

**Mayor & Council  
Regular Meeting  
June 17, 2009**

Mayor Little called the meeting to order at 7:20P.M.

Mrs. Flannery read the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Regular Meeting of the 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 public bulletin board

**ROLL CALL:**

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

**Absent:** Mr. Caizza

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

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**Executive Session Resolution:**

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

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

**RESOLUTION  
EXECUTIVE SESSION**

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

- 1.Litigation: Highlands On the Bay Agreement,**
- 2.Contract: CWA Contract Ratification, UFCWU Contract Update, Police Chief's Contract**
- 3.Real Estate: 2 Private Road**
- 4. Personnel Matters:**
- 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: Mr. Francy, Ms. Kane, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: Mr. Caizza

ABSTAIN: None

The Governing Body then entered into Executive Session.

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Mayor Little called the Regular Meeting back to order at 8:22 P.M.

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

**ROLL CALL:**

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

**Absent: Mr. Caizza**

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

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**Public Participation of Agenda Items:**

Donald Manrodt of 268 Bayside Drive waived his opportunity to speak.

Jim Parla of 16 Portland Road questioned Resolution R-09-118 and R-09-119. He asked if the Borough had increased the liquor license renewal fees. He asked if Resolution R-09-119 had to deal with how the signatures were obtained for the zoning ordinance amendment.

Mrs. Clerks explained that the liquor license fees were raised ten percent.

Mayor Little – yes with regard to R-09-119.

Michelle Pezzullo of 115 Highland Avenue asked if we could refurbish the Community Center with the old bridge rails rather than using new ones.

Mrs. Flannery – the rails have to be ADA approved.

Mayor Little – I think that the bridge rails are likely not to be ADA approved but she thinks that Ms. Pezzullo's idea could be used somewhere else because it's an interesting idea.

Mr. Francy stated that the borough is on a time constraint to get this fix before the next election but we could put them in storage somewhere for some other project down the road.

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Carol Bucco of 330 Shore Drive – nothing at this time.

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**Consent Agenda Resolutions:**

Mr. Arnette requested that Resolution R-09-113 releasing performance guarantees for Everclear Development and Resolution R-09-120 approving Chief of Police contract both be removed from the consent agenda.

There was no objection from the Council.

Mr. Francy requested that Resolution R-09-119 be removed from the Consent Agenda.

Ms. Kane offered the following Resolution and moved on its adoption:

**R-09-104  
RESOLUTION  
AUTHORIZING RELEASE OF MAINTENANCE GUARANTEES  
FOR JAMES & LISA ALEXANDER FOR PROPERTY LOCATED  
AT BLOCK 6 LOT 15 ALSO KNOWN AS 69 SOUTH BAY AVENUE**

**WHEREAS**, the applicant has verbally requested the release of Maintenance Guarantees in the amount of \$1,064.95 and the release of any remaining engineering or legal fees for Block 6 Lot 15; and

**WHEREAS**, the Maintenance Bond for block 6 lot 15 in the amount of \$1,064.95 was posted for a two year period as of May 2, 2007 and is now due to expire; and

**WHEREAS**, notification of this release has been transmitted via email to the Borough Engineers Office and the Borough has received written authorization dated 5/29/2009 from the Borough Engineers office that there is no objection to the release of said maintenance bond.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highland that the Chief Financial Officer is hereby authorized to release and refund the Maintenance Bond funds for Block 6 Lot 15 in the amount of \$1,064.95 plus any accrued interest and any remaining engineering and legal fees to James & Lisa Alexander.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

Ms. Kane offered the following resolution and moved its adoption:

**R-09-105  
RESOLUTION OF THE BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH STATE OF NEW JERSEY  
REJECTING BID FOR A DODGE DURANGO**

**WHEREAS**, the Borough of Highlands authorized the receipt of bids for for a Dodge Durango for the Police Department; and

**WHEREAS**, bids were received on June 2, 2009; and

**WHEREAS**, two (2) bids were distributed and one (1) bid was received on June 2, 2009; and

**WHEREAS**, the bid received has been reviewed by the Purchasing Agent

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and it has been determined that the bid submitted failed to include a surety bond which is a mandatory requirement in the bid specifications making the bid Non-Responsive.

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

1. That the Mayor and Council does hereby reject the bid received for the Dodge Durango for the reasons set forth in this resolution.
2. That the Mayor and Council does hereby authorize the receipt of new bids for a Dodge Durango. The Borough Purchasing Agent shall determine the time, date and place for the receipt of bids.
3. That a Notice to Bidders shall be published in regard to the receipt of bids for a Dodge Durango in accordance with specifications prepared by the Borough of Highlands.
4. That a certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:
  - A) Administrator
  - B) Chief of Police
  - C) Purchasing Agent
  - D) Rejected Bidder  
Warnock Fleet & Leasing  
P.O. Box 524  
East Hanover, N.J. 07936

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

**ROLL CALL:**

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

Ms. Kane offered the following Resolution and moved its adoption:

**R-09-106**

**RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CANCEL SFY 2009 BUDGET APPROPRIATIONS CURRENT FUND & SEWER UTILITY AT YEAR END**

**WHEREAS**, the Chief Financial Officer has recommended that budget appropriations be reviewed and canceled at year end after the June 30, 2009 payroll and all other expenses are posted to the Borough's accounting system and;

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus and;

**WHEREAS**, the last regular Governing Body meeting for SFY 2009 is June 17, 2009;

**NOW THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands that the Chief Financial Officer is hereby authorized to cancel current and sewer utility budget appropriations as of June 30, 2009 and formally report said cancellations to the Governing Body of the Borough of Highlands at its next regular meeting on July 15, 2009.

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

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**ROLL CALL:**

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

Ms. Kane offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-09- 107  
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:

ORDINANCE NUMBER	PROJECT DESCRIPTION	AMOUNTS TO BE CANCELED	
		CAPITAL SURPLUS	UNFUNDED
O-06-02/O-06-07	Improvements to Valley Street Pump Station	\$1,719.45	\$89,100.00

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

**ROLL CALL:**

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

Ms. Kane offered a motion a motion to amend the 2009 HBP Budget as follows and that a public hearing be set for July 15, 2009 at 8:00 P.M. and authorized its publication according to law:

**R-09-108  
Highlands Business Improvement District  
District Management Corporation  
Highlands Business Partnership, Inc.  
January 1, 2009–October 31, 2009  
(9 Months)**

**2009 District Program Budget**

**Visual Improvement.....\$13,000**  
 ➤ Street Banner Project

**2009 Special Events Calendar.....\$15,000**  
 (Approved by Governing Body 12/ /08)

**Marketing & Communications.....\$25,000**  
 ➤ Ad campaigns/Sponsorship Sales  
 ➤ Public Relations/Image Building

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- Create and Publish Visitor Guide
- Maintain /Expand Website
- Videos/Commercials

**Economic Development.....\$5,000**

- Smart Growth - Business Recruitment/Retention  
(Supporting Monmouth County Bayshore Strategic Plan)

**Administration**

- **DMC Administration .....\$30,000**
- **Legal, Certified Audit, Insurance  
Phone/Fax.....\$15,000**
- **Outstanding Payable.....\$9,112**

**Borough of Highlands Governing Body  
Reduction (\$9,500)**

<b>Total 2009 Program Budget.....</b>	<b>\$102,612.</b>
Total 2009 Anticipated Cash Income.....	\$ 55,000.
(Vendor Fees, Sponsorship Income)	
Total 2009 Anticipated Barter Goods & Services.....	\$ 12,000.
<b>Total 2009 Assessment Income Required to Operate.....</b>	<b>\$ 47,500</b>

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

**ROLL CALL:**

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

Ms. Kane offered the following Resolution and moved its adoption:

**R-09-109  
RESOLUTUION AUAUTHORIZING THE DEMOLITION  
AND REPLACEMENT OF THE ADA RAMP AT THE  
ROBERT D. WILSON MEMORIAL COMMUNITY CENTER  
IN THE BOROUGH OF HIGHLANDS**

**WHEREAS**, Michael Hrbek, Borough Purchasing Agent requested quotations from three companies for the demolition and replacement of the ramp at the Robert D. Wilson Community Center (Community Center); and

**WHEREAS**, one company responded with a quote; and

**WHEREAS**, Mr. Hrbek has consulted with the Borough Engineers, T&M Associates regarding the reconstruction of the ramp; and

**WHEREAS** Mr. Hrbek has recommended the project be awarded to Plattmount Construction as follows:

Plattmount Construction  
40 Valley Drive  
Atlantic Highlands, NJ 07716  
Demolish and Reconstruct ADA ramp at  
Robert D. Wilson Community Center .....\$16,900.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the contract for Demolition and Replacement of the ADA Ramp at the Robert D.

