

**MAYOR AND COUNCIL
REGULAR MEETING
APRIL 15, 2009**

Mayor Little called the Meeting to order at 7:13 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 Two River Times and The Asbury Park Press. Notice has been posted on the bulletin board.

ROLL CALL:

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

Absent: Mr. Urbanski

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

Executive Session Resolution:

Mrs. Flannery read the following Resolution for approval:

Ms. Kane 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: Goleman vs. Borough of Highlands**
- 2.Contract: CWA, UFCW**
- 3.Real Estate:**
- 4. Personnel Matters: Non Union Employees, Denial of Retirement Incentive**
- 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. Related to investigation of violations or possible violations of the law.

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9. **Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.**
10. **Falls within the attorney-client privilege and confidentiality is required.**
11. **Deals with personnel matters of public employees and employee has not requested that the matter be made public.**
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

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

ROLL CALL:

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

The Governing Body entered into Executive Session.

Mayor Little called the Regular Meeting back to order at 8:07 P.M.

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

ROLL CALL:

Present: Mr. Francy, Ms. Kane, Mr. Caizza, Mayor Little
Absent: None

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

Public Participation on Agenda Items:

Mayor Little stated that there were no signatures on the signup sheet.

Consent Agenda:

Mrs. Flannery – I have just been informed that the CFO and the Chief of Police would like to remove Resolution R-09-75 from the Consent Agenda this evening and carry it to the next meeting.

Mr. Hilling requested that Resolution R-09-74 be removed from the Consent Agenda.

Mayor Little stated that Resolutions R-09-74 and Resolution R-09-75 have both been removed from the Consent Agenda.

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

**R-09-69
RESOLUTION AUTHORIZING
REFUNDS OF REMAINING
UNUSED ROAD VACATION ESCROW FUNDS
FOR EUGENE SHUTE**

WHEREAS, the Clerk's office has reviewed the Road Vacation Escrow Account for Eugene Shute for vacation of right-of-way for block 59 lot 35 and has received authorization

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from both the prior Borough Attorney's and 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 Eugene Shute the amount of \$995.50 from the E. Shute Escrow Account.

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

ROLL CALL:

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

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

**R-09-70
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
VALLEY AVENUE STORM SEWER REHABILITATION
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional engineering services for the Valley Avenue Storm Sewer Rehabilitation project as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, 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 \$14,500 plus reimbursable expenses per T & M Associates proposal dated October 29, 2008 for Professional Engineering Services for the Valley Avenue Storm Sewer Rehabilitation project provided to the Borough of Highlands for the period of one year; and

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

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

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

I hereby certify funds are available from Bond Ordinance 09-03.

Stephen Pfeffer, Chief Financial Officer

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

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

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$14,500 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 the 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 Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

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

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

**R-09-71
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 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>
69	15.17	2007	\$458.57	Montello, Catherine
69	15.17	2008	\$225.64	Montello, Catherine
106.1	209	2008	\$1880.37	Olson, Jayne H.
94	8	2009	\$1086.14	Micko, Anthony & Antonia

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

ROLL CALL:

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

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

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**R-09-72
RESOLUTION - SPECIAL ITEM OF REVENUE
COUNTY OF MONMOUTH
MUNICIPAL ALLIANCE PROGRAM**

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 \$27,281 which is now available from the County of Monmouth.

BE IT FURTHER RESOLVED that a like sum of \$27,281 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:	
Municipal Alliance Program - 2009	\$27,281

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

ROLL CALL:

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

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

**R-09-73
RESOLUTION - SPECIAL ITEM OF REVENUE
COMCAST CABLE
TECHNOLOGY GRANT**

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 \$20,500 which is now available from Comcast Cable per Borough Ordinance 08-01 Comcast Cable Franchise Renewal Ordinance.

BE IT FURTHER RESOLVED that a like sum of \$20,500 is hereby appropriated under the caption of:

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Public and Private Programs Offset by Revenues:

Comcast Cable:

Technology Grant \$20,500

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Urbanski

ABSTAIN: None

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

R-09-76

RESOLUTION AUTHORIZING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102 has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, recycling regulations imposed on municipalities certain requirements as conditions for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycle and to indicate the assent of the Borough of Highlands to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Borough of Highlands hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Reggie Robertson to ensure that the application is properly filed;

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Urbanski

ABSTAIN: None

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

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R-09-77
RESOLUTION OF THE GOVERNING BODY OF**

**THE BOROUGH OF HIGHLANDS
HONORING OUR TROOPS AND
“SUPPORT OUR TROOPS” DAY**

WHEREAS, the people of the Borough of Highlands support the New Jersey National Guard and Reserve in the strongest possible terms, are immensely proud of their accomplishments, and are extremely grateful for their services to this State and to the nation over the years; and

WHEREAS, in the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession by responding to their community and their country in time of need; and

WHEREAS, it is right and proper that we set aside time to honor these fine men and women for the sacrifices they make for every one of us; and

WHEREAS, the New Jersey National Guard State Family Readiness Council is honoring them with a concert by the Blawenburg Band at the National Guard Armory in Lawrenceville on “Support Our Troops Day” on Sunday, April 19, 2009;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands, County of Monmouth hereby resolves that it honors these service members and the day of appreciation set aside for them; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the New Jersey National Guard State Family Readiness Council, and the New Jersey League of Municipalities.

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

ROLL CALL:

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-78

RESOLUTION - DEFERRAL OF REGIONAL HIGH SCHOOL TAX

WHEREAS, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis; and

WHEREAS, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

WHEREAS, it is the desire and intent of the Governing Body of the Borough of Highlands, County of Monmouth, to avail the Borough of the deferral as permitted by regulations promulgated by the Local finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

WHEREAS, fifty percent of the school tax levy of the Henry Hudson Regional School District is \$2,047,881.68.

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NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands, County of Monmouth hereby authorize the Chief Financial Officer of the Borough to defer \$75,322.94 of school taxes as permitted by the aforementioned regulation.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-79

RESOLUTION - DEFERRAL OF LOCAL SCHOOL TAX

WHEREAS, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis; and

WHEREAS, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

WHEREAS, it is the desire and intent of the Governing Body of the Borough of Highlands, County of Monmouth, to avail the Borough of the deferral as permitted by regulations promulgated by the Local finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

WHEREAS, fifty percent of the school tax levy of the Highlands School District is \$1,609,136.50.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands, County of Monmouth hereby authorize the Chief Financial Officer of the Borough to defer \$50,388.00 of school taxes as permitted by the aforementioned regulation.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Urbanski

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

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R-09-80**

**RESOLUTION AMENDING RESOLUTION R-09-48A
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, a contract was awarded on February 18, 2009 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, the Borough of Highlands wishes to increase the contract by \$7,000 due to ongoing services being provided by T & M Associates. The total not to exceed contract amount is \$28,000 plus reimbursable expenses.

