

**Mayor and Council
Combined Meeting
July 15, 2009**

Mayor Little called the meeting to order at 7:16 P.M.

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

Mrs. Flannery read the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Combined 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. Caizza, Mr. Urbanski, Mayor Little

Absent: None

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:

**2.Contract: UFCWU, Chief of Police (Riced), LOSAP Agreement, CFO Agreement
(Riced)**

3.Real Estate: Windansea Lease Agreement, 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.

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

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

ROLL CALL:

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

The Governing Body then entered into Executive Session.

Mayor Little called the Meeting back to order at 8:26 P.M.

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

ROLL CALL:

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

Absent: None

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

Renewable Energy Presentation

Paul Sweetwood, P.E. of T & M Associates gave a presentation on Municipal Government Energy Programs as outlined in his letter dated July 15, 2009. He explained that the first step would be to do a comprehensive audit to identify where there are energy savings measures that can be employed to conserve energy and to reduce expenses. He stated that there is funding available to make improvements. He spoke about the Energy Efficiency and Conservation Block Grants and stated that Highlands would be eligible for up to \$20,000 through State Program by coming up with a program on how you want to do some energy conservation. That would be submitting an application and going through the application process to receive up to \$20,000. He also spoke about a couple of other energy programs. He advised the Governing Body that if they had any projects that they wanted to participate in the preapplication is due at the end of this month.

Mayor Little stated that she thinks all of this is good but that we are going to need to pick where we want to focus. She then asked for someone to take the lead on this.

Ms. Kane volunteered and stated that she would meet with Mr. Sweetwood to further discuss the Energy Programs.

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Mr. Francy also volunteered to meet with Mr. Sweetwood.

**Public Hearing & Adoption
R-09-108 HBP Annual Budget**

Mrs. Flannery stated that this resolution was published in the June 26th issue of the Two River Times.

Mayor Little noted for the record that Carla Cefalo-Braswell, HBP President was present.

Mayor Little opened up the public hearing on Resolution R-09-108 HBP Annual Budget.

John Bentham of 39 Washington Ave supported the adoption of the entire proposed HBP budget not the reduced amount.

Carla Cefalo-Braswell, HBP stated that the Highlands Business Partnership submitted a budget for \$57,000 and it failed and she wanted to know where the pending budget that is listed in R-09-108 came from.

Mr. Arnette explained that the proposed HBP budget that was submitted was rejected. The HBP submitted a \$57,000 budget and the Council has allocated \$47,500.

Mayor Little stated that the HBP submitted a budget for a certain amount dollars and this Governing Body changed that amount.

Carla Cefalo-Braswell further questioned the reduced budget.

Mr. Arnette stated that the HBP is being allocated \$47,500 and that is what this reflects.

Mr. Pfeffer explained that a line item in the budget was added that shows a \$9,500 reduction and how it gets implemented is up to the HBP.

Mr. Francy stated that the record needs to show that the Governing Body is not amending the HBP budget they are just changing the amount to \$47,500.

Carla Cefalo-Braswell continued to question the reduced budget and the process for the adoption of this reduced budget.

Mr. Arnette further explained again that instead of the HBP requested budget of \$57,000 the Council had decided to reduce the budget amount to \$47,500.

Carla Cefalo-Braswell continued to questioned Mr. Arnette and the Council about the validity of the process of them adopting a reduced budget that was not submitted by HBP. She expressed her frustration with the process of this Council adopting an amended reduced HBP budget.

Jim Filip of Doris & Ed's Restaurant questioned how the Governing Body could amend the budget of a private entity even though they only collect part of the money, not the entire amount of money. He does not know if the Borough has the ability to change the HBP budget from \$57,500 to \$47,500, which he further explained.

Mr. Arnette explained that yes, the Borough can set the allocation and if there is no communication back to the borough that you want to voluntarily adjust your budget then we must set an allocation.

Mr. Pfeffer explained that what the Governing Body was trying to do in this Resolution is to handle the budget in conjunction with the process of a failed school budget, to amend the assessment to show the difference between the old assessment and the new assessment. This was the only method that they could come up with to show that the Borough amended it to the \$47,500.

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Mr. Filip stated that it has to be shown that there is some question on this \$9,500 reduction. He requested an explanation and stated that it needs to be in this document.

Mr. Pfeffer replied that the answer is because the Borough collected \$47,500 and the Borough wanted to give the HBP \$47,500.