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Wilson Memorial Community Center be and hereby is awarded to Plattmount Construction, 40 Valley Drive, Atlantic Highlands, NJ 07716 in the amount of \$16,900.00.

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

**ROLL CALL:**

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

Ms. Kane offered the following Resolution and moved its adoption:

**R-09-110**

**RESOLUTION APPOINTING TEMPORARY SUMMER EMPLOYEES**

**WHEREAS**, the Recreation Department has the need for temporary summer employees to work with the Summer Recreation Program; and

**WHEREAS**, Timothy Hill made the following recommendations for appointments to the Governing Body;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following temporary appointments be and hereby are approved:

2009 Summer		Seasonal	Rec. Dept.	
Program	Position	Name	Years Experience	Hourly Rate
Summer 6/23/09 to 8/19/09	Supervisor	Kim Karaman	21	\$18.00
		Supervisor		
		Stephanie Paroumakian	12	\$16.50
	Programmer	Val Chaparro	8	\$12.50
	Programmer	Lisa Ucci	5	\$12.50
	Rec Aide	Amanda Basich	7	\$10.00
	Rec Aide	Amy Cullen	4	\$ 9.00
	Rec Aide	Brian Olofson	3	\$ 7.75
	Rec Aide	Julie Dellapietro	3	\$ 7.75
	Rec Aide	Thomas Bell	1	\$ 7.25
	Rec Aide	Daniel Phelps	-	\$ 8.00
	Rec Aide	Kristine Paronto	-	\$ 8.00
	Rec Aide	Tara Sodon	-	\$ 8.00
Summer Sports	Camp Director	Vincent Whitehead	34+	as per enrollment
Lifeguards 6/24/09 – 9/7/09	Head LG	Kristie Gannon	9	\$17.00
		LG		
		Bernadette Conte	4	\$ 9.50
	LG	Tiffany Creighton	4	\$ 9.50
	LG	Estaban Cabrerra	1	\$ 8.50
	LG	Matthew Strobel	10	\$ 9.00
Summer Food 7/1/08-8/15/08	Food Prep	Caitlin Hartsgrove*	-	\$ 7.25
	Food Prep	Dillon Vargas*	2	\$ 7.75
	Food Prep	Colleen Franklin*	-	\$ 7.15
	Director	Tim Hill	30	\$15.00 (32 hrs)
	Record Keeper	Jen Strehl	9	\$11.00 (32 hrs)

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\* Food Prep hours = 22.5 hrs/wk

**These positions are listed within the Community Center Budget, Beach Budget and the 2008 SFP Budget & the 2009 Summer Food Service Program Sponsor Management Plan Budget.**

Seconded by Mr. Urbanski adopted on the following Roll Call Vote:

**ROLL CALL:**

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

Mayor Little offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-09-119  
RESOLUTION AMENDING RESOLUTIONS 08-82, 08-96 AND 09-26  
PROFESSIONAL SPECIAL COUNSEL  
MCKENNA, DUPONT, HIGGINS & STONE**

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

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

**WHEREAS**, the Borough of Highlands adopted Resolution R-09-26 at a meeting held on January 7, 2009 amending Resolution R-08-82 and for an additional \$2,028.75 for professional special counsel services for litigation related to a zoning ordinance for a total contract not to exceed \$7,028.75 plus reimbursable expenses and extending the contract through June 30, 2009; and

**WHEREAS**, ongoing litigation necessitates that this contract be amended for an amount not to exceed an additional \$5,000.00 for professional special counsel services for a total contract not to exceed \$12,028.75 plus reimbursable expenses; 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: Legal – 1070-3755 \$5,000.00

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Stephen Pfeffer, Chief Financial Officer

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

**NOW, THEREFORE, BE IT RESOLVED BY THE** Borough Council of the Borough of Highlands as follows:



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1. The firm of McKenna, Du Pont, Higgins & Stone are hereby retained to provide professional special counsel services as described above for an amended amount not to exceed \$12,028.75 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

**NAYES: Mr. Francy**

**ABSENT: Mr. Caizza**

**ABSTAIN: None**

Ms. Kane offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-09-112**

**RESOLUTION APPROVING THE TERMS OF  
EMPLOYMENT AGREEMENT BETWEEN  
THE BOROUGH OF HIGHLANDS AND THE  
BOROUGH CLERK, NINA FLANNERY**

**WHEREAS**, Nina Flannery serves as the Borough Clerk for the Borough of Highlands;  
and

**WHEREAS**, both the Borough and the Clerk seek to have the terms and conditions of her employment with the Borough codified in an employment agreement; and

**WHEREAS**, representatives of the Borough and the Clerk have reached an agreement on the terms and conditions of employment for the Clerk and have recommended those terms to the governing body of the Borough of Highlands for approval; and

**WHEREAS**, it has been determined by the Mayor and Council that the terms agreed to by the parties, which are contained in a written employment agreement, for the period from July 1, 2008 through June 30, 2010 will provide a fair and reasonable level of benefits and compensation for the Borough Clerk; now therefore

**IT IS HEREBY RESOLVED** this 17<sup>th</sup> day of June, 2009 that the Mayor and Borough Council hereby approve the terms of the Employment Agreement negotiated between the Borough of Highlands and its Borough Clerk; and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized and directed to sign the employment agreement with the Clerk on behalf of the Borough.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Mr. Caizza**

**ABSTAIN: None**

Ms. Kane offered the following Resolution and moved its adoption:

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**R-09-114  
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>
110	2	2007/2008	\$78.19	Bridgewater&Tower Assoc
110	4	2007/2008	\$78.27	Bridgewater&Tower Assoc
110	5	2007/2008	\$78.01	Bridgewater&Tower Assoc

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

Ms. Kane offered the following resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-09-115**

**RESOLUTION - AUTHORIZING TRANSFERS BETWEEN BUDGET  
APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58**

**WHEREAS**, N.J.S.A. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands that transfers between SFY 2009 Budget Appropriations be made as follows:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
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Utilities:		
Fire Hydrants	\$ 1,000.00	
Tax Assessor:		
Other Expenses	1,011.00	
Tax Assessor:		
Salaries & Wages		\$ 1,011.00
Utilities:		
Water		1,000.00
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	\$ 2,011.00	\$ 2,011.00

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

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**ROLL CALL:**

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

Ms. Kane offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-09-116  
RESOLUTION AMENDING RESOLUTIONS R-09-48A AND R-09-80  
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**, R-09-80 adopted April 15, 2009 increased the above contract by \$7,000 for a total contract amount of \$28,000 plus reimbursable expenses; and