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

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

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

I hereby certify funds are available as follows:

Current Fund: General Engineering and Storm Water Management \$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' contract for professional engineering services is hereby increased by \$7,000 for a total contract not to exceed \$28,000 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.
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.

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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, Mayor Little
NAYES: None
ABSENT: Mr. Urbanski
ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-81

**RESOLUTION – CHANGE ORDER #3 FINAL WHIRL
CONSTRUCTION CO. INC. REDUCTION OF CONTRACT AMOUNT BY \$6,821.50
COMMUNITY CENTER PLAYGROUND PROJECT**

WHEREAS, Resolution R-07-86 awarded a contract to Whirl Construction Co. Inc. on May 2, 2007 for \$202,531.00 for the Community Center Playground Project and;

WHEREAS, Resolution R-07-143 authorized change order # 1 dated July 6, 2007 as prepared by T & M Associates, Borough Engineer, set forth reasons for said change order (extension of contract completion time until September 30, 2007 at no additional cost to the Borough),

WHEREAS, Resolution R-07-181 authorized change order # 2 dated September 26, 2007 as prepared by T & M Associates, Borough Engineer, which set forth reasons for said change order which reduced the original contract by \$14,112,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #3 final reducing the contract amount by \$6,821.50 is hereby authorized for the Community Center Playground Project. The adjusted contract price is \$181,597.50.

NOW, FURTHER BE IT RESOLVED that the Borough of Highlands does hereby accept the maintenance bond from International Fidelity Insurance Company in amount of \$90,798.75 for two years commencing on the date of substantial completion that is May 1, 2008. Said acceptance is contingent upon the Borough Attorney's approval of said maintenance bond.

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

ROLL CALL:

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-82

**RESOLUTION – REQUESTING CHANGE IN TITLE, TEXT OR AMOUNT OF
APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-85**

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality,

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NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey that in accordance with the provisions of N.J.S.A. 40A:4-85, the Borough of Highlands hereby requests the Director of the Division of Local Government Services to make the following correction in the SFY 2009 budget:

To provide matching funds for grant received in 2009:

	Original Budget	Requested Budget
Public and Private Programs Offset by Revenues:		
Matching Funds for		
Grants	\$6,000.00	\$2,590.00
Borough Match:		
2009 Municipal Alliance		
Program	\$ -0-	\$3,410.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the Governing Body of the Borough of Highlands, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Borough of Highlands for the reasons set forth:

The requested change will provide the required match for a grant received from the County of Monmouth.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Urbanski

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-83

**RESOLUTION – REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION
OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY
RIDER FOR THE
MUNICIPAL OPEN SPACE TRUST**

WHEREAS, the Governing Body of the Borough of Highlands will be assessing a dedicated tax and allocating money in the budget appropriations to acquire, preserve and improve lands for open space, conservation, recreation and parklands as per Referendum approved by the voters on November 3, 2008; and

WHEREAS, it is the desire and intent of the Governing Body to dedicate these funds for those purposes, and account for such funds in a Trust Fund on the Municipal Finance records, and

WHEREAS, it is necessary to petition the approval of the Director of the Division of Local Government Services to include these funds and allow these funds to be accounted as a “Dedication by Rider” in accordance with N.J.S.A. 40:12-15.1 et seq.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey that the Director of the Division of Local Government Services is petitioned to approve the inclusion of the aforementioned dedicated tax and funds accrued pursuant to the Open Space Tax and Trust Fund approved by the voters by Referendum and adopted by Ordinance 09-04 as a “Dedication by Rider” in accordance with

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N.J.S.A. 40:12-15.1 et seq. and that these funds be placed in a Trust Fund and expended for such purposes as heretofore stated.

BE IT FURTHER RESOLVED that two certified copies of this Resolution be filed with the Director of the Division of Local Government Services for consideration and approval.

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

ROLL CALL:

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

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

**R-09-84
RESOLUTION APPOINTING
(PART-TIME PROVISIONAL) CONSTRUCTION OFFICIAL, BUILDING SUB CODE
AND ELECTRICAL SUB CODE OFFICER AND FLOOD PLAIN
REVIEW OFFICER**

WHEREAS, Edward Wheeler, Construction Official, Building and Electrical Sub Code Official has submitted his resignation; and

WHEREAS, advertisement was made and interviews conducted by (the Committee) the Borough Administrator and Councilmen Caizza and Urbanski and presented to the Governing Body for their review; and

WHEREAS, the Committee has recommended the appointment of Paul Vitale, 319 Oak Hollow Road, Brick, NJ 08724 as Construction Official, Building and Electrical Sub Code Official and Flood Plain Review Officer (part-time) provisional; and

WHEREAS, the Governing Body of the Borough of Highlands agrees with that recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Paul Vitale, be and hereby is appointed Construction Official, Building and electrical Sub Code officer and Flood Plain Review officer (part-time/provisional) effective April 16, 2009; and

BE IT FURTHER RESOLVED that compensation for said position be set at \$26,000.00 per year with no other benefits and that the hours are to be set per the offer letter signed on April 4, 2009.

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

ROLL CALL:

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

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

**R-09-85
RESOLUTION AUTHORIZING
REFUNDS OF UNUSED ZONING BOARD ESCROW FUNDS FOR
COLBY PLUMBING & MECHANICAL, INC.
ZB#2009-1
BLOCK 64 LOT 1, 196 BAY AVENUE**

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WHEREAS, Colby Plumbing & Mechanical, Inc. submitted an application for an interpretation to the Highlands Zoning Board on March 27, 2009 and during the application review process at the April 2, 2009 Zoning Board Meeting Larry Colby withdrew the application.

WHEREAS, the Board Secretary has reviewed the Escrow Account #9500-9-1-09 and has determined there is a remaining balance of \$200.00; and

WHEREAS, no further review is needed for this Zoning 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 Colby Plumbing & Mechanical, Inc. the amount of \$200.00 for remaining unused Zoning Board escrow funds.

