

**Mayor and Council
Workshop Meeting
June 3, 2009**

Mayor Little called the meeting to order at 7:13 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 Workshop Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Asbury Park Press and The Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

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

Absent: Mr. Francy

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:

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

**RESOLUTION
EXECUTIVE SESSION**

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

- 1.Litigation: AHHRSA – Pole Expenses, Highlands on the Bay Agreement, HBP Tax Budget**
- 2.Contract: CWA, Borough Clerk**
- 3.Real Estate:**
- 4. Personnel Matters: Summer Recreation Employees, Richard White (Riced) Change in Working Hours**
- 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.

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

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Mayor Little called the Workshop Meeting back to order at 8:18 P.M.

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

ROLL CALL:

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

Absent: Mr. Francy

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

Consent Agenda Resolution:

Mr. Urbanski requested that invoice #09041529 be removed from the Payment of Bills.

Mayor Little stated that invoice #09041529 has been removed from the Payment of Bills and will be moved to table and possibly incorporated in future bills.

Mr. Caizza offered the following Payment of Bills and moved on its approval for payment subject the removal of invoice for CMX \$3,209.75:

**RECAP OF PAYMENT OF BILLS
06/03/09**

CURRENT:		\$ 579,533.50
Payroll	(05/30/09)	\$ 126,102.65
Manual Checks		\$ 102,507.73
Voided Checks		\$ -2,842.38
SEWER ACCOUNT:		\$ 3,788.75
Payroll	(05/30/09)	\$ 6,147.18
Manual Checks		\$ 4,297.57
Voided Checks		\$ -635.03

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CAPITAL/GENERAL	\$	32,510.33
CAPITAL-MANUAL CHECKS	\$	
WATER CAPITAL ACCOUNT	\$	
TRUST FUND	\$	12,489.60
Payroll (05/30/09)		
Manual Checks	\$	1,000.00
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	
GRANT FUND	\$	
Payroll (05/30/09)	\$	
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.**

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

ROLL CALL:

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

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

**R-09-102
RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR(S) WITH STATE CONTRACT
FOR CHEVROLET TAHOE**

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

1. In accordance with the requirements of the Local Public Contracts Law N.J.S.A. 40A11-12 et seq; and the regulations promulgated there under, the following purchase without competitive bids from vendor(s) with State Contract is hereby approved.

**VENDOR: DAY CHEVROLET INC.
1600 GOLDEN MILE HIGHWAY
MONROEVILLE, PA. 15146**

**STATE CONTRACT # A73849
AMOUNT \$ 29,780.00**

**DESCRIPTION: ONE (1) CHEVROLET TAHOE
FOR THE FIRE DEPARTMENT**

WHEREAS, the Chief Financial Officer for the Borough of Highlands has certified that adequate funds for such contract are available below.

I hereby certify that funds are available from the following:

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2007 M.C.I.A. Lease Purchase - \$ 29,780.00

Stephen Pfeffer, Chief Financial Officer

2. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:

- A. CFO
- B. Administrator
- C. Purchasing Agent
- D. Fire Chief

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

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

R-09-103

**Resolution: Approval to submit a grant application and execute a grant agreement with
The New Jersey Department of Transportation for the Reconstruction of Bay Avenue
Rehabilitation Project**

WHEREAS, the New Jersey Department of Transportation is accepting applications for FY 2010 request for funding; and

WHEREAS, the Borough of Highlands is seeking Municipal Aid to rehabilitate Bay Avenue from Waterwitch Avenue to Gravelly Point Road;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands, formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as (enter here the application ID from NJDOT SAGE) to the New Jersey Department of Transportation on behalf of the Borough of Highlands.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Highlands and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

ABSTAIN: None

Certified as a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on this 3rd day of June, 2009.

Nina Light Flannery
Municipal Clerk

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My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Nina Light Flannery
Municipal Clerk

Anna C. Little, Esq.
Mayor

Mr. Urbanski offered a motion to postpone action on invoice # , seconded by

Presentation – Reverse 911 System:

Dave Parker, OEM Officer/Fire Official – this is reference to a Reverse 911 System. He stated that both he and Chief Blewett researched this and here tonight is Richard Seidenberg from Swiftreach. He is here tonight to speak about this Reverse 911 System that is good for both emergency and nonemergency communications within the Borough.

Richard Seidenberg of Swiftreach Networks, 31 Industrial Avenue, Mahwah, NJ 07430 gave a presentation to the Council about the Reverse 911 System and described the benefits of such a system. He also stated that the Borough of Atlantic Highlands uses the system.

The Council expressed interest in a Reverse 911 System.

Mayor Little asked if there were any questions from the public.

Unidentified Woman expressed her concerns with using the system for nonemergency calls to public.

Donna O'Callaghan of 29 South Bay Avenue asked if the program can knockout a nonemergency list. She then asked how long it takes for a number to be taken out of the system.

Mr. Seidenberg stated that within a reasonable 48 hour period it can be removed.

There were no further questions from the public.

Mayors Proclamation to the Church of Our Lady of Perpetual Help

Mayor Little read the following Proclamation into the record:

Committee Reports:

Finance

Mr. Pfeffer stated that the Budget Committee continues to meet before every Council Meeting at 5PM before every Council Meeting and will continue to do so until at least the budget is introduced and eventually adopted. Right now the Committee is in a learning phase about municipal operations and has been making recommendations as we go along. We are bringing in consultants at no charge to the borough to give reports. We just had the insurance consultant come in to give a report to the Committee. We will continue this into the near future. Right now on the budget side there has not been a significant change from the original projections that he had on the surplus and where the budget is going, which he further explained.

Mayor Little stated that Mr. Francy was unable to make the luncheon meeting today but she knows that he has items that he will discuss at the next meeting when he is present because he is also a member of the Finance Committee. She has been working very hard with the Labor Attorney to come up with a way that we can downsize Borough Employees but do it from the top

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and perhaps deal with some contractor situations rather than laying off those involved in the end delivery of services. So by way of a beginning to a discussion on this matter and because it's a budget matter and doesn't involve personnel directly, she is supposed to do this in public. She then explained what she has reviewed and that she thought we may be able to take some high level positions and put them together into a single position and try to be more realistic about what everybody is doing in the borough and we may be able to in this way deal with the levy CAP, which she further explained. She feels that we can easily combine engineering with administration at the top level and that DPW Supervisor could also be made as part of that and an element of Code Enforcement with property management may also be something that could be included. If these titles were combined into a single salary she thinks that we could have significant savings. She thinks that it's important that both the public and the Council are aware that she is looking into this because it would be a big change and it we need to evaluate how it will effect day to day operations. She will continue to meet with the Labor Attorney to further discuss this. She will also be looking into the Police Department. She stated that her goal is to keep everyone employed but if we can't do that then try to be considerate about where we make cuts both regard to delivery of service to the residents and to the family that will be effected by the layoff. She then spoke about the budget levy CAP. She stated that the Budget Review Committee has been a success.