**WHEREAS**, the Borough of Highlands wishes to increase the contract by \$39,000 due to ongoing services being provided by T & M Associates. The total not to exceed contact amount is \$67,000 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 Stormwater Management  
Sewer Utility: Other Expenses

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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:

5. T & M Associates' contract for professional engineering services is hereby increased by \$39,000 for a total contract not to exceed \$67,000 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. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

Ms.Kane offered the following Resolution and moved its adoption:

**R-09-117  
RESOLUTION AUTHORIZING THE BUSINESS  
ADMINISTRATOR TO SEEK REQUESTS FOR PROPOSALS  
AND QUALIFICATIONS REGARDING THE POTENTIAL  
DEMOLITION OF VARIOUS RESIDENTIAL STRUCTURES  
IN THE BOROUGH OF HIGHLANDS**

**WHEREAS**, Officials responsible for code enforcement for and in the Borough of Highlands have identified various properties in the Borough which, as a result of fire damage or other circumstances are in such a condition as to potentially create a hazard to life and property and are considered unsafe within the meaning of the Uniform Construction Code; and

**WHEREAS**, in accordance with N.J.S.A. 40:48-2.3, actions are being undertaken by the various Code Officials of the Borough to determine whether the buildings in question are so unsafe that they may be in need of demolition; and

**WHEREAS**, in accordance with N.J.S.A. 40A:11-6(a), the Borough is in the process of determining whether there is a need for the Borough to enter into contract for the immediate demolition of the aforesaid structures, the nature of the emergency, the time of its' occurrence, and the need for invoking this section; and

**WHEREAS**, pursuant to the Local Public Contracts Law, the Borough wishes to afford itself of the opportunity to gather information in the event that circumstances warrant the performance of demolition services on one or more properties in the Borough in accordance with this provision of State law.

**NOW THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

1. The Borough Administrator, Bruce Hilling, is hereby authorized to advertise and solicit information regarding the performance of demolition services on such properties as have been identified by the Code Enforcement Officials of the Borough as potentially in need of demolition due to their unsafe condition;

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2. The Borough Administrator is hereby requested to report back to the governing body at its meeting of July 15, 2009 as to the success in gathering such information;

3. The Borough Administrator is hereby authorized to take such other ministerial actions as are necessary to effectuate the spirit and purposes of this resolution.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

Ms. Kane offered the following Resolution and moved on its adoption:

**R-09-118  
RESOLUTION  
RENEWING 2009-2010 LIQUOR LICENSES**

**WHEREAS**, Liquor License Renewal Applications were filed for the year 2009-2010 for the following Liquor Licenses; and

**WHEREAS**, no objections were filed against the renewals of licenses listed below:

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following liquor licenses be renewed for the period of July 1, 2009 to June 30, 2010:

1317-31-027-001	American Legion Twilight Post 143 t/a American Legion Twilight Post 143	85-87 Bay Avenue
1317-31-028-001	Highlands Post 6902 VFW of US t/a Highlands VFW 6902	331 Bay Avenue
1317-32-018-004	Wunderbar, Inc. t/a Driftwood Liquors	300 Bay Avenue
1317-32-021-003	Andy's Shore Bar, Inc. t/a Andy's Shore Bar	150-52 Bay Ave
1317-33-001-003	Bahrs Restaurant Inc. t/a Bahrs Landing Mony's	2 Bay Avenue
1317-33-005-002	Sandy Hook Holdings, LLC t/a Beacon on the Bay	1 Willow Street
1317-33-007-003	Inlet Café, Inc. t/a Inlet Café Inc.	3 Cornwall St
1317-33-008-004	Highlands Landing Corporation Not Actively Used at Site as per Renewal Application	
1317-33-010-009	JWalkerBlack, LLC t/a Havana Tropical Cafe	409 Bay Avenue
1317-33-015-007	Chilango's Restaurant, Inc. t/a Chilango's Restaurant	272 Bay Avenue

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<b>1317-33-016-003</b>	<b>Filip Enterprises, Inc. t/a Doris &amp; Ed's Restaurant</b>	<b>348 Shore Drive</b>
<b>1317-33-019-010</b>	<b>Triple Beta, LLC t/a Clam Hut</b>	<b>1 Atlantic Street</b>
<b>1317-33-022-010</b>	<b>M &amp; D, Inc. t/a Off The Hook Restaurant &amp; Bar</b>	<b>1 Navesink Avenue</b>
<b>1317-33-030-007</b>	<b>Neil's Original Oyster t/a Neils Original Oyster – (Not Actively Used at Site as per Renewal Application)</b>	<b>1 Willow Street</b>
<b>1317-44-011-003</b>	<b>Monir Inc. t/a Bay Spirits</b>	<b>116 Bay Avenue</b>

Seconded by Mr. Urbanski and adopted on the following Roll Call Vote:

**ROLL CALL:**

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

Ms. Kane offered the following Resolution and moved its adoption:

**R-09-121**

**RESOLUTUION AUATHORIZING THE SUPPLY AND INSTALLATION OF  
HANDRAILS AT THE ROBERT D. WILSON  
COMMUNITY CENTER IN THE BOROUGH OF HIGHLANDS**

**WHEREAS**, there exists the need to remove and reinstall the handrails at the ADA ramp at the Robert D. Wilson Community Center (Community Center); and

**WHEREAS**, Michael Hrbek, CFO was able to obtain a quote from Grimmer Steel, Inc. in the amount of \$2,200.00; and

**WHEREAS** Mr. Hrbek has recommended the project be awarded to Grimmer Steel, Inc. as follows:

Grimmer Steel, Inc.  
75 Gilbert St. W.  
Tinton Falls, NJ 07701  
Supply and Install Hand Rails on ADA ramp at  
Robert D. Wilson Community Center .....\$2,200.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the contract for supply and installation of hand rails on the ADA Ramp at the Robert D. Wilson Community Center be and hereby is awarded to Grimmer Steel, 75 Gilbert St. W, Tinton Falls, NJ 07701 in the amount of \$2,200.00.

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

**ROLL CALL:**

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

Ms. Kane offered the following Resolution and moved its adoption:

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**R-09-122  
CANCEL TAX OVERPAYMENTS**

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

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

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

<u>Block</u>	<u>Lot</u>	<u>Year</u>	<u>Amount</u>
1.01	3	2008	\$ 0.01
1.01	8	2008	.99
1.02	1	2007	.30
1.02	9	2006	72.53
1.03	1	2007	.01
1.03	7	2008	.05
1.03	19	2008	.02
1.03	20	2007	2.00
1.04	3	2008	.01
1.04	15	2008	.01
1.05	13	2006	42.05
6	3	2009	.05
6	14	2007	98.72
7	2	2008	.01
11	5	2009	.04
11	15.02	2006	37.63
11	16.01	2006	52.00
11	17	2006	16.20
11	17	2008	.54
11	17	2009	.21
11	19.01	2007	.01
11	19.01	2009	.01
11.01	13	2008	.30
11.03	8	2008	.02
11.05	3	2006	20.29
11.06	10	2008	.91
11.06	10	2009	.74
11.07	11	2008	.01
11.09	2	2009	.46
11.10	1	2007	2.00
11.10	12	2007	.25
11.11	15	2006	8.49
14	6	2009	.01
17	7	2006	26.66
20	5.04	2008	1.73
21	20	2008	1.27
22.1	5.01	2008	1.00
23	3.01	2008	.01
26	16	2006	197.55
27	10	2007	2.78
28	11	2009	.01
34	1.02	2008	.18
34	22	2006	863.06
35	16	2008	.01
36	1	2006	90.54
37	2	2006	55.65
43	10.01	2007	.01
45	2.03	2007	8.35
45	2.05	2006	1,947.94
47	4.02	2007	.10
47	9	2007	.10