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

ROLL CALL:

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

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

**R-09-86
RESOLUTION AUTHORIZING
REFUNDS OF UNUSED ENGINEERING INSPECTION FEES FOR
HIGHLANDS BOARD OF EDUCATION
ZB#2003-7
BLOCK 116 LOT 2, 378 NAVESINK AVENUE**

WHEREAS, Highlands Board of Education posted engineering inspection fees for site improvements to block 116 lot 2 back in October of 2004; and

WHEREAS, the Highlands Board of Education has requested a refund of remaining engineering inspection funds; and

WHEREAS, both current Borough Engineer T & M Associates and prior Borough Engineer CMX, Inc. have both signed off the release of said engineering inspection funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund the Highlands Board of Education the unused Engineering Inspection fees in the amount of \$1,678.13.

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

ROLL CALL:

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**MAYOR AND COUNCIL
REGULAR MEETING
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R-09-87

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

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

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:

**AMOUNTS TO BE
CANCELED**

ORDINANCE NUMBER	PROJECT DESCRIPTION	CAPITAL SURPLUS	UNFUNDED
O-05-11	Various Drainage Improvements (North & Valley Streets)	\$12,435.87	\$ 31,250.00

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Urbanski

ABSTAIN: None

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

R-09-88

RESOLUTION APPROVING DISABLED PARKING SPACES

WHEREAS, an applications for a Disabled Parking Designation was submitted to the Highlands Police Department by:

Ms. Linda Moser, 13 Cheerful Place
Ms. Donna Torres, 308 Navesink Avenue and
Ms. Kerry Hernandez, 35 Seadrift Avenue; and

WHEREAS, the Chief of Police has reviewed the applications and recommends the approval of said Disabled Parking Designations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the application for Disabled Parking Designation for the above listed addresses are hereby approved; and

BE IT FURTHER RESOLVED that the Borough of Highlands install Disabled Parking Designations Signs as follows:

For 13 Cheerful Place – on the Huddy Avenue side of the residence forty (40) feet
north of utility pole #40085HB

For 308 Navesink Ave – on the Waterwitch Avenue side of the building, twenty

(20) feet north of utility pole #40056HB

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(Project Name)

From: King Street

To: Approximately 425' east of King Street

in the Municipality of Highlands Borough County of Monmouth

State of New Jersey for a distance of 0.08 miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is \$1,329,894.50. The Sponsor requests \$1,329,894.50 in State funds and anticipates contributing the design costs, AND BE IT RESOLVED that any aid received as a result of this application will only be used for eligible costs for the project.

Type of Improvement (Check only major type of work)

<input type="checkbox"/> Resurfacing <input checked="" type="checkbox"/> Roadway Reconstruction <input type="checkbox"/> Surface Treatment <input type="checkbox"/> Traffic Signal Insta <input type="checkbox"/> Intersection Improvement <input type="checkbox"/> Bikeway	<input type="checkbox"/> Culvert (Less than 20 foot span) <input type="checkbox"/> Bridge (20 foot span or greater) <input type="checkbox"/> Safety Improvement <input type="checkbox"/> Safe Streets to Schools <input type="checkbox"/> Other (Describe Below)
--	--

Scope of Work (Provide a detailed written description of the project - use additional sheets if necessary)
Total Estimated Cost of Improvement (Attach a detailed cost estimate)

Construction Cost (From attached estimate)	
Design Engineering (List only if eligible for Urban Aid or as a Depressed Rural Center)	
Right-of-Way (List only if eligible for Urban Aid or as a Depressed Rural Center)	
Construction Inspection and Material Testing if requesting (15% of the final allow able construction cost maximum)	
Total Estimated Cost	

Project Information

Is utility work planned within the project limits over the next five (5) years? – Yes _____
 No

Is the purchase of right-of-way required before the start of project construction? – Yes _____
 No

Does the project intersect a State Highway? – Yes _____ No If yes, which highway?

 If Yes, is the intersection signalized? – Yes _____ No

Is there a railroad crossing within the project limits? – Yes _____ No

Is there a railroad crossing 100 feet outside of the project limits? - Yes _____ No

Will the construction impact traffic across a railroad crossing outside the project limits? – Yes _____
 No

ADDITIONAL FORMS OR DOCUMENTS REQUIRED - ATTACH ONLY THOSE FORMS APPLICABLE TO THE PROJECT

- Traffic Signal and/or Channelization - Attach a copy of the "Authorization to Design or Install"
- Roadway Project – Attach a copy of "Appendix RD"
- Bridge Project – Attach a copy of "Appendix BR" and Appendix RD"
- Bikeway Project – Attach a copy of "Appendix BW"
- Safe Streets to Schools Project – Attach a copy of "Appendix SS"
- Location map - 8 ½" x 11" only, showing project limits (all information must be clear and legible with street names labeled)

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NOTE For projects located within right-of-way or on property owned by other jurisdictions, proof of permission to construct this project must be attached to this form or the project will not be considered for possible funding.

AND BE IT FURTHER RESOLVED that if this application is approved and accepted by the New Jersey Department of Transportation (“the Department”), the Sponsor agrees that:

- a. It shall arrange for financing of the total cost of the project provided for in this Agreement.
- b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.
- c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the total cost of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a letter of justification to the Department for approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of the funding.
- d. The Sponsor must notify the Department of its rescission of this Agreement within thirty (30) days of the expiration of the agreement or subsequent extensions. Not meeting this requirement will result in future grants being provided on a reimbursement basis until such time as the municipality demonstrates satisfactory performance in awarding construction contracts. This does not apply to the County Aid Program.
- e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.
- f. New Jersey Office of Management and Budget, Circular Letter 05-12, Grant Agreements – Agency Contracts and any supplemental compliance statements by the Department, must be complied with by the Sponsor.
- g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:
 1. Preparation of contract drawings and supplementary specifications.
 2. The acquisition of all necessary right-of-way, easements, slope rights and permits.
 3. Construction of the above referenced improvement.
 4. Monitoring and supervising compliance with all provisions of this Agreement.
- h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgments.
- i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.
- j. In its agreements for professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.
- k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current “Manual on Uniform Traffic Control Devices” published by Federal Highway Administration. Design Exception reports will be prepared for all controlling substandard design elements in accordance with the Department's Design Exception Manual. Design Exception reports shall be certified by a New Jersey licensed professional engineer.
- l. It shall provide maps, reports, detailed plans, supplementary specification and contract documents required by the Department.
- m. All workmanship and materials shall conform to current “New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction” as amended for State Aid.
- n. It is the responsible authority, without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.
- o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application, and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.