DPW

Mr. Urbanski stated that everything is running smoothly.

Public Safety

Mr. Caizza read through the following report:

Report to Council - June 2009

- * Detective Robert Burton completed the middle school course curriculum of the D.A.R.E. Program at Henry Hudson Regional.
- * Representatives of the Monmouth County Sheriff's/Corrections Department Gang Unit will be providing the students of the Highlands Elementary School with a special presentation on gangs and activity.
- * As mandated by the State of New Jersey Office of Homeland Security Safe Schools Initiative, the Highlands Police Department supervised a lockdown and evacuation scenario at Henry Hudson Regional School on May 4, 2009.
- * The department is investigating several daytime residential burglaries and attempted burglaries which occurred between May 18th and 19th, 2009 in the Linden Avenue are of town. In light of the burglaries and as a service to the residents, the Highlands Police Department is offering home security surveys. A police officer will evaluate homes and make recommendations on how residents can reduce their chances of becoming a victim. Anyone interested in a home security survey should contact Lt. William Armenti or Dsgt. Louis Fundora.
- * Total Calls for Service: 536
- * Arrests: Adults: 24 (2 for possession of CDS)
JV: 5

Program:

AH / H Fall Soccer ongoing registration.
Pitch Hit and Run event was held on Friday, May 13 in cooperation w/ AH Rec. at Firemans Field.
Bike Helmet Distribution Program ongoing: 28 distributed as of May 29, 2009
Creative Notions Arts Program held on May 6th for Seniors at Center.
Senior Yoga (8 week program) ended on May 21st

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Summer Kidfest Registration began May 11th – early response is high (51) with a month left to register.

Summer Sports Camps being set up with the use of Henry Hudson School Facilities-Baseball, Softball, Basketball Camps.

Mayors Wellness Campaign kickoff – Highlands Health & Wellness Fair set for Saturday, June 13th 10:00 a.m. to 1:00 p.m. Riverview Medical Center and The Holistic Moms Network have been instrumental and cooperative – Thanks to those who responded promptly, all table space for this event is taken. Health Screenings, demonstrations and health / wellness information on a variety of topics.

Movie on the Beach / DJ – Being set for Friday, June 26th at the center --- “Jaws” will be shown.

KidzArt – New program would like to do summer camp and weekly program at center, Working on finalizing schedule.

First Serve Tennis may be offering tennis lessons / clinics in the early evening – Working on finalizing schedule.

Ongoing – promotion / support of Ponyshare Camp, UK Elite Soccer Camp, Mad Science Camp – All dates have been set

Ongoing – Summer Kidfest Plans – trip schedule Miniature Golf outing, Arts Center Program, Lakewood Blue Claws, Turtle Back Zoo, Runaway Rapids, Holmdel Park, Fishing Boat activity (w/ the Boys & Girls Club of Monmouth County), Jenkinsons Aquarium.

Senior Citizen activities for May: T. Hill gave a short presentation on upcoming events, activities and

Programs on 5/14. Monthly Bingo / lunch was held 5/21 & the annual Memorial Program was held on 5/28.

Group use for May: 5 condo / homeowner groups, Planning Board, Highlands Community Singers, 4-H Club, 2 Girl Scout Troops, Girl Scouts of Jersey Shore event, Highlands Historical Society, 3 Boating Safety programs, Keansburg Pop Warner Football, Neighborhood Watch, and the Garden Club.

Parks /Facility:

Skate Park Rules sign has been ordered, locks to be master key for PD, DPW and Rec.

Community Center Projects – ongoing – generator / ramp / insulation of crawl space & pipes.

Kavookjian Field Permits for upcoming Spring / Summer – Mens Softball Leagues, Sundays & Monday Night, Firemens League on Friday night. HHRS use has ended, Sandy Hook Little League use is minimal.

Working w/ DPW - picnic benches, beach signs, initial beach cleaning of heavy debris, skate park, new basketball backboard installation at Veterans Park, park sign needs, walkway to beach maintenance, grass cutting, weed removal efforts and parking area being graded on Beach Blvd.

Other:

Summer Food Service Grant has been approved for 2009 (approx. \$9,961 & \$1,100 from SFSP '08)

Intake, review, interview and selection process for seasonal employment – Summer Rec, Lifeguard, Summer Food completed and submitted

Assisted with program set up and other for Memorial Parade, Planning Board Mtg., Historical Society and all functions held throughout the month.

Thank you Letters sent to HHRS, HHRS Key Club, HES, AHES & AHFD for assistance and use of facilities throughout the year.

Potential Summer Concert Series estimated \$ needed (if to be done) approx. \$4,000

Kavookjian Field Restoration Comm. – Date set for fundraising event – need input on entire Field plan.

* Summons: Total: 200
Moving Violations: 109
Non-Moving: 53
DWI: 4
Boro Ordinance: 34

(Statistical Information is from May 1 – 31, 2009)

Building/Housing

Ms. Kane stated that the Code Enforcement Officer collected \$26,725.00 in Landlord Registration fees to date, \$8,385.00 in inspection fees and he has made 240 inspections so far this year.

Caizza spoke about the Substandard Housing Committee he explained that they have a couple of houses in town that the property owners are ignoring our Certified Mail letters and they are going to move forward with two of the twelve houses on list.

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Parks & Recreation

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Potential Summer Concert Series estimated \$ needed (if to be done) approx. \$4,000

Kavookjian Field Restoration Comm. – Date set for fundraising event – need input on entire Field plan.

Highlands Business Partnership

No one present from HBP to give a report.

Public Relations

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Ms. Kane explained that we are coming along with the newsletter but they are awaiting some information from Mayor Little.

Environmental/Shade Tree Commissions

No one was present from the Commissions to give a report.

Administration

Mr. Hilling read through the following report:

The following is my report for the month of May.

Under DOT

- 1 Installation of the new Miller Street three-phase stoplight is scheduled for completion this week. Project will also include new sidewalks surrounding Miller Park.
- 2 Flyers were distributed on or about this Thursday to residents for the closure of South Bay Ave. During the four-day closure, both South Bay and Hillside Ave. will be open for two-way traffic for local residents only.
- 3 No word back from DOT on our grant request for Bayside Drive. Shore Drive resurfacing will begin on or about June 4th. The project was funded on a grant received from DOT.
- 4 The Coast Guard on-the-hour bridge opening schedule appears to be working in alleviating major traffic back ups on route 36. Summonses continue to be issued by Highlands Police Officers during congested periods for illegal left-hand turns and other violations.

Recreation

- 5 Summer Food Service Grant has been approved for 2009 (Approximately \$9,961 and \$1,100 from SFSP '08).
- 6 Movie on the beach set for Friday June 26th at the Center. The movie being shown will be "Jaws."
- 7 Skate Park rules sign has been ordered as well as a lock with master key going to the PD, DPW and Rec.
- 8 Many thanks to Tim for his work organizing the 2009 Memorial Day Parade. A great time had by all!
- 9 The selection process continues for a contractor in order to replace the Community Center handicap ramp. Work should begin this month.
- 10 Would also like to recognize Tim Hill as the new president of the New Jersey Recreation and Parks Association. Tim was installed in a ceremony at Bahr's restaurant on May 15th. Way to go Tim!