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49	1	2006	46.42
50	1	2007	3.00
50	2.01	2008	1.07
52	3	2006	8.76
52	17	2007	.12
53	6	2009	.20
53	7	2009	.20
54	3.01	2008	.67
56	2	2008	.02
57	3	2007	.01
58	5.01	2006	118.75
58	5.01	2009	.01
59	31	2006	419.45
60	14	2007	1.00
61	1	2007	.27
61	2	2007	.11
63	1	2008	1.37
63	13.01	2007	.01
63	22	2006	217.85
64	7	2008	.02
65	14	2006	25.13
66	8.01	2008	.32
70	14	2006	46.88
71	5	2007	.60
72	9.32	2007	1.19
72	9.012	2008	.90
72	36	2009	.02
75	6.01	2009	.82
77	10	2008	.01
77	13	2008	.01
77	16	2006	69.65
80	5.01	2008	.01
82	3	2006	127.37
83	9.01	2008	.01
90	8	2007	.06
91	7	2007	.01
91	7	2009	.03
92	4.02	2007	.04
96	3	2006	14.63
98	6.14	2008	.01
98	10	2006	980.32
99	1	2006	10.00
99	6	2009	.01
99	13	2006	10.96
100	6	2006	64.72
100	16	2006	857.02
100	20.01	2006	20.00
100	26.09	2006	2.13
100	26.12	2006	11.17
100	26.14	2009	.25
100	26.59	2008	.49
100	27.05	2008	.22
100.6	49	2006	93.87
100.6	55	2006	16.98
100.7	18	2006	1.33
100.8	42	2008	.01
100.9	77	2006	.75
100.9	83	2006	960.37
100.9	85	2008	.01
100.11	130	2008	1.00
100.11	139	2009	.01
100.12	147	2007	.03
100.13	3	2006	877.82
101	8	2006	18.40
101	17.01	2009	.01
104	10	2006	115.83
106.1	101	2008	.01
106.1	101	2009	.01
106.1	310	2007	.09
106.1	507	2006	34.38



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106.1	604	2007	.01
106.1	804	2009	.01
106.1	1101	2008	.01
106.1	1204	2006	2.29
106.1	1406	2006	82.54
109	11	2009	.20
110	14.01	2007	.46
110	16.02	2006	215.76
110	19.2-1	2008	.60
111	4.01	2006	116.50
113	9	2007	.03
115	4	2006	1.00
115	9.112	2009	.01
115	9.113	2008	.05
115	10	2008	.09
120	10.2-16	2006	1,670.32
120	10.2-21	2006	19.99
120	10.2-23	2007	<u>.01</u>

Totals \$10,848.92

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

Ms. Kane offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS  
06/17/09**

<b>CURRENT:</b>		\$	28,926.57
Payroll	(06/15/09)	\$	121,732.96
<b>Manual Checks</b>		\$	<b>29,005.78</b>
<b>Voided Checks</b>		\$	<b>-1,355.00</b>
<b>SEWER ACCOUNT:</b>		\$	7,953.94
Payroll	(06/15/09)	\$	6,147.18
Manual Checks		\$	9.00
Voided Checks		\$	
<b>CAPITAL/GENERAL</b>		\$	
<b>CAPITAL-MANUAL CHECKS</b>		\$	
<b>WATER CAPITAL ACCOUNT</b>		\$	
<b>TRUST FUND</b>		\$	19,597.48
Payroll	(06/15/09)	\$	2,850.00
Manual Checks		\$	
Voided Checks		\$	
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$	
<b>DOG FUND</b>		\$	30.60
<b>GRANT FUND</b>		\$	142.00
Payroll	(06/15/09)	\$	2,355.80
Manual Checks		\$	6,500.02
Voided Checks		\$	

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<b>DEVELOPER'S TRUST</b>	\$	
Manual Checks	\$	51.83
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 June 17, 2009**

Mckenna, DuPont, Higgins & Stone	Jennings Litigation	\$ 2,078.55
T & M Associates	General Engineering	6,694.06
Jads Construction Company	Firehouse Apron	41,385.89
Total Supplemental Bill List		<hr/> \$ 50,158.50

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

**Resolution R-09-113 Release of Everclear Dev Performance Guarantees**

Mayor Little offered a motion to carry this item to the next meeting, seconded by Ms. Kane and all were in favor.

**R-09-119**

Mr. Francy questioned why the Borough is still in this particular legal fight and stated that this Professional Legal Service Contract has been increased several times.

Mr. Hilling explained that the trial is scheduled for July 10<sup>th</sup> and there have been numerous discussions and the parties were unable to come to an agreement so Judge Lawson scheduled a trial date for the first week in July.

Mr. Pfeffer – there is an outstanding invoice for this.

Mayor Little – I think that whatever is going on is being dictated by the Judge and the procedure in the court. We can bring Mr. McKenna in to give us a status report.

Mr. Arnette – I would also have \_\_\_\_\_ appear hear as well.

Mr. Hilling stated that he could ask Mr. McKenna for a written status report and put this on the for the next meeting.

Mayor Little offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-09-119  
RESOLUTION AMENDING RESOLUTIONS 08-82, 08-96 AND 09-26  
PROFESSIONAL SPECIAL COUNSEL  
MCKENNA, DUPONT, HIGGINS & STONE**

**WHEREAS**, the Borough of Highlands adopted Resolution R-08-82 at a meeting held

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on April 16, 2008 awarding the above contract to Mckenna, Du Pont, Higgins & Stone, 229 Broad Street, Red Bank, N.J. 07701 for an amount not to exceed \$2,500 plus reimbursable expenses for professional special counsel services for litigation related to a zoning ordinance; and

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

**WHEREAS**, the Borough of Highlands adopted Resolution R-09-26 at a meeting held on January 7, 2009 amending Resolution R-08-82 and for an additional \$2,028.75 for professional special counsel services for litigation related to a zoning ordinance for a total contract not to exceed \$7,028.75 plus reimbursable expenses and extending the contract through June 30, 2009; and

**WHEREAS**, ongoing litigation necessitates that this contract be amended for an amount not to exceed an additional \$5,000.00 for professional special counsel services for a total contract not to exceed \$12,028.75 plus reimbursable expenses; 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: Legal – 1070-3755 \$5,000.00

-----  
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:

8. The firm of McKenna, Du Pont, Higgins & Stone are hereby retained to provide professional special counsel services as described above for an amended amount not to exceed \$12,028.75 plus reimbursable expenses.
9. 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.
10. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
11. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

**NAYES:** Mr. Francy

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

**Resolution R-09-120 Resolution Approving Chief’s Agreement**

Mayor Little stated that there is no agreement on the table at this time so she moved to table this, seconded by Mr. Urbanski and all were in favor.

=====  
**Other Resolutions:**

**R-09-94**

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Mrs. Flannery read the title of Resolution R-09-94 and stated that there were a few residents that have volunteered to be on the Open Space Committee.

Mayor Little offered the following Resolution and moved its adoption:

**R-09-94  
RESOLUTION APPOINTING MEMBERS  
OF THE BOROUGH OF HIGHLANDS  
OPEN SPACE COMMITTEE**

**WHEREAS**, on April 15, 2009, the Governing Body of the Borough of Highlands adopted Ordinance:

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

which Ordinance provides for the creation of an Open Space Committee for the Borough of Highlands as follows:

The term of the Council member shall be for one (1) year

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; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following appointments be and hereby made:

- |    |                         |  |
|----|-------------------------|--|
| 1) | Councilwoman Kane       | for the one (1) year term to expire 12/31/09   |
| 2) | Douglas Widman<br>_____ | for the one (1) year term to expire 12/31/09<br>for the one (1) year term to expire 12/31/09     |
| 3) | Russell Card<br>_____   | for the two (2) year term to expire 12/31/10<br>for the two (2) year term to expire 12/31/10     |
| 4) | Nancy Burton<br>_____   | for the three (3) year term to expire 12/31/11<br>for the three (3) year term to expire 12/31/11 |

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

Mayor Little stated that the Borough Clerk will notice that there are still three appointments available for this Committee.