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- p. Any changes in work after the award of contract shall be documented with a Department approved change order.
- q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
 - 1. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.
 - 2. Other documents as required.
- r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40 A:11-1 et. seq.
- s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- t. Within thirty (30) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
 - 1. Two (2) copies of the summary of construction bids.
 - 2. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.
- u. For municipal grants, the municipality shall award a construction contract for the grant project within eighteen (18) months of approval of this Resolution, Application, and Agreement by the Department. The Department in its sole discretion may provide one six (6) month extension after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the grant agreement. The Department in its sole discretion may provide a second six (6) month extension under extraordinary circumstances as defined by NJAC 16:20B1.3 after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the first six month extension. The Department may cancel the grant agreement if the Sponsor does not award the construction contract by the specified time or if an extension is not requested at least thirty (30) days prior to the expiration of the grant agreement or subsequent extensions; or if an extension of time is not granted.
- v. Cancellation of the grant agreement because a construction contract was not awarded within the time requirements or because an extension of time was not properly requested thirty (30) days prior to grant agreement expiration or subsequent extensions will result in future grant funds being provided on a reimbursement basis until such time as the Sponsor demonstrates it can award a construction contract within the specified timeframes.
- w. Sponsors may voluntarily cancel the grant agreement with written notice thirty (30) days prior to the expiration of the grant agreement or subsequent extensions. Voluntarily canceling the grant agreement with proper notification will result in no penalties on future grants.
- x. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it is deemed applicable and appropriate.
- y. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allotment of State Aid funds under this Agreement except in special cases approved by the Department.
- z. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs combined shall be limited to 15 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.
- aa. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:
 - 1. For programs administered by the Division of Local Aid and Economic Development, a specified percentage, of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of contract by the Department and the full amount of the allotment shall be paid upon approval of this agreement as determined by the Commissioner. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project acceptance. The Department reserves the right to inspect the work associated with the grant as per N.J.A.C 16:20B-3.2.
 - 2. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment amount shall be paid upon approval of the Annual Transportation Plan (ATP) and the execution of this Agreement unless the County has demonstrated unsatisfactory performance, whereby funds will be provided similar to municipal grants.
 - 3. If the Sponsor requests, progress payments shall be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department with supporting information as required by the Department. Progress payments of not less than \$50,000 may be made.
- bb. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.

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- cc. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.
- dd. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.
- ee. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with N.J.A.C. 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.
- ff. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.
- gg. It shall maintain the completed project in a manner satisfactory to the Department.
- hh. It will comply with Title VI of the 1964 Civil Rights Act.
- ii. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding.
- jj. Approval as to Form by Certification Process.

AND BE IT FURTHER RESOLVED that the **Mayor** and Clerk are hereby authorized to execute and attest this Resolution, Application and Agreement.

FOR THE SPONSOR

ATTEST and AFFIX SEAL _____

(Clerk)

(Presiding Officer)

FOR THE DEPARTMENT OF TRANSPORTATION

Fiscal Year/Funds: _____

Job Number: _____

Account: _____

State Funds: _____

FA0 Number _____

Certification of Funds _____

BY _____
Date

Director, Division of Accounting and Auditing

APPROVED: _____
Michael Russo, Director, Division of Local Aid and Economic Development

Date

It is hereby certified that the foregoing allocation of funds and this Agreement were approved by the Commissioner of Transportation or Designee on _____.

Secretary, Department of Transportation

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Urbanski

ABSTAIN: None

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Appendix RD"
Roadway Data Sheet

Project – The Reconstruction of Portland Road

From: - Highland Avenue To: - The Monmouth County Jurisdiction

Municipality – Borough of Highlands County - Monmouth

Existing Road Conditions

Current ADT - 0 % Truck Traffic over 5 Tons - 0% Legal Speed Limit – 25MPH
Commuter Bus Route - Yes _____ No X
Right of Way Width – 25'
Pavement Width – 20' and varies Type - Bit Base Depth - Unknown Surface Depth -
Unknown

Shoulder Width – N/A Type - _____ Depth - _____
(If different for each side or varying, provide minimum width for each side)

Curbing - One Side – X - Portions Both Sides – N/A
Sidewalk - One Side – N/A Both Sides – N/A

Parking Restrictions – N/A

Existing Bridge being replaced or repaired - Yes _____ No X
If Yes, and is part of project, complete Appendix BR

Proposed Improvements

Right of Way Width – 25'
Pavement Width – 20' and varies Type - Bituminous Base Depth - 4" Surface
Depth – 2"

Shoulder Width – N/A Type - _____ Depth - _____
(If different for each side or varying, provide minimum width for each side)

Curbing - One Side - X - Portions Both Sides – N/A
Sidewalk - One Side – N/A Both Sides – N/A

Parking Restrictions – N/A

Will the project meet AASHTO standards? – Yes X No _____ If No, list Design Exceptions
below

**MAYOR AND COUNCIL
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**PROJECT NARRATIVE
BOROUGH OF HIGHLANDS**

**THE RECONSTRUCTION OF BAYSIDE DRIVE
FROM KING STREET TO APPROXIMATELY 425'
EAST OF KING STREET**

The Borough of Highlands is submitting an application for 2009 Local Aid Discretionary funding for the Reconstruction of Bayside Drive from King Street to 425' east of King Street. Bayside Drive is currently closed and only opened during emergent conditions. The roadway is deteriorating along the northern edge and the roadbed is in poor condition. This project will include extensive sheeting along the northern edge of the roadway to stabilize the road. Additionally, drainage lines will be installed between the sheeting and the roadway. The roadway will then be reconstructed throughout the project limits.

HIGHLANDSNJ.COM

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

**RECAP OF PAYMENT OF BILL
04/15/09**

CURRENT:			\$	27,971.11
Payroll	(04/15/09)		\$	
Manual Checks			\$	357,341.28
Voided Checks			\$	
SEWER ACCOUNT:			\$	2,805.42
Payroll	(04/15/09)		\$	
Manual Checks		\$	10,854.00	
Voided Checks		\$		
CAPITAL/GENERAL			\$	10,838.38
CAPITAL-MANUAL CHECKS			\$	
WATER CAPITAL ACCOUNT			\$	
TRUST FUND			\$	1,839.25
Payroll	(04/15/09)	\$		
Manual Checks		\$		
Voided Checks		\$		
UNEMPLOYMENT ACCT-MANUALS			\$	
DOG FUND			\$	45.00
GRANT FUND			\$	
Payroll	(04/15/09)	\$		
Manual Checks		\$		
Voided Checks		\$		
DEVELOPER'S TRUST			\$	
Manual Checks		\$		
Voided Checks		\$		

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

BOROUGH OF HIGHLANDS

Supplemental Bill List for April 15, 2009

T & M Associates	2009 Highlands Storm Sewer Services	\$ 2,271.50
T & M Associates	Steep Slope Ordinance Evaluation	\$ 2,294.77
T & M Associates	NJDOT Rt. 36 Highlands Bridge Project	\$ 1,000.00
Total Supplemental Bill List		\$ 5,566.27

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

ROLL CALL:

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

Resolutions:

Mr. Caizza offered a motion to place Resolution R-09-74 on the May 6, 2009 Meeting Agenda, Seconded by Ms. Kane and all were in favor.