DPW

- 11 Joe May from CMX continues to work with state DEP concerning decertification of the old sewer plant for future demolition.
- 12 Dredging of Jones Creek has begun. The first step is water testing, now being conducted by Brinkerhoff Environmental Services Inc.
- 13 Layoff plans to reduce DPW by one individual will start June 8th. No problems foreseen.

Misc. Items

- 14 The tax sale on May 8th consisted of 41 properties with a net value of \$88,000.
- 15 No word yet from the county on the status of road payment project between the Borough's Willow Street and Pompamora Park.
- 16 Purchasing agent Mike Herbeck continues to work with Borough mechanic Mike Johnson for the purchase of a new mason pump truck, new computers for Paul Murphy, and a new Dodge Durango and Crown Victoria for Chief Blewitt.
- 17 Assessor has made a recommendation that the Borough Council seriously consider a re-evaluation or re-assessment town-wide for the near future.
- 18 Pat McNamara will be in town Friday night to meet with the Sub-Housing committee for any updates.
- 19 The water fountains located in Huddy and Veteran's Park were fixed and operating.
- 20 Valley Street sewer repair out to bid.

Mayor Little stated that there was a Report from Reg Robertson on Recycling. He stated that he would like to extend the concrete driveway from Shore Drive to South Second Street this will do away with dust and any tipping hazards that are now present.

Mr. Hilling and Mr. Urbanski will look into have DPW handle this.

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Community Center ADA compliance – Mr. Hilling stated that they are finalizing a contractor.

Clerk's Office

Mayor Little – due to yesterdays Primary Election there is no report at this time.

Library Committee

There was no report given.

Other Business:

Sanitation Ordinance – Continued Discussion

Mr. Urbanski – I am still working on the winter schedule for this ordinance.

Mayor Little – so we are continuing this discussion on this until the next meeting.

ABC Fingerprinting & Fees – Continued Discussion

Chief Blewett stated that he did meet with Councilman Francy a week ago and he mentioned that we should compromise a little bit but the compromise that they spoke about was making the fingerprint ordinance a multi-year ordinance. This would mean that a person would not have to pay the fee every year but every three years. He then read through the State requirements for fingerprinting of employees of liquored licensed employees. He stated that the Police Department is about three quarters of the way done with the fingerprinting.

Mayor Little stated that she supports public safety. She believes that there are employees that for whatever reason do not want be fingerprinted. There is a fine line between enforcing the law to the letter and putting people out of business and she does not want to put people out of business. So there has to be a way that we can make this work. She explained that she knows that this fingerprinting requirement is not being enforced to this extent at other towns.

Discussions continued between Chief Blewett and the Governing Body.

Mr. Caizza – we bought the equipment to enforce this ordinance.

Mr. Urbanski stated that he had a complaint from a Restaurant Owner that they are not having their Kitchen Staff fingerprinted.

Ms. Kane stated that we have invested the money on the equipment and went through the Ordinance hearing process and there were no contentions.

Review Draft O-09-15 Zoning Amendment

The Governing Body reviewed and discussed draft ordinance O-09-15.

Mr. Arnett stated that this ordinance came from the recommendation of Mike Mullins, Zoning Officer to be able to enforce the Zoning Ordinance.

Review Draft O-09-16 Flood Damage Prevention Ordinance

Ms. Flannery – Mr. Francy has communicated with Mr. Gould, of the NJDEP.

Mayor Little stated that she was involved too. She stated that we actually asked Mr. Hilling to make a call because what we are trying to accomplish with FEMA is to try to become positively viewed in the Community Rating System to keep everybody's flood insurance down. Basically if

we are able to pass the appropriate ordinance and prove that we are enforcing compliance with those ordinances then we may be eligible for grants that may help with flood improvements.

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The Governing Body had a discussion on the model ordinance that was sent by the NJDEP.

Mr. Urbanski stated that everybody should read this very carefully.

Mayor Little – why don't we put this on for review and discussion one more meeting before we take action.

Sign on Private Property on Portland Road

Mrs. Flannery – there is an email from Ms. Kane and a letter from the Code Enforcement Officer regarding the matter of a sign on private property on Portland Road.

Mayor Little – the Code Enforcement Officer wants it removed because it's sitting, there has been a decision by the Zoning Officer for it to be removed.

Ms. Kane questioned why the sign is still there.

Mayor Little – we are at a point of time when there is a bridge under construction and there are signs that have been impulsively put up to show people how to get to certain businesses throughout town and this one is in violation and is exposed because he filed an application which was denied. Her feeling is that if you are going to remove one sign then you need to remove all of them.

Ms. Kane – that's fine

The Governing Body had a discussion about signs that are in violation.

Mr. Urbanski – we don't have an ordinance in place for the Zoning Officer to enforce the ordinance, we have to pass one. We should leave it up.

Mayor Little – I think the council is split this evening on this matter so we will move on and she is sure that we will hear about this again.

Request for Removal of Member of the AHHRSA

**Verbatim transcription of portion of Meeting of the Mayor and Council of the Borough of Highlands.
June 3, 2009**

Present: Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little; Nina Light Flannery - Borough Clerk, Bruce Hilling – Borough Administrator, Stephen Pfeffer – CFO, Scott Arnette, Esq. – Borough Attorney

Clerk: I believe everyone received a copy of the letter written by Mr. Caizza regarding request for removal of a member of the Sewage Authority.

Mr. Caizza – I don't see it in the package today Nina.

Clerk: copies went out the day you wrote it.

Mr. Caizza – yeah, I wrote it.

To unidentified Council member: I sent it to your box too.

Mr. Caizza: We went to a Sewer Authority meeting a week or so ago and we went on behalf of the Council and we were there for a grant that we worked for very hard and it got hot, it got hot, and Johnny had the authority to say what he said on Council.

Mayor: which was what?

Mr. Urbanski: we're not accepting your grant.

Mr. Caizza: we wasn't accepting \$140,000.00 grant because it was just minuses \$33,000 and change from the \$140,000 for another problem. So, we spent like \$600,000 to get that \$140,000. So it got

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hot on the table, I guess me and John Bentham got hot and he said something that I didn't like as a authority so I sent him a letter to asking to step down from that thing because he's not looking out for the tax-payers of this Borough.

Mayor: are there any other comments at the table?

Ms. Kane: I agree with Mr. Caizza, they definitely had words, they definitely had exchanges. I know I don't conduct myself in that manner but I agree with his recommendation.

Mayor: what about you Mr. Urbanski?

Mr. Urbanski: My point would be that night, all well and good if you wanted to look into it but you've got to represent our town there and taking away our EDU's, deducting money, what are you thinking if you're representing us?

Mayor: Ok, well I wasn't there and I know that the gentleman is here so I'm going to ask some questions of the gentleman so I can try to evaluate better what's gone on.

