible sound. The law enforcement officer need not determine the title, specific words or the artist performing the song.

Section ____ . Enumeration of noises.

The following are declared to be loud, disturbing and unnecessary noise in violation of this section, but said enumeration shall not be deemed to be exclusive:

A. The playing of any radio, phonograph or any musical instrument or instruments or singing or talking in such a manner or in such volume as to annoy or disturb the quiet, comfort, repose, peace or tranquility of persons in any dwelling, hotel or other type residence or structure.

B. The playing of music outdoors, either live or recorded, after 8:00 p.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, and after 10:00 p.m. on Friday and Saturday is hereby prohibited.

C. The keeping of any animal or bird which has been causing or causes frequent or long continued noise which disturbs the comfort and repose of any person within the vicinity.

D. The shouting of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

E. The sound of any horn or signal device on any automobile or other vehicle, while not in motion or occupied, as well as any structure, for any unnecessary or unreasonable period of time, except as a danger signal.

Section ____ . Violations and Penalties.

A. Any person found guilty of violating any of the foregoing provisions concerning unnecessary noise shall be subject to a fine not to exceed \$100 for an initial violation. For a second violation, the fine shall not exceed \$250. For a third violation, the fine shall not exceed

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\$350. For a fourth violation, the fine shall be \$350, but not to exceed \$500. For a fifth violation, the fine shall be \$500 but not to exceed \$1,000. For a sixth violation, the fine shall be \$5,000 as well as for any violation thereafter. Additionally, when an offender is found to be a repetitious offender, the offender shall be subject to not more than 30 days imprisonment in the county jail for each subsequent offense. A repeat offender shall be defined by an individual who has violated the statute more than three times within a two-week period of time.

B. Each day that this chapter is violated shall constitute a separate offense.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Ordinance O-09-03 Bond Ordinance – Sewer Hill

Mrs. Flannery read the title of the Bond Ordinance O-09-03 for introduction and setting of a public hearing date. She also stated that the Supplemental Debt statement have been provided to the Borough Clerk by the CFO.

Mr. Urbanski offered the following Bond Ordinance on introduction and set a publication date for Wednesday, March 18, 2009 after publication according to law:

O-09-03

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$86,500 FOR REHABILITATION OF STORM SEWER ON VALLEY AVENUE FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$82,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

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

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the “Borough”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$86,500, such sum includes the sum of \$4,500 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by the application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$82,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$82,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

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SECTION 3:

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

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Rehabilitation of storm sewer on Valley Avenue between Route 36 and Shore Drive, which includes storm sewer cleaning, manhole rehabilitation and lining the storm sewers, including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$86,500	\$82,000	15 Year

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$82,000.

(c) The estimated cost of the Improvements is \$86,500 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements over the capital outlay and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment.

SECTION 4:

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

ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

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SECTION 5:

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

SECTION 6:

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

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

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$82,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$26,500 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

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

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$82,000.

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SECTION 10:

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

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

ROLL CALL:

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

Ordinance O-09-04 – Open Space Trust

Mrs. Flannery read the title of Ordinance O-09-04 for introduction and setting of a public hearing date.

Mr. Caizza offered the following ordinance on introduction and set a public hearing date for Wednesday, March 18, 2009 after publication according the law:

O-09-04

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY,
AUTHORIZING AND ESTABLISHING OPEN SPACE TRUST FUND ORDINANCE**

BE IT ORDAINED by the Mayor and Council of the Borough of Highlands as follows:

WHEREAS, the voters of the Borough of Highlands, County of Monmouth, State of New Jersey, November 3, 2008, expressed their support to the Borough Council of the Borough of Highlands to establish an Open Space Trust Fund and to create the mechanism for collection of a dedicated .005 tax on each \$100 of assessed real property in the Borough of Highlands; and

WHEREAS, the Borough Council of the Borough of Highlands deems it necessary and convenient to establish such mechanism to begin collections during 2009; and

WHEREAS, the Borough Council of the Borough of Highlands agrees that the collection of such funds, creation of such trust fund mechanism and the acquisition of open spaces for perpetual preservation are in the best interests of the citizens of the Borough of Highlands.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Highlands as follows:

1. There is hereby authorized and established a specific and dedicated tax assessment of .005 (one half cent) per one hundred dollars of the assessed property valuation, to be assessed and paid on all taxable property in the Borough commencing with the tax year 2009 and continuing thereafter. The monies collected pursuant to such specific and dedicated tax will be used specifically and solely to acquire, preserve and improve lands for open space, conservation, recreation and parklands by the Borough of Highlands.