Ms. Kane offered a motion to place Resolution R-09-75 on the May 6, 2009 Meeting Agenda, Seconded by Mr. Francy and all were in favor.

Ordinances: 2nd Reading, Public Hearing and Adoption

Ordinance O-09-06

Mrs. Flannery read the title of Ordinance O-09-06 for the second reading and public hearing.

Mayor Little opened up the public hearing on Ordinance O-09-06.

There were no questions from the public; therefore Mayor Little closed the public hearing on Ordinance O-09-06.

Mrs. Flannery read the title of Ordinance O-09-06 for third and final reading and adoption.

Mr. Caizza offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

O-09-06

**AN ORDINANCE AMENDING CHAPTER IX TO INCLUDE:
SEWER MAINTENANCE WITHIN THE
CODE OF THE BOROUGH OF HIGHLANDS**

BE IT ORDAINED by the Mayor and Council of the Borough of Highlands the Chapter IX Water and Sewer is hereby amended to include the following:

Chapter IX:

9-8.10 SEWER MAINTENANCE

9-8.11 Ownership and Maintenance

a. Municipal.

The Borough shall have ownership and be responsible for the maintenance of all sanitary sewer (public sanitary sewer system) mains, manholes, clean-outs and laterals within its right-of-way or within the right-of-way of governmental agencies. Any breaks, leaks or blockages in the right-of-way shall be the responsibility of the Borough.

b. Non-municipal.

The local property owner shall have ownership and be responsible for all sanitary sewer mains, manholes, clean-outs and laterals within private property (nonpublic sanitary sewer system or building lateral) and any breaks, leaks, or blockages on private property shall be the responsibility of the property owner.

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c. Municipal maintenance responsibility.

The Borough shall maintain its sanitary sewer system, as defined herein, in good working order. In no event shall the Borough provide any labor or material to clear or remove obstructions from a blocked non-municipal sanitary sewer system, as defined herein, and said work shall be the sole and exclusive responsibility of the property owner with the dividing line of responsibility being the property line between the public right-of-way and the private property. When the municipality is called upon by a private property owner or the tenant agent or representative of the private property owner to investigate a maintenance issue within the system, the Borough will respond. If a problem is discovered in that portion of the system that falls under the municipal maintenance responsibility, it shall be corrected. However, if it is determined that the problem is in the non-municipal portion of the system, the private property owner, tenant, agent or representative shall be responsible to repair and correct the problem. The Borough will also assess a charge of ****\$170.00 for the call out and inspection that lead to the discovery of the problem in the non-municipal portion of the system.

d. Developer obligation.

Nothing contained herein shall alleviate the obligation and responsibility of the property owner or applicant for a sanitary sewer line as part of a new development during the performance bond and/or maintenance bond period.

This Ordinance Shall take effect immediately upon publication.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Urbanski

ABSTAIN: None

Ordinance O-09-07

Mrs. Flannery read the title of Ordinance O-09-07 for the second reading and public hearing.

Mayor Little opened up the public hearing on Ordinance O-09-07.

_____ Grobborek of 118 Highland Avenue questioned if there are parcels of land that would be effected by this ordinance.

Mayor Little explained that this committee would be in charge of discussing that and perhaps coming forward with an Open Space Plan.

Maureen Kraemer of 200 Portland Road questioned if there is an Open Space Committee.

Mayor Little explained that the Committee is going to be formed.

There were no further questions or comments from the public; therefore Mayor Little closed the public hearing on Ordinance O-09-07.

Mrs. Flannery read the title of Ordinance O-09-07 for the third and final reading and adoption.

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

**O-09-07
ORDINANCE ESTABLISHING AN OPEN SPACE COMMITTEE FOR THE
BOROUGH OF HIGHLANDS**

BE IT ORDAINED, by the Borough Council of the Borough of Highlands, County of

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Monmouth, State of New Jersey as follows:

OPEN SPACE COMMITTEE

1. ESTABLISHMENT

There is hereby established an Open Space Committee, which shall consist of seven (7) members, whose terms and powers are hereinafter set forth.

2. MEMBERSHIP

The Open Space Committee shall be comprised of the following persons:

A. One (1) member of the Borough Council of the Borough of Highlands appointed by the Mayor and Borough Council.

B. Six (6) citizens of the Borough appointed by the Mayor and Borough Council.

3. TERMS

A. The member of the Borough Council appointed to the Open Space Committee shall have a term of one (1) year.

B. The terms of the citizen members shall be for three (3) years. However, when the committee is first constituted, two (2) committee members shall be appointed to and serve a one (1) year term initially, two (2) committee members shall be appointed to and serve a two (2) year term initially and two (2) committee members shall be appointed to and serve a full three (3) year term. This will provide for two (2) committee members being appointed each year to a full three (3) year term after the initial creation of the Committee.

4. POWERS AND DUTIES

A. The Open Space Committee shall initially prepare a report recommending which parcel of land should be acquired in fee and/or those parcels of land from which the Borough should acquire development rights only.

B. The Open Space Committee shall submit to the Borough Council a prioritized list of properties which it recommends that the Borough acquire and/or properties from which it recommends that development rights should be acquired.

C. The Borough Council is to determine the properties or development rights to be acquired by gift, purchase or by eminent domain proceedings, pursuant to N.J.S.A. 20:3-1 et seq., within the financial constraints it establishes for such acquisition.

5. PUBLIC MEETINGS

The Open Space Committee shall hold public meetings, which public meetings shall be held in accordance with the Open Public Meetings Act and the Borough Council shall give appropriate notification of said meetings.

6. OFFICERS

The Open Space Committee shall select from among its members a Chairman, and a Vice-Chairman to serve as the Presiding officer in the absence of the Chairman. The Committee shall also appoint a Secretary whose function shall be to maintain minutes of the Committee's meeting and records of the proceedings of the Committee.

7. INITIAL ORGANIZATION MEETING

The Open Space Committee shall hold its initial organization meeting shortly after this

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chapter takes effect.

8. SALE OF PROPERTY

No property acquired with the funds from the reserve for open space acquisition shall be leased or sold, until the sale or lease of the same has been authorized by the Borough Council in the manner prescribed by law.