Gentleman: What I'd like to do now Mayor is basically respond ...

Clerk: I don't think he's been recognized.

Mayor: I just recognized him.

Clerk: I don't have a name to identify

Mayor: let me just recognize you before you start talking. I'm recognizing you for meeting purposes and for the record, John Bentham, appointed Sewer Authority member and resident of the Borough of Highlands on Washington...what's the number

Mr. Bentham: 39 Washington Avenue

Mayor: right, ok.

Mr. Bentham: first of all I want to say madam Mayor, the letter that Mr. Caizza is referring to has not been read so I'm going to read that so the public can know what we're talking about.

Mayor: you can do that for the record.

Mr. Bentham: OK, for the record, Mr. Caizza, Councilman, sent a letter to Mayor Anna Little dated May 22, 2009, indicating, Dear Mayor Little: On May 22, 2009 I attended a meeting of the Atlantic Highlands- Highlands Regional Sewer Authority. During that meeting there were many heated discussions. In addition, Mr. Bentham called the Council Members present a bunch of monkeys. In addition, during the meeting it became evident that Mr. Bentham was not representing the Governing Body with the zealotry and verve expected of a representative of the Borough of Highlands. Therefore, I respectfully request that Mr. Bentham be removed as a Borough of Highlands member of the Atlantic Highlands-Highlands Regional Sewer Authority.

First of all I'd like to say before I actually address the issues in the letter that I completely object that I have to appear at this meeting to defend myself against what I consider completely unsubstantiated accusations made at me by Mr. Caizza. Furthermore, that I regard this as one of the worst and most slimy political maneuvers I've ever seen. That once again, Mr. Caizza is attempting, by using this request to have me removed as a member of the Atlantic Highlands-Highlands Regional Sewer Authority to coerce myself and other members of the Authority and that this action represent a total abuse of power.

Before I actually go into some of the things in the letter I have problems with the actual letter itself. As of the time of this meeting I have not received a copy of this letter from Mr. Caizza. A copy of this letter that Mayor Little provided me clearly indicates that I was allegedly copied in on this letter but basically this is essentially a lie.

You notice on the letter if you got a copy of it says cc me. As of this date I have not received a copy of this letter. The first time I saw it was when you contacted me and asked me if I had a copy of it. It has never been sent to me.

Mr. Caizza: it went in the mail John.

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Mr. Bentham: well, well, you know what you...ok let me ask you this, do you have something indicating that I indeed received this?

Mr. Caizza: I don't know John. It went in the mail.

Mr. Bentham: was it sent certified?

Clerk: No

Mr. Caizza: I don't know, I put it in the mailbox in the Borough Hall and they take it over across the street.

Mr. Bentham: well, I get all my mail. I expect on a matter of this importance where you're asking for the removal of an Authority member that I'd send it certified to be able to prove that I indeed received notice.

Mr. Caizza: I didn't send it certified John, I sent it through the mail, I don't have to send it certified if you didn't hear me, I said???????

Mr. Bentham: alright, in addition to the fact that I've never received this letter from Mr. Caizza, I have received no communication, written or otherwise from the Borough of Highlands that any actions of any kind are being contemplated against me. I have also never received any notice by the Borough or from any official acting on behalf of the Borough of Highlands requesting that I even appear here this evening.

In another words, I have received no notice whatsoever that this was going to...

Mr. Caizza: I didn't ask you to come here.

Mr. Bentham: oh, well don't you think I should have the opportunity to come to defend myself?

Mr. Caizza: then come here, then come here, I didn't ask you to come here, I asked you to step down.

Mr. Bentham: so basically what you're going to do is you're going to make accusations and ask for my removal

Mr. Caizza: I asked you to step down.

Mr. Bentham: but I'm not supposed to come here to state my case.

Mr. Caizza: Come here, you're welcome, the doors open at 8 o'clock.

Mr. Bentham: So if Mayor Little hadn't given me the courtesy of calling me up and saying hey listen, did you see this letter, I wouldn't even know about it.

Mayor: For the record...

Mr. Caizza: You got the letter John. It went thru the mail. They take the mail over every day.

Mr. Bentham: I didn't get the letter, I didn't get the letter, furthermore, furthermore...

Mayor: just a minute Mr. Bentham. For the record I'm going to state, so that matters are clear, that upon my attendance at a meeting here at Borough Hall, the Clerk provided me with a copy of the letter and I indicated that I would discuss it with Mr. Bentham. Go ahead Mr. Bentham.

Mr. Bentham: ok, even though this letter is an obvious official communication request to Mayor Little by Councilman Caizza in his official capacity as a Highlands Councilman, it is not on official Borough letterhead and contains factual errors and incorrectly lists the date of the Sewer Meeting. He references it as May 22, 2009 instead of May 21, 2009. As of today's mailing date neither the Atlantic Highlands-Highlands Sewer Authority, the Chairman of the Authority, Mr. Rybek, the Authority's Administrator or any other member received notification about this matter. Mr. Palamara is here, he is our Administrator of the Highlands...

Mayor: Ok, I will recognize him at some point.

Mr. Bentham: I just want to verify with him that, as of today's mailing, that no one from the authority has received any communications regarding this.

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Mr. Palamara: Mayor, that is correct.

Mr. Bentham: so we've received nothing from the Council or Mr. Caizza.

Mr. Palamara: Mayor, that is correct. As of today's mail there has been nothing in the Authority's mail that are of this nature or communication.

Mr. Bentham: I also want to note that the name of Mr. Urbanski nor Mr. Francy who appeared at this meeting do not appear on the letter of 5/22/09. I want to address specific allegations made by Mr. Caizza in his letter of 5/22 against me. I've already read the letter. However, for the benefit of all those here a couple interesting terms were used in this letter. Specifically, the terms zealotry and verve and I would like to ask Mr. Caizza if he could please define those words for me.

Mr. Caizza: you read the letter John?

Mr. Bentham: yes

Mr. Caizza: did you read the letter?

Mr. Bentham: sure

Mr. Caizza: then, you know what that is. I'm not talking to you anymore.

Mr. Bentham: do you know what they are?

Mr. Caizza: I'm putting a motion on the table that you step down right away.

Mayor, Mr. Urbanski, Ms. Kane speaking and unable to transcribe some speech.

Mayor: so you asked the question and he's not answering it, move on.

Mr. Bentham: So you refuse to answer.

Ms. Kane: please don't read the dictionary.

Mr. Bentham: I am going to read from the dictionary because I think everyone here needs to know what these words mean.

Ms. Kane: and I find it very belittling and I think. You know what You have the letter now...

Mr. Bentham: If someone is going to make allegations I think they should be at least familiar with the verbiage they are using and everybody here needs to know exactly what is being said here.

Ms. Kane: I don't think we're here for an attack on the Council. Where are our Highlands members with the exception of Ken? Or do they support you? Ok, can we send a letter, Nina, certified and bring this back up at another time so that they're all notified properly.