2. There is hereby created the Open Space Trust Fund to be administered by the Department of Finance of the Borough of Highlands subject to the provisions of the within Ordinance, which Trust Fund shall have deposited in it the special assessment of .005 per \$100 of assessed property valuation.

3. The Borough's Chief Finance Officer shall establish such Trust in a manner perpetually to keep separate and apart from all other Borough budgeted items all costs in connection therewith and all funds collected pursuant hereto.

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4. The Borough's Chief Finance Officer, together with the Tax Assessor and tax collection, shall operate as necessary and convenient for the administration of the said Trust Fund including but not limited to creation of a separate line item on the municipal tax bills forwarded to all Highlands taxpayers, identifying the Trust Fund as follows: "Municipal Open Space Tax" and inserting opposite such separate line item the amount to be collected for such Fund as calculated pursuant to the said .005 per \$100 of assessed valuation as provided by the voters of Highlands at the said referendum conducted on November 3, 2008.

5. In the event the Borough of Highlands shall become the beneficiary, by way of gift, federal or state grant or other funding sources of any lands or unrestricted funds, such lands and/or funds may, at the discretion of the Borough Council be deposited in the Trust Fund, in the case of monies, or placed upon the Trust Funds' register of open lands, as the case may be.

6. It is the intention of this Ordinance to comply with all applicable state and federal programs governing the acquisition of open space for active or passive recreational, and the like, purposes.

7. All lands acquired through the program herein authorized shall be set aside and dedicated for such open space purposes and all deeds and other applicable documents shall so indicate.

8. All decisions respecting the acquisition and purchase of such lands shall be the determination of the Borough Council, subject to the applicable state and federal regulations.

9. If any clause of the within Ordinance be deemed by a Court of competent jurisdiction to be unlawful, the remaining provisions of the within Ordinance shall remain in full force and effect.

This Ordinance Shall take effect immediately upon publication.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Ordinance O-09-05 Bond Ordinance – Demolition of Wastewater Treatment Plant

Mrs. Flannery read the title of the following Ordinance for introduction and setting of a public hearing date.

Mr. Urbanski offered the following Ordinance pass introduction and that a public hearing date be set for Wednesday, March 18, 2009 after publication according to law:

**BOND ORDINANCE PROVIDING AN APPROPRIATION
OF \$235,000 FOR DEMOLITION OF THE
WASTEWATER TREATMENT PLANT FOR AND BY
THE BOROUGH OF HIGHLANDS IN THE COUNTY OF
MONMOUTH, NEW JERSEY AND, AUTHORIZING
THE ISSUANCE OF \$223,250 BONDS OR NOTES OF
THE BOROUGH FOR FINANCING PART OF THE
APPROPRIATION.**

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

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SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$235,000, such sum includes the sum of \$11,750 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by the application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$223,250 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$223,250 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

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

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Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Demolition of the Wastewater Treatment Plant, including all work or materials necessary therefor or incidental thereto.	\$235,000	\$223,250	15 Year

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$223,250.

(c) The estimated cost of the Improvements is \$235,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements over the capital outlay and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment.

SECTION 4:

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

SECTION 5:

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

**Error! Unknown document property name.
Error! Unknown document property name.**

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SECTION 6:

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

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

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$223,250 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

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

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$223,250.

SECTION 10:

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

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

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ROLL CALL:

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

Ordinances: 2nd Reading, Public Hearing and Adoption:

Ordinance O-09-01 Bond Ordinance for Generators

Mrs. Flannery read the title of Ordinance O-09-01 for the second reading and public hearing. This Ordinance was published in its entirety in the January 30th edition of the Asbury Park Press and it may be open for public hearing at this time.