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**Ordinances: 2<sup>nd</sup> Reading, Public Hearing and Adoption:**

**Ordinance O-09-12**

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Mrs. Flannery read the title of Ordinance O-09-12 for the second reading and public hearing and stated that this ordinance was published in its entirety in the May 25<sup>th</sup> issue of the Asbury Park Press and it may be opened for a public hearing at this time.

Mayor Little opened up the public hearing on Ordinance O-09-12.

John Tarpey of \_\_\_\_ Shore Drive stated that he is concerned about the “Stop” signs and their locations on the corners. The ordinance is a little confusing and he wanted the locations of the signs.

Chief Blewett and Mr. Urbanski described the locations of the signs.

Donald Manrodt of 268 Bayside Drive questioned a location of one of the “Stop” signs.

Mr. Urbanski explained there will be one at Willow and Shore.

Mayor Little – the intent is to improve the quality of life in that area.

There were no further questions or comments from the public therefore Mayor Little closed the public hearing on Ordinance O-09-12.

Mrs. Flannery read the title of Ordinance O-09-12 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-09-12  
AN ORDINANCE AMENDING CHAPTER VII, SCHEDULE IV,  
TRAFFIC, OF THE REVISED GENERAL ORDINANCE  
OF THE BOROUGH OF HIGHLANDS**

**WHEREFORE**, there exists a need to amend Chapter VII, Traffic, Schedule IV and IVa of the Revised General Ordinances of the Borough of Highlands;

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Highlands that in accordance with the provisions of Chapter VII Section 6.1 and Chapter VII Section 6.2 of the Revised General Ordinances of the Borough of Highlands the following described intersections are amended as follows:

<b><u>NAME OF STREET</u></b>	<b><u>SIDES</u></b>	<b><u>LOCATION</u></b>
Willow Street	North West	<b>Willow Street at Shore Drive Delete from Schedule IVA</b>
Willow Street	North West	<b>Willow Street at Shore Drive A stop sign shall be installed Section IV</b>
Shore Drive	South West	<b>Shore Drive at Willow Street A stop sign shall be installed Section IV</b>

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

**ROLL CALL:**

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

**NAYES:** None

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**ABSENT: Mr. Caizza**  
**ABSTAIN: None**

**Ordinance O-09-13**

Mrs. Flannery read the title of Ordinance O-09-13 for the second reading and public hearing. She stated that this ordinance relates to parking on a County Road and we did contact the County Engineer and they have requested that we adopt the ordinance and send them a copy and for us not to install the traffic signs until we hear back from them.

Mayor Little opened up the public hearing on Ordinance O-09-13.

Carol Bucco of 330 Shore Drive questioned the reason for this ordinance.

Mayor Little – there are business’s on Bay Avenue that feel that they need to have the parking limited so that they are able to have more patrons. This ordinance came at the request of Councilman Caizza.

Mr. Francy – this is a duplicate of things that we have done for the Post Office and Katz’s.

Mayor Little – this is a primarily a business oriented district.

Ian Dobbins stated that there are two apartments above Laura’s Place and one above the Dog Grooming store and he is one of the tenants and wants to know where he is supposed to park.

Mr. Francy – the restaurant owner who is the landlord has asked for this.

Mrs. Flannery – no he is not the owner.

Mr. Dobbins – no he is not.

There were no further questions or comments from the public on this ordinance; therefore Mayor Little closed the public hearing on Ordinance O-09-13.

Mrs. Flannery read the title of Ordinance O-09-13 for the third and final reading and adoption.

There was no offer to move on the adoption of the following ordinance.

**ORDINANCE NOT ADOPTED**  
**O-09-13**  
**AN ORDINANCE AMENDING CHAPTER VII,**  
**TRAFFIC, OF THE REVISED GENERAL ORDINANCE**  
**OF THE BOROUGH OF HIGHLANDS**

**WHEREFORE**, there exists a need to amend Chapter VII, Traffic, Schedule 1 of the Revised General Ordinances of the Borough of Highlands;

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Highlands that Chapter VII, TRAFFIC, Schedule 1A, Parking is hereby amended as follows:

<u>NAME OF STREET</u>	<u>SIDES</u>	<u>LOCATION</u>
Bay Avenue Bay	North	In front of Block 58 Lot 26 also known as 164 Avenue to the front of Block 58 Lot 24 also known as 170 Bay Avenue. <b>Between 6:00 a.m. and 3:00 p.m.</b> <b>One Hour Limit</b>

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=====

**Ordinances: Introduce, Set Public Hearing Date for July 15, 2009**

**Ordinance O-09-14**

Mrs. Flannery read the title of Ordinance O-09-14 for introduction and setting of a public hearing date.

Mr. Francy questioned the need for this ordinance.

Mr. Pfeffer explained that it's a State regulation.

Mr. Francy offered the following ordinance on introduction and set a public hearing date for Wednesday, July 15, 2009 at 8:00 PM after publication according to law:

**O-09-14  
AN ORDINANCE AMENDING CHAPTER 9-7.9 OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS  
DEFINED CONTRIBUTION RETIREMENT PROGRAM**

**WHEREAS**, the New Jersey State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and

**WHEREAS**, N.J.S.A. 43:15C-2 requires the Governing Body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and

**WHEREAS**, the Governing Body of the Borough of Highlands has considered the guidelines issues by the Local Finance Board and has been required by the State of New Jersey to amend the General Ordinances of the Borough Ordinances as follows:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands in the County of Monmouth, as follows:

1. Pursuant to N.J.S.A. 43:15C-2, and effective for those persons assuming the following positions on or after July 1, 2007, subject to Paragraph 3 herein, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:

- a) Borough Business Administrator
- b) Director of each Department as established by the General Ordinances of the Borough of Highlands
- c) Borough Engineer
- d) Municipal Prosecutor
- e) Municipal Court Judge
- f) Municipal Public Defender
- g) Members of the Governing Body

2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2:

- a) Certified Health Officer
- b) Tax Collector
- c) Chief Financial Officer
- d) Construction Code Official

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- e) Qualified Purchasing Agent
- f) Tax Assessor
- g) Municipal Planner
- h) Registered Municipal Clerk
- i) Licensed Uniform Subcode Inspector
- j) Principal Public Works Manager

3. If an individual is appointed to one of the positions listed in Section 1 and the individual is not serving in a position as described in Section 2 above, the Pension Certifying Officer of the municipality may determine that the individual is not required to join the Defined Contribution Retirement Program if that individual:

- a) was an active participant in the Public Employee Retirement System on July 1, 2007 and continuously since that time; or
- b) has been appointed pursuant to a valid promotional process; or
- c) is appointed on a temporary, interim, or “acting” basis to a position requiring State Certification as set forth in Section 2 herein, and is in pursuit of the required certification;  
or
- d) meets such other exceptions that may be approved by the Local Finance Board or the Division of Pensions and Benefits.

4. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S.A. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local finance Board or the Division of Pensions and Benefits.

5. Should any part or parts of this ordinance be held to be invalid by any competent Court of law, such invalidity shall only affect the parts held to be invalid, and all other parts shall remain in effect.

6. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

This Ordinance shall become effective twenty (20) days after it has been adopted and published in accordance with applicable law.