Mayor: I don't really want to be involved...

Mr. Bentham: Mayor Little, you know what, I have people here that I've invited to speak on my behalf. I've come here to speak about this issue and we're already into it and I think we should get through this and be done.

Mayor: ok, I'm hearing what Ms. Kane is saying and I'm hearing what Mr. Bentham is saying. I just want to reiterate, for the record, that as the Mayor and a voting member of this Council, I was not present at the Sewer Authority Meeting. The matter was listed for the agenda in the Executive Session with a note that it most likely it needed to be in public. We all knew that this was going to happen tonight. I'm here, I see Mr. Bentham, I see Mr. Fligor, I see Mrs. Fligor, I don't know that Mrs. Fligor is involved in this, I see Mr. Palamara. I, as the Mayor, want to know what's going on, I'd like it to be on the record because don't want to be involved in an argument and I'm obviously going to be asked to vote on something if the Council takes action. What I don't want is a circus and a free-for-all here so we're going to get through this at some level and try to not let it take all night. How much more do you have to present Mr. Bentham before I ask the other members of the Council...

Mr. Bentham: well, I do have a written statement that I would like to read that addresses all of these issues. Actually, I had to look up these terms...actually, the one thing that I do agree with Mr.

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Caizza is that I do not work in a zealous manner when it comes to any position that I hold especially the Sewer Authority.

Mr. Caizza: You did that night. You did.

Mr. Bentham: Because it's a negative term, a negative term. Zealous exhibits not only extreme emotion but fervent activity in support of a cause. Zealot, extremist, radical, bigot, crank, militant, zealotry fanaticism, extremism, radicalism, fervor, obsession. I think that's a bad thing and I would never act in that manner. Furthermore, the term verve, spirit, vitality, animation, liveliness, exuberance, sparkle, zeal, energy, gusto. Well, for the record, I ask, does this saying I'm lively, participatory or engaged in any way. I have a record of all of the minutes of the Sewer Authority meetings, by the way Mr. Caizza attended one meeting, saying he's made these observations that will show I am an active participant in the authority, essentially, I'm doing my job. Number two, I have a letter prepared by Carol Cassese, Secretary of the Sewer Authority that I'd like you to read into the record Mayor Little, basically testifying to my attendance at the Sewer Authority.

Mayor: Ok, it is dated May 31, 2009. On letterhead of the Atlantic Highlands-Highlands Regional Sewer Authority. It's addressed to John Bentham. It says: Dear John: This letter will confirm that you have attended every one of the 21 Regular Meetings and Special Meetings since your appointment in 2008. In fact, you are the only Authority Commissioner who has not missed an Authority Meeting for any reason. You have also attended every one of the 11 meetings held by any committees that you are a member of. You should be commended.

Very truly yours,
Carol Cassese, Secretary.

Mr. Bentham: thank you.

Mayor: Mr. Bentham other documents to which you have referred have to be provided to the Clerk so that she knows to which you are referring. Just hand them to her.

Mr. Bentham: I have copies of all the minutes ...

Mayor: this has turned into a hearing.

Mr. Arnette: this is not a hearing.

Mayor: ok, we've got to get through it.

Mr. Bentham: I've got to approach it this way Madam Mayor. My honor and integrity is on the line here. As far as Mr. Caizza's statement that I called the members of the Highlands Borough Council a bunch of monkeys, this is not only a miss-quote and not only taken out of context but is given no context, at all.

What I plan to do now is read from a prepared statement and hope that I would not.. interrupted. If somebody wants to make comments about it later, or whatever, or make an argument about what is here that's going to explain front and back what's going on here. This is a symptom of a much larger issue that's involved and I'm also going to present people that will basically testify as to what happened at that meeting and to my service on the authority.

Mr. Arnette: If somebody is going to testify...first of all Mayor let me just interrupt here because I must insist that this is not a hearing. He has not been sworn in, he can make whatever he...this is a public comment period on the meeting which usually are limited to 2 to 5 minutes in most municipalities. If he's going to make public comment, that's fine. This is not testimony, It's not a hearing, it's nothing of the sort, he's making a comment based on a letter that was circulated period.

Mr. Bentham: Or not...

Mr. Arnette: Let me make that perfectly clear because this may be the subject of a hearing at some point, just not now.

Mr. Bentham: Ok.

One, 5/21/2009 the Atlantic Highlands-Highlands Regional Sewer Authority held its regular monthly meeting. Unexpectedly, and without prior notice, a contingent from the Highlands Borough Council consisting of Chris Francy, Billy Caizza, and Johnny Urbanski, attended the meeting. While anyone is welcome to attend any of the Authority meetings, it would have been nice if the council members had notified the authority that they were going to attend the meeting and regarding what issues they wished to address. The authority could then have been better prepared to be able to address any issues they wished to discuss. Furthermore, Rick O'Neil was filling in as Vice Chairman for the meeting as

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Chairman Mike Rybeck was away on vacation. Mr. Urbanski stated during the meeting that the Highlands contingent, who represented a majority of the members of the Highlands Borough Council were at the meeting to discuss business pertinent to the Borough of Highlands and that he had full authority to act for, and represent the entire Highlands Borough Council.

From the beginning of the meeting, which began at approximately 7 p.m. and ended approximately 10:30 p.m., Mr. Urbanski and Mr. Caizza acted in a belligerent, confrontational and a manner unbecoming elected officials. Without regard or respect for members of the authority or the professionals present there, Mr. Urbanski and Mr. Caizza continually shouted out comments from the audience, and interrupted both professionals and members of the authority alike. This behavior by Mr. Caizza and Mr. Urbanski, made it extremely difficult, and almost impossible, to follow what was going on at the meeting or hear what members of the authority were saying or hear the comments of the professionals that were addressing the Authority. One of the major items to be discussed was EDU credits that Highlands should be credited as a result of I/I remediation related to the Basic 8 Project in Highlands. I was very concerned about this issue as there were seemingly different conflicting reports from engineering professionals. As a result of the authorities engineering professionals, oh, I'm sorry, as a result the authority's engineering professionals T&M Associates who were represented not only by our regular engineer, but by a senior member of the firm to explain how they came about certain EDU credits for Highlands Borough. This issue is especially important as this issue will affect future development in the Borough. However, due to the constant yelling out of comments by Caizza, and Urbanski, it was nearly impossible to hear what professionals were saying as they were constantly being interrupted.

At this point, I made a statement to the chair and the members of the authority, that I was not able to hear what was going on, and not going to be able to make decisions regarding matters being discussed if Caizza and Mr. Urbanski were going to insist on screaming and yelling and jumping up and down every minute like a couple of monkeys. That was my exact quote. I at no time called the council members "a bunch monkeys" as asserted by Mr. Caizza. This comment was made in reference to the abominable behavior being exhibited by Mr. Caizza and Mr. Urbanski during the meeting. If Mr. Caizza and Mr. Urbanski had acted in a professional manner, expected of an elected official of the Borough of Highlands, there would have been no reason for me to have made such a comment.