9. REVIEWS AND REPORTS

In the event that no property is acquired under this chapter for a period of five (5) consecutive years, then the Borough Council shall review the activities of the Open Space Committee and issue a report with recommendations and conclusions concerning the reserve for open space acquisition.

This Ordinance Shall take effect immediately upon its enactment.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Urbanski

ABSTAIN: None

Ordinance O-09-08

Mrs. Flannery read the title of Ordinance O-09-08 for the second reading and public hearing.

Mayor Little opened up the public hearing on Ordinance O-09-08.

Ms. Groebborek of 118 Highland Avenue wanted to know the status of the Ordinance.

Chief Blewett – the weight limitations under this new revision would allow buses to and from Twii Lights which he further explained.

Mayor Little explained that the intent of the ordinance was to establish a limitations so that construction traffic would be prohibited on Highland Avenue exceptions need to be made for priva homeowners and for the buses and delivery truck to homes.

Bernadine Harford of 168 Highland Avenue wanted to know if the new limits would be posted at some point before trucks enter the street.

Mr. Hilling – yes.

Mayor Little – there is a sign already that says “no trucks or buses” at this time.

Mr. Hilling – the signs are both posted on Highland Avenue which he further explained.

Mr. Francy – didn’t we ask the NJDOT to post one on Route 36.

Mr. Hilling – yes.

Jennifer Roberts of 179 Navesink Avenue asked if this ordinance includes the portion of Highland Avenue that goes from Valley up to Miller Street, correct?

Chief Blewett – I believe it says Highland Avenue but he would have to double check.

Jennifer Roberts – consider putting the sign up on her corner.

Mr. Hilling – okay, we can do that.

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There were no further questions or comments from the public; therefore Mayor Little closed the public hearing on Ordinance O-09-08.

Mrs. Flannery read the title of Ordinance O-09-08 for the third and final reading and adoption.

Mayor Little offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O-09-08
AN ORDINANCE AMENDING CHAPTER VII TRAFFIC OF THE
REVISED GENERAL ORDINANCE OF THE
BOROUGH OF HIGHLANDS**

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

WHEREAS, there exists a need to amend paragraph 7-11A weight limitation on certain Borough Streets.

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

7-11A WEIGHT LIMITATION ON CERTAIN BOROUGH STREETS

No vehicle with a weight of seven tons or more shall be permitted the use of streets or parts of streets described in Schedule VIIA except for approved municipal purposes and passenger bus transport to and from Twin Light Towers State Park and school bus transportation to and from the Henry Hudson Regional High School. Schedule VIIA is attached to and made part of this chapter

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Urbanski

ABSTAIN: None

Ordinances: Introduce, Set Public Hearing Date

Ordinance O-09-09

Mrs. Flannery read the title of Ordinance O-09-09 for introduction and setting of a public hearing date for May 20, 2009.

Mr. Francy – we had asked Mr. Arnette to add issues to this ordinance such as Code Enforcement Garbage at the curb and I don't see that in the ordinance.

Mr. Hilling – I spoke with Pat McNamara about that issue since he did the ordinance and under paragraph 10-9.3 he felt covered everything on the sidewalk.

Mr. Arnette – I think I understand the confusion but as long as our Code Enforcement Officer is reading garbage in cans, garbage in bags.

Mr. Francy – and bulk trash

Mr. Arnette – I think bulk is easy enough covered under that. You can amend the ordinance to say “garbage, trash and debris in cans, bags or bulk” .

Mr. Francy – I want to make sure that we can go after the landlords and that the value of this

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ordinance which he further explained.

Mr. Arnette stated that he has written down an amendment to address Mr. Francy's concerns. He then passed it down to the Borough Clerk to include with publication of the ordinance.

Mr. Caizza offered the following ordinance on first reading and set a public hearing date for Wednesday, May 20, 2009 at 8:00 p.m. or as soon thereafter as the matter can be reached.

**O-09-09
AN ORDINANCE AMENDING THE ORDINANCES
OF THE BOROUGH OF HIGHLANDS
PROPERTY MAINTENANCE**

WHEREAS, the Mayor and Council of the Borough of Highlands find it desirable to amend certain provisions of the municipal ordinance of the Borough pertaining to property maintenance; and

WHEREAS, the Mayor and Council wish to explicitly provide provision for the Borough to be able to recoup costs that it incurs in order to address the need to clean up certain properties that have not been maintained and are in such a condition as to present a potential fire hazard or other hazard to the public health, safety and general welfare of the residents of the Borough.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

10-9.3 Removal of Brush, Weeds, Trash and Debris.

Notwithstanding the provisions of the International Property Maintenance Code, and without superseding its incorporation into Borough Ordinance, every owner or tenant of lands in the Borough shall keep the lands free of fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth and garbage (Trash and debris in cans bags and/or in bulk, and shall maintain the land in a clean and sanitary condition.

10-9.4 Inspection.

The Borough Code Enforcement Officer is hereby authorized to inspect lands in the Borough for the presence of fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, grass and weeds which exceed of height of nine (9) inches, filth, garbage, trash and debris, and if same are deemed to be detrimental to the public health, shall give ten (10) days' notice, certified mail, return receipt requested, to the persons who, according to the tax duplicate of the Borough, appear as owner or tenant, to remove and eliminate such fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris.

10-9.5 Noncompliance; Borough to Remove.

In the event the owner or tenant aforesaid fails to comply with the order to cut overgrown grass and weeds, remove fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, then the Code Enforcement Officer shall have the work of cutting overgrown grass, weeds, removal or destruction of such fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris done.

10-9.6 Costs.

Upon completion of the work, costs shall be certified by the Code Enforcement Offer to the Mayor and Council, which shall examine the certificate, and if found to be correct, shall cause the

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cost as shown thereon to be charged against lands; the amount so charged shall become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied on such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes, in accordance with and pursuant to N.J.S.A. 40:48-2.13, et seq.

10-9.7 Violations and Penalties.

Any person, firm or corporation that shall violate the provisions of this section, or shall obstruct the Borough or its employees from cutting overgrown grass and weeds, removing fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, shall, upon conviction thereof in the Borough Municipal Court, be subject to the penalty of not more than \$500.00. Each and every day on which such violation continues shall constitute a separate and distinct offense.

BE IT FURTHER ORDAINED by the Mayor and Council that if any section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not effect the other sections or provisions of this ordinance, except so far as a section or provision deemed invalid shall be inseparable from the remainder of any portion thereof.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon final passage and publication as provided for by the laws of the State of New Jersey.