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

**ROLL CALL:**

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

**Ordinance O-09-15**

Mrs. Flannery read the title of Ordinance O-09-15 for introduction and setting of a public hearing date.

Mr. Francy offered the following Ordinance and moved on its introduction and authorized a public hearing on July 15, 2009 at 8:00 P.M. after publication according to law:

**O-09-15**



**Mayor & Council  
Regular Meeting  
June 17, 2009  
AN ORDINANCE AMENDING CHAPTER XXI, ENFORCEMENT  
OF THE REVISED GENERAL ORDINANCE  
OF THE BOROUGH OF HIGHLANDS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Highlands that the following shall amend Article XXI, Section 21-99:

**NOT THEREFORE BE IT ORDAINED**, By the Governing Body of the Borough of Highlands that Article XXI, Enforcement, Section 21-99, is hereby amended as follows:

**21-99 ENFORCEMENT.**

A. The provisions of this Chapter shall be administered and enforced by the Zoning Officer, or his duly authorized designee, of the Borough. It shall be the duty of the Zoning Officer or his duly authorized designee to inspect any building or premises which may be in violation of this chapter and to order, in writing, the remedying of any conditions found to exist in violation of any provision of this Chapter. If the violation is not remedied in the time period established by the Zoning Officer, a summons may be issued.

B. Any owner or agent and any person or corporation who shall violate any provisions of this chapter or fail to comply therewith or with any requirements thereof, or who shall erect, structurally alter, enlarge, rebuild or move any building or structure, or who shall put into use any lot, land, building, or structure in violation of any detailed statement or plan submitted and approved thereafter, shall be guilty of a violation. Each and every day such violation continues shall be deemed a separate and distinct violation. Pursuant to N.J.S.A. 40:49-5, any person or persons who violate any provisions of this chapter are liable, upon conviction to a fine not to exceed \$125.00.

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

**ROLL CALL:**

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

**Ordinance O-09-16**

Mrs. Flannery read the title of Ordinance O-09-16 for introduction and setting of a public hearing date:

Ms. Kane offered the following ordinance pass introduction and set a public hearing date for July 15, 2009 at 8:00 P.M. after publication according to law:

**O-09-16  
AN ORDINANCE AMENDING VARIOUS CHAPTERS  
OF THE CODE OF THE BOROUGH OF HIGHLANDS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Highlands that they hereby amend the Chapters of the Borough Code identified below as follows:

**3-6 STORAGE OF BOATS**

Section 3-6.1 shall be amended to read as follows:

**3-6.1 Minimum Distance From Property Lines.**

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All Boats which are stored within the Borough, either privately or within a marina or commercial property within any zone, shall be subject to all applicable zoning regulations, and are to be stored a minimum of five (5) feet from adjoining property lines.

Section 3-6.5 shall be amended to read as follows:

➤ **3-6.5 Access Route.**

All storage areas fronting on the water shall provide an access route, fire lane, of not less than ten feet directly to the water. All access routes and fire lanes shall be kept clear of refuse and combustible materials. Any storage of boats ( winter storage ) in existing mercantile parking lots during the winter months, or months the business is closed, must have prior approval from the zoning officer, code enforcement officer and fire official. Boats stored on property must not decrease the required number of parking spaces for the business and must conform to all applicable Borough code and all fire requirements and must be approved by site plan.

**7-3 PARKING**

➤

Section 7-3.7 shall be amended to read as follows:

➤ **7-3.7 Parking of Certain Vehicles, Boats, Trailers, Campers or Drivable Recreational Vehicles and Other Equipment on Certain Streets, Municipal Parking Lots and Other Borough Owned Property.**

a. No person shall park or leave unattended any boat, trailer, camper or drivable recreational vehicle, wider vehicles or any other equipment on any borough street, municipal parking lot, or other borough owned property. Equipment shall include all lawn cutting equipment.

b. No person shall place any vehicle or other equipment on any borough street for the purpose of performing routine repairs and maintenance. Any repairs that are an emergency to such vehicle or equipment are exempt from this section.

c. Excessive leakage of automobile fluids, excluding water shall also be deemed a violation of this section.

d. Emergency repairs, towing or changing of flat or defective tires shall not be deemed a violation of this section. With reference to this section special permission for an exemption can only be given in writing by the Chief of Police, his designee or the Borough Administrator.

e. In addition to compliance with all applicable zoning regulations, where adequate space is not available on an approved private driveway or parking area, mobile homes, trailers, campers or drivable recreational vehicles and other equipment (excluding boats) shall not be parked in any private yard, side yard, back yard, court yard, or anywhere other than an approved parking area on the property.

➤

➤ **10-5 HOUSING CODE**

➤

Section 10-5.2 shall be amended to read as follows:

➤ **10-5.2 Certificate of Occupancy Required.**

**Mayor & Council**

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a. No person shall rent, lease or allow any person to live in or occupy as a tenant, any room, dwelling, apartment or the like except if the same is part of a motel or hotel unless a certificate of occupancy is obtained from the inspector after an inspection certifying that the room, dwelling, apartment or the like is fit for human habitation and is in compliance with all applicable Federal and State laws and borough ordinances.

b. Notwithstanding anything to the contrary contained herein, no room located within a licensed rooming or boarding house within the Borough of Highlands shall be required to submit to a certificate of occupancy inspection requirement more than once every three months, or four times in any given calendar year, except where otherwise required by State law or regulation.

c. A certificate of occupancy shall be required of all new construction, new rental situations (Summer rentals, see section d) or re-rental situations or sales or resales. The said certificate of occupancy shall apply only to the tenancy for which it is issued. In the event that the rental unit has been inspected as new construction or a sale or resale of an existing structure and a certificate of occupancy issued, then a subsequent inspection for a rental certificate of occupancy and the receipt of a rental certificate of occupancy shall not be required so long as the unit is rented within 30 days of the issuance of the certificate of occupancy for new construction, sale or resale, and the owner complies with the application provisions of subsection 10-5.3. The inspector shall prepare appropriate application forms for such a certificate of occupancy, which shall be available to applicants at the office of the inspector.

d. Summer rentals shall be available from Memorial Day thru Labor Day. An initial inspection fee of \$300.00 shall be paid prior to the first occupancy of the summer. The summer rental unit shall be inspected monthly and the owner shall keep on file with the borough the correct tenant info for the most current tenant at all times. Landlord registration regulations shall apply to summer rental units. All other property maintenance and building requirements apply to summer rentals. Occupants found to not be listed with the code enforcement office shall be subject to eviction and the building may be subject to being removed from the summer rental list. Registered buildings shall also be subject to an inspection at any appropriate time as deemed necessary by the code enforcement officer or fire marshal.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Mr. Caizza**

**ABSTAIN: None**

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**Other Business:**

**Engineer's Report**

Mr. Keady discussed the following report:

**HGHL-G0901**

**June 10, 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**

## Mayor & Council

### Regular Meeting

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1. **Valley Avenue Drainage Repairs:** We have been authorized by the Governing Body to proceed with design of this project. We have submitted a set of design plans and specification to the NJDOT for approval.
2. **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 were presented to the Planning Board on April 9, 2009. It is our understanding that the sub-committee has met since then and developed a list of items for discussion, which T&M Associates responded to on May 8, 2009. The Planning Board will vote on the adoption of the Master Plan Amendment on June 11, 2009.