Mayor Little opened up the public hearing on Bond Ordinance O-09-01.

There were no questions or comments from the public; therefore Mayor Little closed the public hearing on Bond Ordinance O-09-01.

Mrs. Flannery read the title of Bond Ordinance O-09-01 for final reading and adoption.

Mr. Caizza offered a motion and moved on the adoption of Bond Ordinance O-09-01, seconded by Mr. Urbanski.

Mr. Francy questioned the bond ordinance.

Mr. Pfeffer explained that this is a bond ordinance that changes the project description to include a generator at Borough Hall. The plan is to have this as an alternate on the bids which he explained.

Mr. Francy questioned Robert Keady, P.E., Borough Engineer about the design phase of the generators.

Mr. Caizza explained where the DOT is allowing the generator to be placed for South Bay Ave.

Mr. Caizza offered the following bond ordinance and moved on its adoption and authorized its publication according to law:

**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".

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

OTHER BUSINESS:

Engineer's Report:

The Council briefly reviewed the following status report.

HGHL-G0901

February 13, 2009

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:** We are currently negotiating the completion date with the Contractor so that the Maintenance Bond may be submitted.
2. **Valley Avenue Drainage Repairs:** As requested by the Mayor, we have submitted a Discretionary Aid application to the NJDOT for the cost of the repairs. In the interim, it is

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our understanding that the Mayor and Council will be introducing a Bond Ordinance to proceed with this work.

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 provided comments at the January 8, 2009 Board meeting. Additionally, they have formed a sub-committee for this issue and will be setting up a meeting to further discuss in the near future.

Capital Improvement Projects

1. **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 metering has depicted that the I/I portion of the flow has been significantly reduced. We will be sending a formal report regarding that matter the week of February 16, 2009.
2. **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.
3. **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. We held a meeting on February 5, 2009 with a Committee previously established by Mayor and Council to discuss potential locations and aesthetics. It should be noted that developing matters since the meeting may result in a potential alternate location for the generator at the South Bay Avenue Pumpstation.
4. **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. The sanitary sewer mains within the project area have recently been televised. We are currently reviewing the tapes/reports and will include the appropriate repairs of the mains in this project. Once designed, these roadways will be combined with the Shore Drive Improvements project and will be bid as one project. We are ready to advertise the project once authorized by Mayor and Council.
5. **Highlands Firehouse Apron Replacement:** We have completed the Addendum for the replacement of the apparatus room apron at the firehouse and are ready to advertise for bidding. Once authorized by Mayor and Council, we will proceed with the advertisement of the 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.

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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

Authorize Engineer to Advertise for Bids for Road Projects

Mr. Caizza offered a motion to authorize the Borough Engineer to advertise for the receipt of bids for the Road Projects and all were in favor.

Authorize Engineer to Advertise for Bids for Firehouse Apron

Mr. Urbanski offered a motion to authorize the Borough Engineer to advertise for the receipt of bids for the Firehouse apron and all were in favor.

Mr. Francy – what is the status of the documentation for the Valley Street Pump.

Mr. Keady – a letter was sent out this morning to the Borough identifying the issues that were discussed which he further explained.

Engineer – Request for Payment for Geary Project

Mr. Urbanski offered a motion to authorize payment to T & M Associates for work for the Geary matter in the amount of 349.16, seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Raffle & Bingo License for Highlands Fire Dept. for Bingo & HFD Raffle & Clean Ocean Action Raffle License

Mr. Francy offered a motion to approve the two license's for the Fire Department and the raffle license for Clean Ocean Action, seconded by Mr. Urbanski and all were in favor.

Miller Street Stop Sign

Mayor Little – this item has been removed from the agenda after her discussion with the Police Chief. He has engaged in enforcement in that area and will report back to us by the next meeting.

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ZB 2008 Annual Report & Recommendations

The Governing Body briefly reviewed the 2008 Annual Report and Recommendations.