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

ROLL CALL:

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

Other Business:

Engineer's Report

Robert Keady, P.E. of T & M Associates reviewed the following report:

HGHL-G0901 **April 8, 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

Community Center Playground/Sports Courts Improvements: The maintenance bond has been provided and the contract has been scheduled for close out. We are currently obtaining the remaining documents required by the Borough's CFO from the Contractor.

Alley Avenue Drainage Repairs: The Borough has received confirmation from the NJDOT that they will provide \$60,000 in funding for the repair of this line. We have submitted a proposal to the Borough for consideration to design and inspect this project. Once authorized, we will proceed with

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the design accordingly.

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. We submitted a letter to the Borough Administrator on February 27, 2009 identifying the additional scope and associated fee. A subcommittee meeting was held on March 24, 2009 to review the recommendations. The recommendations will be presented to the Planning Board on April 9, 2009.

Capital Improvement Projects

Asian 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. A report outlining the metering and I/I reductions was provided to the Governing Body at the February 18, 2009 Council Meeting. A revised report clarifying the calculations outlined in the report was also submitted to the Borough on March 12, 2009. A meeting was held on March 25, 2009 with Borough Officials and Sewer Authority Officials to further discuss the report and substantiate the flow reductions noted within the report. A follow up letter was sent to the Sewer Authority on April 2, 2009 reiterating the discussions from the meeting held on March 25, 2009 and to further substantiate the flow reductions noted within the report.

Asian 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.

Emergency Generators Project: As authorized, we are currently under design of all four emergency generators partially funded by CDBG. The four locations are the South Bay Avenue and Waterwitch Avenue pump stations, as well as the Community Center and Borough Hall. 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 Pump station. It is our understanding that the Borough is investigating possibly installing the generator beneath the Route 36 bridge and that the Borough Administrator has drafted a letter to the NJDOT requesting to occupy the State right-of-way. We have also submitted a letter to the Borough Administrator on February 24, 2009 requesting the material selection for stairs, landing and handrails at the Waterwitch Pump station. A follow up letter outlining the status of each generator will be forwarded to the Mayor and Council under separate cover.

Roadway Improvement Program (South Linden Avenue area): As authorized, we have completed the 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 been televised and appropriate repairs of the mains have been included on the plans. These roadways have been combined with the Shore Drive Improvements (FY 2008 NJDOT Municipal Aid). Bids for the project were received on March 13, 2009 and S. Brothers, South River, NJ were the low bidders with the amount of \$316,533.58. The Borough awarded the project to S. Brothers in this amount at the March 18, 2009 Council Meeting. Currently, contracts are being processed and a pre-construction meeting will be held in the near future.

Highlands Firehouse Apron Replacement: We have completed the Addendum for the replacement of the apparatus room apron at the firehouse and have advertised the project for bidding. Bids for this project were received on March 17, 2009 with the apparent low bidder being Jads Construction Company for the amount of \$47,450.00. Contracts are currently being executed and a pre-construction meeting will be held in the near future.

Portland Road Rehabilitation Project: As requested, we have completed a FY 2009 NJDOT Discretionary Aid application for this project and submitted it to the NJDOT on behalf of the Borough for consideration.

Wayside Drive Rehabilitation Project: As requested, we are currently preparing a FY 2009 NJDOT Discretionary Aid application for this project. Once the Borough formally acts upon it, we will package it and forward to the NJDOT for funding consideration.

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Grants and Loans

Y 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. On March 27, 2009, we notified the NJDOT in writing that the Borough is requesting to reduce the limits of this project to the area between N.J.S.H. Route 36 and Linden Avenue.

JDOT 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.

NJDOT Grant Applications: The NJDOT recently advertised that they are accepting grant applications for the following types of projects: Municipal Aid, Bikeway, Centers of Place, Transit Village and Safe Streets to Transit. The applications are to be submitted electronically through SAGE by June 12, 2009.

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 that there was a sewer break at the base of the north ramp across from Bahrs and it was identified and repaired in the same day.

Mr. Caizza spoke favorably about how quickly the Borough Officials took care of this break and how Mr. Reid did the work at no expense to the tax payers.

Mr. Keady – Generator Project – there are a few open issues that need to be discussed and he suggested scheduling another Committee Meeting on this project.

Mayor Little there is a need for ongoing status reports to be given to Ms. Sharon Rafter of The Community Development Grant. She then discussed a time frame to spend grant money.

Mr. Francy – its problematic that we are going to be able to spend the money within the time frame, so we need to make it a high priority to have a second meeting to make the August date.

Mr. Hilling – from what I understand from Ms. Rafter is that we need to have all of the generators paid for by August. Did Mr. Leubner come back with a time line for the DEP permit?

Mr. Keady – it's going to definitely be a few months, four months or so.

Mr. Hilling – so there is no way to make the deadline.

Mayor Little – then I would suggest that you reach out to Mr. Rafter and ask for an extension and ask if we can be approved for this round of grant funding given that grant extension.

Mr. Keady then stated that with regard to the Fire House Apron there is a Pre Construction meeting scheduled for April 20th at 2:00 P.M.

Mr. Keady then described the grants that are available and stated that applications are due by June 12th to the NJDOT. The Transportation Enhancement Program grant application is due May 13th. The last grant opportunity is through some stimulus funding through the Department of Energy and these applications are due June 25th.

Mr. Francy requested that Mr. Keady email the information to him so that he can get it to the

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Environmental Commission.

Mr. Pfeffer brought up solar street lights as a possible project for a grant to save the Borough money.

Mr. Keady – Stormwater Mangament – last week he prepared a letter which identified a number of projects. He then explained that since the Council Meeting they reviewed the report that was prepared by Bay Pointe Engineering last revised in 2002 and in that report they identified three projects and we have added additional projects based on discussions. He spoke about the following projects: North Street Watershed, Valley Avenue Watershed, Valley Street Pipe Replacement, Piping Improvements – Waterwitch Ave Watershed, Snug Harbor Stormwater Pump Station at Jones Creek and Evaluation of Alternate Concepts.

Mayor Little wants to have a sub-committee meeting on this to be sure that there is a clear understanding of the work to be encompassed. She then asked the Governing Body to volunteer to sit on this committee.

Mr. Francy – I would propose to have two committee meetings. The first one to be a public meeting on a Saturday and have the Engineer do a presentation to the public. The end result of this would be a recommendation to the CFO for a Capital Project.

Mayor Little – we can set meetings dates after further discussion and announce them at our next meeting.