### Capital Improvement Projects

1. **Basin Two Sanitary Sewer Rehabilitation Project:** T&M Associates has prepared a design to implement the recommended improvements outlined in the initial investigation report. The design of this project is complete and has been sent to the Borough for signature and authorization to bid. This project is on hold due to funding.
2. **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 pumpstations, 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 Pumpstation. 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 Avenue Pumpstation. A follow up letter outlining the status of each generator has been sent to the Borough Administrator on April 13, 2009. An additional meeting of the Generator Committee was held on April 22, 2009. The main concern resulting from the meeting is whether to raise the generators out of the floodplain or provide floodproofing measures around them (ringwalls). We are currently awaiting direction regarding this matter. Additionally, we understand that the Borough is still awaiting a decision from the NJDOT with regards to installing the generator for the South Bay Avenue Pumpstation directly beneath the Route 36 Bridge on NJDOT property. Lastly, we have sent draft documents to the Monmouth County Community Development Office, as required, for their environmental review and also provided additional information as requested. Community Development indicated that the grant money could not be used for portable generators. A Generator Committee Meeting was held on June 9, 2009 at which time we were directed by Councilman Caizza not to proceed any further with the project until it is discussed at the June 17, 2009 Mayor and Council Meeting.

Mr. Hilling stated that he has asked Mr. Leubner to provide us with cost estimates for the wiring of all three facilities in preparation for the possible use of portable generators. The second cost estimate that he has asked for was for one generator at Waterwitch Ave.

Mr. Leubner stated that Mr. Hill stated that he felt that he had positive discussions with CDBG but there was no definitive answer yet about the grant.

Mr. Keady – we will provide pricing.

Mr. Leubner – CDBG stated that they won't fund the portable generators themselves but they are favorable on funding the wiring for it.

3. **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 Date: March 13, 2009

Contractor: S. Brothers, South River, NJ

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Amount: \$316,533.58.

The Borough awarded the project to S. Brothers in this amount at the March 18, 2009 Council Meeting. Contracts have been processed and a pre-construction meeting was held on May 12, 2009. Contractor has commenced work on Shore Drive.

4. **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 have been executed and a pre-construction meeting was held on April 20, 2009. The project has been substantially completed. A punchlist will be developed in the near future.
5. **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.
6. **Bayside Drive Rehabilitation Project:** As requested, we have completed a FY 2009 NJDOT Discretionary Aid application for this project and submitted to the NJDOT for funding consideration.

**Grants and Loans**

1. **FY 2009 NJDOT Municipal Aid – Waterwitch Avenue:** The Borough was recently notified that they received funding for this project in the amount of \$192,000.00. 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 and are currently preparing the NJDOT requested paperwork. At the May 20, 2009 meeting, Mayor and Council requested that the sanitary sewer improvements be added into the request.
2. **NJDOT Discretionary Aid - Highland Avenue:** The Borough has received funding in the amount of \$1,184,000.00 from NJDOT for the reconstruction of Highland Avenue. This project also includes the reconstruction of portions of Valley Avenue and Miller Street, between Route 36 and Highland Avenue. As requested, we are currently preparing a cost proposal for the design and contract administration of this project.
3. **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. A resolution was adopted by Mayor and Council at the meeting held on June 3, 2009 to submit a Municipal Aid application for the reconstruction of Bay Avenue between Waterwitch Avenue and the western terminus. The application is currently being prepared and will be submitted prior to the deadline.

If you have any questions or require additional information, please do not hesitate to call.

Very truly yours,

T&M ASSOCIATES

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ROBERT R. KEADY, JR. P.E., C.M.E.  
HIGHLANDS BOROUGH ENGINEER

Mr. Keady stated that the **Flooding Control Project** Presentation was going on the 20<sup>th</sup> at 9:30 and all are welcome.

**Clerks Report for May**

Mrs. Flannery stated that the Clerk's Office continues to finish the dog licensing for this year. We are also gearing up for Cat Licenses. Twelve Resolutions were processed, the ordinances are being processed and being sent out and advertised. Liquor License renewals were worked on very hard this month. We have also been working with Comcast to change the borough email address. Six OPRA requests were processed and two Certified Vital records.

**Library Committee Report**

## **Mayor & Council**

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Tara Ryan stated that the Library committee last met on June 5<sup>th</sup>. Plans are continuing for fund raising. They are participating in the Clam Fest where they will raffle off a basket of children's books. They will also be selling bricks to the wall donations to the library fund. Mike Kovic will be contacting Tim Hill about the use of the Community Center to host a Pancake Breakfast in September. They have met with the Windansea about holding an art auction there in the fall. The funds that are being raised are being put into a dedicated trust account less event expenses. They now have a website at [www.highlandslibrary.com](http://www.highlandslibrary.com) and they hope to be linked with the Highlands website. The Committee is looking into the possibility of renting a store front on Bay Avenue for a short term use for a library. Their goal is to open up a library by the end of 2009. They have their meetings on the first and third Friday's of every month at 10AM here at Borough Hall and everybody is welcome to come.

### **Fire Dept Social Affair Permit**

Mr. Urbanski offered a motion to approve the Social Affair Permit Application for the Fire Department for an August 29<sup>th</sup> event. Seconded by Mr. Francy and all were in favor.

### **Budget Committee Report**

Mr. Francy stated that there is a Budget Committee and that basically they are meeting every two weeks prior to the Council Meetings. The Budget Committee is made up of five or six residents with financial backgrounds. They review the budgets from each individual departments, they review the revenues and Mr. Pfeffer is the key part of the Committee. The Committee starting meeting at the end of March and we had their last meeting in June. The fiscal year starts on July 1<sup>st</sup> and they are trying to gather recommendations that can be made to the Governing Body. There is another meeting scheduled for next Wednesday. The budget situation is not good and he is not sure if more layoff will be needed. We have to get some \$360,000 to get down below the budget cap which he further explained. We are down to the heart of the problem which is salary and wages and benefits and we don't know where we are going yet.

Mayor Little – this is an Advisory Committee there is no formal action possible by the Budget Review Committee. They make their recommendations to the Governing Body and the Governing Body has to consider whether to implement those changes or not. There will be an introduced budget, a public hearing and then an adopted budget so there will be plenty of time for input from Borough Employees and the public. She will state that this Borough this year has to be serious about this budget and the levy CAPS that have been imposed, which she further

explained. If there is no way that we can comply with the levy cap then a referendum would go out to the public to see if they want to exceed the levy cap. She then explained the cuts being made to try to stay under the budget cap. She then spoke about consolidated the Borough Administrators position with another position in the Borough.

Mr. Pfeffer left the meeting.

### **Renewal of Ferry License for Seastreak**

Mr. Francy – I have some concerns about this ferry license. One, Seastreak is due before the Planning Board to clarify their plans as to a site plan resolution from six years ago that they have put it off and we still have an unimproved parking lot. We have them installing lighting which is a requirement but because they are not following the resolution that lighting is causing a problem with next door neighbors so I am not sure why this is on the agenda. The other part of it is he doesn't know when the last time we reviewed the ferry license fee. So at this point he thinks that we should do a fifty percent increase which is where he is going with this.

Mayor Little – I have a different purpose with this. She thinks that we need to have the ferry operational in the interim but she does think that we should be looking at their Planning Board Approvals. She has discussed this with Jack Serpico who is the Board Attorney and he has assured her that even though this it's a new owner, the site plan approval does apply to them. If they choose not to take the action on the site plan approval then they should be made to explain what they are going to do with the site because she believes that the operation is contingent on

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the site plan being followed. So action will be necessary at the Planning Board level. Now what you have to do to instigate that if Seastreak doesn't come forward, she is not sure. She then requested that the Borough Clerk obtain a copy of the site plan approval.

Mr. Arnette suggested that T & M look at the site plan.

Mr. Franczy – they are scheduled to appear before the planning board next month.

Mayor Little – this stays off the agenda until the planning board advises us.

Mr. Franczy further discussed raising the ferry license fee.