For the record, I have been called much worse by Mr. Caizza in the past. I have been called, in public and private by Mr. Caizza and I quote and apologize for the following language, a "F'ing scumbag", "f'ing Liar" and a "f'ing A_____e", and other demeaning names. If Mr. Caizza truly believes that my comment made at the sewer authority meeting would merit my removal from the authority, then by the same logic, Mr. Caizza should have been removed from the Highlands Borough Council for his coercive, abusive, and behavior unbecoming an elected official several years ago.

During the meeting of 5/21/09, Mr. O'Neil gave great latitude to the members of the Highlands Council members, though they did not have the right to be speaking during certain parts of the meeting were constantly interrupting the meeting, and in general being disruptive. Mr. Caizza and Mr. Urbanski had to be "gaveled" several times during the meeting by Vice Chair Rick O'Neil. Even after this they continued their unprofessional and disruptive behavior. In fact, the situation became so intolerable, that many of the members began requesting that Mr. O'Neil summon the Atlantic Highlands Police in order to deal

Mr. Urbanski: Oh, my God...

Mr. Bentham: with the situation and bring the meeting back to order.

Although there were several important matters to be discussed, Mr. Caizza and Mr. Urbanski spent most of their time complaining about a \$32,000 credit that the sewer authority had taken from a grant distributed recently to the Borough of Highlands for money the authority had given the Borough for the moving of electrical service during construction of the new firehouse. These funds had been given to the Borough of Highlands in a gentleman's agreement between the Borough and Authority so as to not delay the project. These funds were to be returned back to the authority unless the borough could show there was any reason that the Authority should be responsible for moving the service. This all happened before my present term on the Authority.

I first became of this when I was confronted about the issue by Mr. Caizza one day while walking along Bay Avenue. Mr. Caizza approached me regarding this and before I could even begin to understand what he was trying to tell me, he started making various threats. Specifically, Mr. Urbanski threatened me by saying that unless the Atlantic Highlands-Highlands Regional Sewer Authority agreed not to pursue recovery of..

Mr. Urbanski: Get....

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Mr. Urbanski: get your names straight John, John for the record get your names straight when you use my name.

Mr. Bentham: yes, yes, absolutely. I do apologize.

Mr. Urbanski: I do pay attention what I say and what you say.

Mr. Bentham: Mr. Caizza threatened me and ...Mr. Caizza threatened me...agreed not to pursue recovery of \$32,000 he would contact the Asbury Park Press and tell them what a bunch of "F'ing Scumbags" the members of the authority were.

Ms. Kane: Mayor, can't he submit this in writing?

Mayor Little: unable to hear response.

Council talking at table, transcriber unable to transcribe different conversations.

Mr. Bentham: I several times tried to disengage from this confrontation, and was eventually forced to walk away.

Sometime later it was explained to me by Rick O'Neil that Mr. Caizza in a meeting with Chief Financial Officer of the Borough, Steve Pfeffer, discovered that there was \$32,000 that had been previously budgeted for, intended as reimbursement to the sewer Authority, and was still sitting in an account. It was explained to me by Mr. O'Neil that it was Mr. Caizza's goal to obtain the funds in order to make

improvements to the new fire house. Even though the fire house was completed some time ago and since that time, several requests have been made by the authority for return of these funds, or an explanation of why the authority should not be reimbursed. To date this has not happened. Mr. Caizza and Mr. Urbanski have indicated their total unwillingness to see that these funds are returned to the authority.

This situation is important and pertinent to the proceedings tonight, and to the request by Mr. Caizza to have me removed from the Authority. This is due to the fact that the 5/21/09 meeting Mr. Urbanski made the statement that the entire Highlands Borough Council felt "screwed" by the Atlantic Highlands-Highlands Regional Sewer Authority and therefore had a negative attitude of the Authority and its members, and were unwilling to work with the Authority regarding several important issues that could have a significant impact on the rate payers of both Highlands and Atlantic Highlands.

At this time, transcriber cannot separate voices to transcribe verbatim.

Of great importance is the present litigation undertaken by the Atlantic Highlands-Highlands Sewage Authority against TOMSA for over billing, and unfair accounting practices. Even though Atlantic Highlands unanimously passed a resolution supporting present legal actions taken by the authority on behalf of the rate payers of both towns. Highlands Borough Council refuses to do the same even though they have been told that this is necessary in order to increase the chances that the Authority will ultimately prevail in this case.

I have a few more things that I have to mention.

Mr. Urbanski speaking but not so that the transcriber can transcribe.

Should this litigation ultimately be lost, hundreds of thousands of dollars will have to be paid to TOMSA. TOMSA has signaled their intention to unfairly raise sewer rates on

Mr. Urbanski speaking but not so that the transcriber can transcribe.

Mr. Bentham: AHHRSA and ultimately these costs will be passed on to the rate payers of both Highlands and Atlantic Highlands in the form of increased sewer rates. This important issue as well as issues related to remediation of inflow and infiltration of water into the sanitary system have taken a back seat due to the quest by Mr. Caizza and Mr. Urbanski to not have to reimburse the Authority for the \$32,000 paid to the Borough in good faith by the Authority, so that these funds be diverted to improvements to the new firehouse.

Mr. Urbanski: This is absurdity

The end result of this is that the best interests of the rate payers of the Atlantic Highlands Highlands Regional Sewer Authority are not a priority of Mr. Caizza and Mr. Urbanski. This is in direct conflict with their responsibilities and obligations of the representatives of the Borough of Highlands.

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As Mr. Caizza has of yet not been able to get his way on this issue he has now resorted to yet a further coercion tactic by asking for my removal from the Sewer Authority in order to pressure the authority to capitulate to his demands. This is what I and others ultimately conclude is the reason that Mr. Caizza has demanded my removal from the authority for flimsy and unsubstantiated reasons.

Such an act, in my opinion represents a complete abuse of power, and is an unethical use of coercion of an elected official against a member of an appointed board. It is my conclusion therefore, that my unwillingness to capitulate to Mr. Caizza's demands of this and other issues before the authority has prompted Mr. Caizza to take this action against me, and represents his most recent attempt to abuse and coerce me, which he has also done in the past.

But, now Mayor, you don't have to believe me about what happened at the meeting. At this time I want to invite Councilman...

Mayor Little: I'm going to stop you there Mr. Bentham. You can't run my meeting. How much of your statement is in the record and how much is still on paper and not read because it's very long.

Mr. Bentham: at this point I would like to hear from people that are actually at the meeting.

Mayor Little: You don't get to do that. I'll decide who I want to hear from. Are you done with your statement?

Mr. Bentham: I have a few closing comments after you let whoever to speak.

Mr. Urbanski: No, no there shouldn't be closing comments. Make them now this is getting out of hand. John you know why I went there was to tell you about the \$140,000 and the EDU's and that's why you were told to keep your grant.

Mr. Caizza: come on Mayor...

Mr. Bentham: I believe this is my time to talk.