The Stormwater Management Committee was formed as follows:

1. **Mr Francy**
2. **Mr. Caizza**

Community Center A.D.A. Ramp

Mr. Keady explained that they have a package of plans, specs of the work and we will give it to the Purchasing Agent and he is going to solicit informal quotes to see if the project would come in under the bid threshold. That is currently in place and the documents went to the Purchasing Agent today.

Mr. Francy spoke about the Community Center Ramp and the Fire House Apron and the issue of why there were problems with these projects and we need to avoid this in the future.

Valley Street Pump

Mr. Francy – there are still some open items.

Mr. Keady – we had drafted a letter to go out to the contractor tomorrow relative to the occurrences of the pump for the past several months, which he further explained.

Mr. Francy explained that he has requested that the Borough Engineer prepare a spread sheet of the projects that are currently being worked on in addition to the monthly status report.

Ms. Kane advised the public that with the firehouse apron being replaced people cannot park in front of the fire house garage doors in front of Borough Hall.

Fire Department Raffle License

Mr. Caizza offered a motion to approve the Fire Department Raffle License Application for the Clam Fest, seconded by Mr. Francy and all were in favor.

**Request for Site Access from the Corps of Engineers
Block 39 Lot 1.01 (Veterans Park)**

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Block 101 Lot 3 (Matthews St. Beach)

Portion of Locust Street

Portion of Shrewsbury Avenue

Mr. Hilling – these are request that have come in from the engineers and basically they want to do some site work on these parcels to include testing, some more drilling and it all has to do with Environmental Study.

Mr. Francy – this project is flood control for the Bayshore Area and it goes from Keyport to the Highlands Bridge. They made the same request to his personal property which he denied them access and he is not happy with what they are proposing to do because they are talking about a sea wall.

Mayor Little – I am going to have to look into this a little further. She then requested that this item be placed on the next meeting agenda.

Parking – From Hwy 36 to Highland Avenue

Mr. Francy – at this point he has requested this matter be placed on tonight's agenda this is setting up a restricted parking area on Miller Street on the north side of Miller from Route 36 to Highland Avenue. This is the area on the other side of the street from OLPH and it affects one parking space. The issue is the heavy traffic on Miller Street whic is making egress and entrance from those parking lots problematic if there is a car parked there which he further explained. He had suggested no parking but we may want to talk about one hour parking.

Mr. Arnette stated that the State of New Jersey often seek to regulate streets that go off a State Highway.

Mr. Keady – usually they would not be involved with self contained streets but once they reach another jurisdiction they want to seek involvement.

Mr. Francy – this is an issue is from the volume of traffic on Miller due the detour which is going to be terrible this summer. Now in two years will things be better, yes.

Father Bob Tinsky of the OLPH Church stated that there is a Nursery School that is in operation and there are little children that cross the street to use the playground so it's a safety issue.

Chief Blewett – he agrees that it's a safety issue but keep in mind that there are two houses there that do not have off street parking.

Mr. Francy – in his mind it would stop at the Church Property. It was go from the St. Jude property to Route 36.

Mr. Arnette – it can be done by ordinance.

Mayor Little suggested that we authorize the Borough Attorney to speak with the Chief of Police to authorize and discuss the matter and to come up with a proposal and see if we can take action of some form at the next meeting. If it requires an ordinance it will take two more meetings to accomplish.

Mr. Arnette – if it's going to be an ordinance it will be ready for the next meeting.

Mr. Francy – we would need to make the Workshop Meeting a regular meeting to introduce an ordinance.

Zoning Violation – Colby Plumbing

Mr. Arnette stated that he spoke with the Zoning Officer and Mr. Colby and at this point he feels the issue has been resolved.

Mayor Little – so we will table this unless something else comes up.

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Mr. Arnette – it's going to be dealt with a different mechanism and he will have something for the Council at the next meeting.

Knights of Columbus – Request to Solicit

Brian Cobb of the Knights of Columbus explained to the Council that they are requesting access to Route 36 for purposes of charitable solicitation. They are submitting paperwork to the State to permit this.

Chief Blewett – supports this request.

Mrs. Flannery – this will require an ordinance amendment.

Chief Blewett – the State should get back to Mr. Cobb.

Mayor Little – we should authorize the Borough Attorney to prepare an ordinance amendment.

Mr. Francy supports authorizing the Borough Attorney to prepare and ordinance amendment to allow for this.

There was no objection to an ordinance amendment from the Governing Body.

Mayor Little requested that the ordinance be ready for introduction at the next meeting.

Approval of Minutes:

Mr. Caizza offered a motion to approve the March 18, 2009 Council Meeting Minutes, seconded By Ms. Kane and all present were in favor.

Public Portion:

Mayor Little asked if there were any questions for the Chief Financial Officer but there were none so she excused Stephen Pfeffer.

Bernadine Harford of 168 Highland Avenue suggested that the Borough Information pamphlet be updated and include all the advisory committees.

Mayor Little stated that it was a terrific suggestion and requested that Mr. Hilling take care of that request.

Maureen Kraemer of 200 Portland Road questioned how organization in town can go about putting their information on the sign that is posted in front of Borough Hall.

Mr. Hilling – requests should be made to him.

Maureen Kraemer questioned the Transit Village reference and how it was requested back in 2004 that we be designated as one. She then spoke about a denial letter that was issued to the town. She wanted to know about the effect of that denial and how it would affect the Borough.

Mayor Little – Ms. Kraemer raises a good issue and the deadline for submission that is June 12th. She then requested that it be discussed with Mr. Keady and that he report back to the public at the next meeting as to if a Transit Village designation is a possibility. She asked if Ms. Kraemer would like to be involved in this.

Jim Parla of 16 Portland Road spoke about a Transit Village designation. He would hope that the Council would be sensitive to the work that is being done on the bridge and how it might affect

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our infrastructure.

Brian Cobb of 11 Recreation Place – passed.

Dan Curtain of 76 Bayside Drive stated that he supports the request of the Knights of Columbus.

Donna O’Callaghan of 29 S. Bay Avenue – passed.

Arnie Fuog of 50 Valley Street requested a copy of the Corps of Engineers request.
The Borough Clerk gave him a copy.

Sheila Brown of Grand Tour thanked the Council for their support of the Garden Club. She stated that they are going to start planting next month and that there is water supply problem at one of the sites on Veterans Park.

Mr. Caizza stated that he and Mr. Hilling will take a look at this water supply issue tomorrow.

There were no further questions from the public.

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

The Meeting adjourned at 9:21 P.M.

CAROLYN CUMMINS, DEPUTY CLERK

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