Mr. Arnette – if you would like for me to look into that I can and report back to the council.

**Time Sheets**

Mr. Hilling asked the Council to review a draft time sheet that he wants to implement that all employees who do not clock in and out to complete this form. It would be for the Construction Official, part-timers, Tim Hill, Nina Flannery and himself.

Mayor Little – I don't have a problem with that.

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**Public Portion:**

Donald Manrodt of 268 Bayside Drive spoke about the valet driver for the ferry service and how they speed while driving the cars.

Chief Blewett explained that they have been down there on this complaint.

Joseph Nicosia of 1 Scenic Drive stated that for the past few years they have complained about the condition of the roadway for the intersection of Shore Drive.

Mr. Hilling stated that the big question is if it's the County's or the Borough's, that is the issue.

Mr. Nicosia – the town says that they don't own it and this has been going on for two years.

Mr. Leubner explained that the intersection itself should be surveyed to determine ownership. Mayor Little stated that the Monmouth County Board of Chosen Freeholders by letter dated June 10, 2009 denies responsibility.

Mr. Arnette – it's enough to say that a survey of the property would help in determining the ownership.

Mr. Urbanski – how much is the survey going to cost us. We have to go up and look at this to see how much of a section it is before we spend any money on a survey.

Mayor Little – I need to know from the Attorney if this is enough for us to do this or not.

Mr. Arnette – you can in good faith rely on that letter.

Mayor Little – so we don't have to spend money on a survey. We could assess what needs to be done and cost it out and make the repairs.

Mr. Leubner – I can go up there and take a look at it and come up with a cost and perhaps add it to the road program that is underway right now.

Mayor Little – I think that Mr. Urbanski would like to see that happen and so would I.

There were no objections from the Council.

Mr. Urbanski stated that he will go up and take a look at the road with Mr. Leubner tomorrow.

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Mayor Little – by July 15<sup>th</sup> we will have an answer for this. If it is small enough to do without Council approval we will do it by then.

Carol Bucco of 330 Shore Drive – back in 1993 the map showed that the road belonged to Atlantic Highlands and they denied it.

Mr. Arnette – the letter from the County does state that they believe it's the jurisdiction of the Borough of Highlands.

Patricia Robertson of 101 Shore Drive stated that about eight months ago she brought up resident parking permits and she wants to know if anything was ever discussed on this again.

Mayor Little – it has been discussed in detail. There is an administrative issue with issuing parking permits for every resident. So it's an administrative burden that we probably cannot manage at this time.

Mrs. Flannery suggested that the permit parking on Shore Drive be for Monday through Friday only.

Patricia Robertson – the sign should say resident parking.

Mayor Little – we would need an ordinance amendment.

Mr. Francy was in favor of resident parking permits.

Don Tarpey of 365 Shore Drive further commented on the lack of parking by Pompanora Park and the need for permit parking for the residents in that area.

Mr. Urbanski – I don't think that you should take the resident parking away because and he does not have a problem with giving all residents a permit.

Ms. Kane – why don't the cops just run the plates and if they are residents then don't issue parking tickets and we can save the permit costs.

Chief Blewett – then why even bother going down there.

Mayor Little – I am going to request that this be a July 15<sup>th</sup> Agenda Items for discussion. She wants to see a copy of the ordinance and she wants everyone to give this a lot of thought between now and July 15<sup>th</sup>.

Jim Parla of 16 Portland Road commented on the ferry license and he is concerned about layoff's and he agrees that the fees should be up to date but he also wants to know if the Council every considered charged parking for the people taking the ferry.

Mayor Little – we don't own the parking lot. She then further commented on the Seastreak.

Don Ryan of 363 Shore Drive spoke about the need for paving on Willow and the portion going into the park.

Mr. Hilling – this is included in the county's promise. They have assured him over and over again that they intend on paving that road and we will keep pounding them.

Michelle Pezzullo of 115 Highland Avenue questioned the status of the borough's newsletter.

Mayor Little – it's her fault and she just submitted information on that to Ms. Kane.

Michelle Pezzullo questioned the terms used this evening such as RCA's and municipal doughnut holes and she wanted to know where people could research this information.



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Mayor Little stated that most of the information that she has read was in the newspapers but you can try online statements that have been made by Governor Corzine. She further spoke about municipal consolidation discussions. She then explained the definition of a doughnut whole municipalities and RCA's which are Regional Contribution Agreements.

Michelle Pezzullo then commented on idea of alternative energy. She stated that there are some grants going on. She wanted to know if there is any way that we can capitalize on this and be a model on this.

Mayor Little spoke about alternative energy grants.

Mr. Keady – one of the important factors is to have a energy audit for the municipal facilities and that would help identify areas where energies can be saved. He stated that he could have someone from his office come and do a presentation on the opportunities out there.

Mayor Little – I think that I would like that. See if you can do it at the July 15<sup>th</sup> meeting if not then at the August Meeting.

Robyn Schaffer of 2 Private Road questioned the status of 2 Private Road.

Mayor Little – 2 Private Road is a property that we are trying to acquire. We have recently had a title search come back and there is no impediment there. We are waiting for an Environmental Assessment to come back and we may be reviewing appraisals, we might be ready to make an offer.

Mr. Arnette – we are moving forward with the process.

Robyn Schaffer commented on resident parking permits and how it's done in the town where she lived.

Alessandra Giunta of 197 Bay Avenue spoke about her mercantile license denial and her appeal to the Construction Board of Appeals. According to the Board she was suppose to be issued a license that day which was over a month ago.

Mr. Arnette – explained that Mr. Parker, Fire Official was supposed to issue the fire certificate so that the Mercantile License could be issued. The bottom line is that the Monmouth County

Construction Board of Appeals Attorney was spoken to by me this afternoon and he has indicated to me that the Resolution that needs to be memorialized will be memorialized within the next week. So by next Wednesday we should have a Resolution a written document from the County that is the impediment that Mr. Parker has stated that he needs because there are certain things that he needs to know.

Mayor Little – so when the resolution makes its way here to Mr. Parker he will look at it and hopefully issue whatever he is supposed to issue. Mayor Little stated that she wants to know if there is no action by Mr. Parker next Friday.

Arnie Fuog of 50 Valley Street commented on the hold up of a mercantile license for Ms. Giunta for her business at 197 Bay Avenue.

Mr. Arnette further explained that the process for Ms. Giunta is moving forward.

Arnie Fuog stated that there hasn't been a flag flying above the Twin Lights for a number of months.

Mr. Hilling – I can periodically check on that.

Carol Bucco of 330 Shore stated that many months ago Mr. Sergis came and complained about drainage off of the Bayview Condo property onto his property. However it was not his property it was the Borough's property and she brought this to the Council and everyone said that this

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wasn't going anywhere. Bottom line, it costs thousands of dollars to put in a French drain and right after they put it in they tried to sue us again because they didn't like the way it was done. She then spoke about the beach that belongs to the Borough of Highlands and she delivered this information to the Police Station and these people launch boats there, they ride all terrain vehicles there and they just use the beach as their own. The problem is the Borough Official who issued the summons to Bayview did not investigate the issue before issuing a summons. Sunday she called the Police because they were launching boats and the Police said that they did see them. She said that they also always tell the cops that they own that beach and the Police could have stopped them before they got the boats launched into the water. The Borough ordinance clearly states that you can't ride vehicles on the borough property. The problem here is that the Police are not enforcing the laws.

Mayor Little – we need to have the ordinance and review it and give the Chief a copy and indicate to him that it needs to be enforced.

There were no further questions or comments from the public.

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

The Meeting adjourned at 10:07 P.M.

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**Carolyn Cummins, Deputy Clerk**

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