Mr. Urbanski: I'm going to make a motion to adjourn.

Mr. Caizza: Second.

Mr. Urbanski: In a few seconds.

All in Favor: I can't stop that.

Mr. Arnette: no, we have to do a roll call.

Clerk: Ms. Kane	YES
Mr. Caizza	YES
Mr. Urbanski	YES
Mayor Little	NO

Meeting adjourned at 9:48 P.M.

Transcript prepared by Nina Light Flannery, Borough Clerk

At 9:54 P.M. Mr. Caizza offers a motion to reconvene the meeting. On advice of Counsel the Clerk obtains a second from Mr. Urbanski and the meeting was reopened on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Francy

Public Portion:

Donald Manrodt of 268 Bayside Drive – he stated that the Bayside Drive ditch has to be dug out from Matthew Street all the way down to Marie Street.

Mr. Hilling – the only problem with that Mr. Manrodt is contamination.

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Donald Manrodt – the gentlemen from the DEP said to put it where you have been putting it for the last four years. Reports from the DEP show that they have not got the trailer park yet to take the sample to determine where the oil is coming from. The other thing is the ferry service on Shore Drive, they are valet parking down in the Sandy Hook Bay Marina and the guy races back and forth with a red light on his car and he is going 40 to 50 miles per hour.

Mr. Hilling – he will look into this.

Donna O’Callaghan of 29 South Bay Avenue questioned the fingerprinting fees.

Mayor Little stated that she believes that it’s a \$50.00 fee and thirty dollars of that goes to the State.

Donna O’Callaghan expressed her concerns about signs on Portland Road on properties. She spoke about one particular sign that she feels is a traffic hazard.

Mayor Little – if it’s the construction orange sign, we might be able to move that over closer to the curb to solve that problem.

Mr. Hilling – I will bring this up tomorrow.

Jim Parla of 16 Portland Road stated that the only reason that the Police are fingerprinting the employees of the restaurants is to verify if there is a criminal record, it’s not to check on anything else.

Jim Parla questioned if we were going to get back to the Sewerage Authority issue.

Mayor Little – it seems unfair to me that there were disagreements by some Council Members that have not had a chance to respond, it seems unfair to me that I wanted to hear from two independent parties that aren’t involved in the argument but she is almost afraid to go back to that Mr. Parla because the meeting was adjourned for that reason.

Jim Parla stated that as a resident for the past few years the only thing that he has tried to do is work closure with our neighbors in surrounding communities. The fact that we have men here from the other town maybe you can rethink if we can revisit this topic tonight.

Lori Dibble of 32 Paradise Park spoke about the Zoning Ordinance with regard to the Mobile Park and requested that the Planning Board reinstate mobile homes as part of the ordinance in their Master Plan recommendations. She then spoke about Mayor Little’s recommendation to the Planning Board to remove this item from the list of Master Plan recommendation due to litigation. She stated that Paradise Park is not involved in any litigation with Highlands. She then presented her letter of this request to the Borough Clerk. She then stated that she spoke with Paul Murphy, Code Enforcement Officer about Protective Tennant’s Act which is an act that allows for the registration of Senior Citizens and Disabled Person when a property is being converted from rental to a condominium property. Part of that act requires that the Landlord of the property supply the Borough a list of tenants and that the Borough sends a letter to the tenants to ask them if they want to register as protected tenants. She has this list as Act 2A:18-61-2 and Mr. Murphy stated that he wasn’t aware of this act and therefore it doesn’t exist. Right now there is a apartment building on the other side of Route 36 where the tenants have received a three year notice of condo conversion which triggers this act. So the landlord will have to supply the Borough with a notice of who lives in this building and then the Borough will have to send out a letter.

Mrs. Flannery explained that she has been through this function before and that it’s a function of the Borough Clerks. She stated that she has not been given any notice of a condo conversion that Ms. Dibble is speaking about.

Lori Dibble spoke about the Sub-Standard Housing process of demolishing a mobile home and her concern that the property owner does not own the mobile home in question. She then suggested that the ownership issue be addressed by the borough.

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Mr. Hilling stated that he will take care of this.

Lou Fligor of 35 Leonard Avenue, Atlantic Highlands, NJ: we had the Sewer Authority on the 21st. First of all I want to talk about Mr. Bentham and his contributions to the Sewer Authority. First of all this Council made a good choice with Mr. Bentham and I will tell you why. Mr. Bentham has been very active in the Sewerage Authority and if there is something to say Mr. Bentham is there. I might not agree with everything Mr. Bentham's thoughts but I do believe in the man. You put him on that board to do something and the first thing that he did when he got on there was to remove stipends from the sewer authority members, if that doesn't benefit Highlands and Atlantic Highlands than I don't know what does, so that's one thing. Number two, if there is an issue on the Sewerage Authority and he doesn't know about it he makes it a point to go and get the information or ask the Administrator or the Chairman or anybody else on that board to get the information to be informed. So to me that's the makings of a good Board Member. You had two previous board members that were just like him, one was Roberta McEntee and the other one was Donald Manrodt. If you want to know where a sewer line is in Highlands then talk to that man. If you want a job done for the Sewerage Authority, going to the business for grease traps, Roberta McEntee, okay and that's from being on there and going to the meetings for the last eight years. If I have missed four meetings Dave in the last eight years, that's a lot and I know the people on that board on my side and their side, okay. So I think that you are wrong if you take this man off of the board as well as that man over there because if you read your minutes you will see who's doing the talking, okay. These guys are working for this town whether you believe it or not, they are working for this town, okay. Are there issues, yes you have issues and you know that I have issues, okay. There are things that I don't like, there are things that you don't like, there's things that they don't like that we mentioned but we got to continue to work as a group to make this work. We are all worried about the money because the biggest portion of our towns budget, a big portion of goes to the Sewerage Authority. I know in my town its \$83,000 or \$84,000 a quarter, that's a lot of money. So when I hear that my rates are going up you can ask these guys I am jumping up and down saying "why are my rates going up". Explain it to me, do we need a heating system that costs X amount of dollars when we can buy a more economical system or air conditioning system or we have an expansion tank that is being used beyond its limit. You know, is that cause for an emergency replacement, yes it is because you never want to run equipment beyond its _____ especially when its twenty years old. So these guys are watching the numbers and watching the _____. Was the discussion _____ heated, yes they were. It wasn't only Mr. Bentham it was me and Mr. Caizza and Mr. Urbanski and even Mr. Francy got involved but Mr. Francy was very diplomatic, he is a gentleman. So basically that is all that I have to say about it. I am not going to go in to what went on between me and Mr. Caizza. We grew up together, we know what each other is like and that's how we handle it and that is where I am going to leave it tonight.

Mayor Little – thank you very much. I guess I did get some more information anyway.
David Palmara of 33 Four thousand, Atlantic Highlands, there is no subject written down.