Mr. Francy offered a motion to authorize the Borough Attorney to prepare an ordinance for these recommendations, seconded by Mr. Caizza and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Planning Board Steep Slope Ordinance Recommendations

The Governing Body reviewed the PB Steep Slope Ordinance recommendations.

Mr. Francy offered a motion to authorize the Borough Attorney to prepare an ordinance to make these changes to the Steep Slope Ordinance, seconded by Mr. Urbanski and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Memo from Zoning Officer RE: WT-R Zone

The Governing Body reviewed the Zoning Officers Memo dated 2/12/09 to resolve an existing discrepancy in the Zoning Ordinance with regard to the WT-R setbacks.

Mr. Francy offered a motion to allow the Planner to investigate the Zoning Officers suggestion and to give advice and if necessary to change the chart, seconded by Mr. Caizza and approved on the following roll call vote:

ROLL CALL:

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

MINUTES:

Mr. Caizza offered a motion to approve the January 7, 2009 Regular Meeting Minutes and the January 21, 2009 Regular Meeting Minutes, seconded by Mr. Urbanski and all were in favor.

PUBLIC PORTION:

Mayor Little asked if there were any questions for the CFO before he leaves but there were none.

Mr. Pfeffer left the meeting.

Michelle Pezzullo of 115 Highland Avenue spoke about the Atlantic Highlands blog that spoke about combining townships to reduce cost.

Mayor Little – the only consolidation that she has considered is one that might be forced by the State for budgetary reasons. Sharing services in her opinion is a good idea but the Governing Body has been elected by the people of Highland and until the people of Highlands state that they want a different arrangement.

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Mr. Francy – you could consider sharing a borough hall as a shared services. Building a common complex would not necessarily be a consolidation.

Mr. Pezzullo – the merging of municipal buildings is a good thing to look into.

Donna O’Callaghan of 29 S. Bay Avenue – thanked the Council for the S. Bay Ave generator being moved.

Roberta McEntee of 55-B Fifth Street stated that she spoke with John _____ regarding electronic receipts and spoke about the amount of records in borough hall and she stated that she supports electronic forms and payments.

Mayor Little then thanked Ms. McEntee for her volunteer work at Borough Hall.

Don Manrodt of 268 Bayside Drive – spoke about the three houses on the end of Shore Drive and the County removing the dirt. He stated that there are sewer lines down there that are only about a foot down. He stated that there used to be a street there call Shady Lane. The County should pave on Shore Drive right to the park. He stated that with regard to improvements to Bayside Drive, how about fixing the job that Schoor & DePalma did which he further described.

Tara Ryan of 17 Ocean Street was not present.

Jim Filip of 348 Shore Drive was not present.

Carl West of 78 Bay Avenue was not present.

Arnie Fuog of 50 Valley Street passed on his opportunity to speak.

A.J. Solomon of 102 Marina Bay Court was not present.

Richard O’Neil of Route 36 was not present.

Jim Parla of 16 Portland Road spoke about the Neighborhood Watch and the fact that they sent the Governing Body an email a month ago requesting that a survey be sent out to the students of Henry Hudson and he wants to know the status of that. The survey was to ask the kids what they would like to see if the community center were open at night. He wanted to know what the status is of sending out the surveys to the kids.

Mr. Caizza stated that he would call Mr. Parla tomorrow about this.

Jim Parla questioned tonight’s discussion about the borough’s website and asked if the Governing Body is looking to redesign the website.

Maureen Kraemer of 200 Portland Road commented about Mr. Francy’s request to no longer have Dale Leubner of T & M Associates attend the bridge meetings which she feels that we do need him.

Pauline Jennings of Ralph Street questioned if the steep slope recommendations and the zoning board annual report were available to the public.

Mrs. Flannery stated that she could come to town hall tomorrow to obtain a copy because they are available to the public.

Roberta McEntee of 55-B Fifth Street spoke about her having to chase the kids off the fire department property where they are biking so she suggested that a sign be placed on the fire department property that states “No skateboarding/biking”.

There were no further questions or comments from the public.

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

The Meeting adjourned at 10:16 P.M.

CAROLYN CUMMINS, DEPUTY CLERK

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