David Palmara – Hello Mayor, just a couple of issues. One is that I can confirm pretty much like Mr. Fligor said and Mr. Caizza and Mr. Bentham said is that it was a meeting that maybe everybody's tempers got a little bit raw. So there were comments back there and I believe Mr. Francy mispronounced the name of one of the other members and wasn't _____ to anything. I think with the comments that Mr. Bentham made at the time, I didn't hear any response from Mr. Caizza or Mr. Urbanski because it was I think that it was accepted by everybody that was just the nature of where the meeting was and everybody was I think, to some extent showing restraint not to comment about just a slip of the tongue. So you know if you want to go into further at a future time. A few other things in relation to the Authority there are some things coming up with the summer time with expected heavy traffic along the highway. As you know the authority members or operators go from plant to plant and when they have an issue or problem with one of the plants they have to respond very quickly an so we would like to talk with the Administrator or Police or appropriate people to find out if access would be expedited during an emergent situation say along Bayside Drive.

Mayor Little referred Mr. Palmara to speak with the Borough Administrator.

Donald Manrodt: I thought that we already took care of Bayside Drive.

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David Palmara: this is a 24 hour seven day operation and when an emergency occurs the alarm goes to the Police Dept and the on call person has 15 minutes to respond. Other things there have been several issues that we talked about as far as EDU units. There have been communication between our Attorney and Mr. Arnette and providing him with information.

Mayor Little: I am just going to say that I think that Mr. Urbanski did have the authority of this Council in telling you that we will not be taking the \$140,000 grant, that we would opt to keep as many EDU's as we can keep. We do respect the opinion of the Engineer, T & M they are the Borough Engineer here in this town and they are the Engineer in Atlantic Highlands and the AHHRSA Engineer. So I don't think that we need anyone to look at their work, okay. If there is a difficulty between a DEP calculation and a Sewer Authority calculation, point it out because obviously they are responsible to calculate according to the proper calculation and the EDU's

were adjusted appropriately I think. So that takes care of the Grant and the EDU's. As for the pole matter I know that I spoke to you last year about that. My hesitancy as a Mayor and the Executive of this Borough and seeing that all of the ordinances and the law are followed in this Borough I won't feel comfortable issuing a check back to the Authority unless I can see some documentation as to what went on. I believe that something went on because the pole was moved and you are asking for money. There are two ways that that can be established either the background information can be compiled and given to us so that we can discuss it or you can go to the Courts and the Judge can take testimony on the record or there can be a consensus on the Council of that's what went on. We obviously don't have a consensus of the Council so I am not going to be able to say we go to issue a check. So you either going to have to give us background until there is a consensus here or you are going to have to go through the Courts and elicit testimony from people and have a Judge tell us that we have to issue it. I take my job really seriously when it comes to tax payer dollars their not my own and if I do expend them inappropriately then I could be subject to criminal action, so that is where I am coming from on that issue. I don't know what the Fire Department has to do with that and I have had no discussions with the Fire Department with regard to what they are going to do with any money, so I think that it just irrelevant at this point. As to the Resolution with the guy from triple AAA, I don't know where we are going in the future on that, today we are not issuing a Resolution. The majority of the Council members have said "No", so that is what it is. As to the word coarsen, the word was used and I just want to state for the record that I have not witnessed any activity independently by any individual on Council with regard to coarsen, neither would I engage in such a thing. What the motives are of any individual you have to judge, you have to take them at their word no matter what emotions you feel coming at you. I have made suggestions to the Council regarding appointments for the Sewer Authority and I believe that a majority of this Council has placed these people the three Representatives of this Council who are Mr. Bentham, Mr. Braswell and Mr. O'Neil. They were all placed on this Sewer Authority after I became Mayor. We commended the outgoing Sewer Authority Members. We wanted a fresh set of eyes and a change. At this point, I think that there may be a law in place with regard to what has to be done if an Authority member is going to be removed. I think that that law needs to be followed to the letter of the law if it is the intention of this Governing Body to formally remove and there may be need to explain some pause for that and that is all that I know, but my instinct tells me that we just can't do knee jerk reaction on that issue. I do want everyone to know that there is not going to be any coercion of anybody permitted from anyone from this table as long as I am sitting as Mayor. That is not the way that we do business in Highlands and I will see to it that if I find that there is any coarsen by anyone here at Council against anyone else, that I will be talking to that person, it will be exposed and it will be corrected.

Mr. Palmara: just to clarify on two things that were stated. On the electrical as I have said before there has been some communication between Attorney's and I don't think that that has been completed. At the meeting the other night the Highlands Representatives brought up some points and those are being researched. So as far as the electrical relocation costs I think that it would be premature to say that it would go, I don't that there is a total disagreement and I think that we need people to communicate back and forth. Information has been provided and then you can probably have a better understanding and then decide what the borough's position is on that.

Mayor Little : I am happy to hear that because every time the Authority and the Councils disagree the taxpayers are paying times two in both towns. So it would be nice if we could get together.

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Mr. Palmara: with regard to the grant and the EDU's with the Authority Members that asked the other day is that official communication in writing from the Borough a Resolution being forwarded to confirm the position and then await that and then we will go with that at that point and time. As far as the matter with the Arbitrator, again there has been efforts to communicate Between the Authority Attorney and the Borough Attorney on that, since there are privileged and confidentiality issues that have to be understood beforehand then we would like provide the Borough, the same as we provide the Borough the same as we do the Atlantic Highlands Governing Body all of the documents, all of the facts so that they can be properly informed because this is something that is very important to the people of the Highlands as well as Atlantic. So we are just asking that to give you the facts and to have the knowledge of what you are doing and _____ because as you said it's a very specialized field jus as municipal law

Mayor Little: sure it is. You are dealing with an issue that is between the two Attorneys right now. I think that there is not a receptiveness among the majority of this Council to entertain a Resolution at this time. You obviously are free to send whatever communication your Authority is instructing you to send. I will receive mail but unless something changes at the council table and I don't mean to represent that I am in control of that, I am just telling you that's been the result of communications.

Mr. Palmara: some of the information that we would like to submit really the Attorney feels that it should ensure discussions with the Borough Attorney, that privilege we'll attach to it so that there is not a waiver or delineation of our right to privacy....

Mayor Little: because it's involved in litigations, I understand. I know the Attorneys are dealing with that issue.

Mr. Palmara: yes, they continue to do that. We would be glad to provide you with that information and also have the Authority's Attorney Specialist in that field, he has been present for the Authority Members and the Governing Body of the Atlantic Highlands and it was very helpful I think to understand the issue.

Mayor Little: I am going to say it three or five times now. I can't tell you that we are going to take any action, can't do that but thank you for making your comments for the record.

Mr. Fligor: I just wanted to echo Mr. Palmara's sentiments. I think that we were in the same boat that you guys are in with your constituent's until we sat down listening to the Attorney with the information and we got a wide eyed look at what was going on. I would just advise you to take a look.

Mayor Little: thank you very much for those statements.

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

The Meeting adjourned at 10:27 P.M.

CAROLYN CUMMINS, DEPUTY CLERK

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