Mr. Filip further explained to the Governing Body that the problem is the HBP Board agreed to a budget of \$57,500 and it's their obligation to attempt to see what they can do. They know the town is going to give them \$47,500. He questioned the Council about their ability to go to a private entity and remove their budget dollar amount.

Mr. Arnette explained that the funding mechanism is similar, its taxation

Mr. Filip stated that what bothers him is can the Governing Body go to a private entity and classify as a school district or a fire district. He requested that the Council approve the HBP budget at \$57,500 and give them \$47,500 and if they can't make the difference up then it's the HBP's responsibility to cut that.

Mr. Arnette explained that the Borough is only funding \$47,500 and the Governing Body only has an obligation to show what they are going to fund.

Mr. Filip again stated that something needs to be added to reflect the ability for the HBP to raise the funds which he further explained.

Mr. Pfeffer stated that this resolution mirrors the budget that was submitted to the Council and there has been no change to that at all, except for the assessment. All the Borough did was add a line item reflecting a \$9,500 difference because that is the difference between what was requested and what is given.

Ms. Kane stated that the Borough requested an amended budget from the BID and did not receive one.

Mr. Filip again urged the Council to approve a budget of \$57,500.

Mr. Urbanski said that the borough has no say on what funds the Bid receives by fundraising so he does not understand these issues.

Mr. Filip stated that he wants to make sure that the town does not allow them to spend over \$47,500.

Ms. Kane stated that the borough did ask for an amended budget from the HBP but had no response back and that the Council wants to pass the budget. She stated that she wants them to be self sustaining and to keep going on without a tax attached to it.

Mr. Urbanski stated that Borough is not taking back any money that the HBP raises.

A.J. Solomon of 131 Bay Avenue spoke in favor of the HBP budget.

Statements went back and forth between Mr. Urbanski and Ms. Solomon about their difference of opinion on the BID taxes.

A.J. Solomon questioned if Councilman Urbanski had a conflict as a business owner on voting on the HBP budget.

Carol Bucco of 330 Shore Drive spoke in favor of the HBP budget.

Jen Roberts of 179 Navesink Avenue spoke in favor of the HBP budget and questioned Mr. Urbanski about the BID tax and why he does not support it.

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Art Gallagher of 158 Linden Avenue questioned if the Bid becomes self sufficient and raises their own money do they still have to submit a budget to the Council annually.

Mr. Arnette explained the process for HBP to continue alone.

Mr. Gallagher cautioned the borough that as they draft an ordinance to dissolve the HBP tax that they need to consider the question of will that dissolve the HBP's classification as 501c.3.

Mr. Francy stated that it's not the intention to affect the 501c3.

Mr. Gallagher further expressed his concern of the changing the HBP's tax status based on actions from the Council.

Carla Cefalo-Braswell, HBP President read from material that she stated was available on the website. It spoke about the creation of this Special Improvement District and how its created by local ordinance supported by a community planning process. She added that the HBP has worked with every local organization in this community and assisted them using their 501c.3 status in fundraising efforts which she further described.

There were no further questions or comments from the public; therefore Mayor Little closed the public hearing.

Mayor Little explained that she is a minority on this council with regard to her stance relative to the HBP. She does not agree with the majority of the Governing Body relative to what they have accomplished with regard to the HBP.

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

**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
- 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**

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

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

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

ROLL CALL:

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

Consent Agenda Resolution:

Mayor Little stated that there have been requests from the table to remove Resolution R-09-129 for separate discussion.

Mr. Pfeffer requested that since the HBP Budget was just approved he would like to add the \$7,500 payment to the HBP to the Payment of Bills.

Mr. Arnette – that will have to be separated and put under other Resolutions.

Public Portion on Agenda Items:

Mayor Little opened up the Public Portion on Agenda Items.

Joe Nicosia of 1 Scenic Drive questioned that status of the repair of roadway by Eastpointe Condos. Freehold sent them a letter stating that Highlands owns that roadway.

Mayor Little – I thought that we were all okay in making the road repair.

Mr. Hilling – we were going to look at it.

Mrs. Flannery stated that there was an email from T & M about this.

Mr. Arnette – apparently it’s not the Highlands property.

The Council had discussions about the ownership and repair of that roadway by Eastpointe Condos.

Mr. Leubner of T & M Associates explained that the Borough vacated this property. He looked at the markers on the roadway and the currently PB Application of the Trailer Park and according to the survey that Trailer Park owns half of that roadway and according to Richard Stockton Eastpointe owns the other half.

Discussions continued between Council, and Mr. Nicosia and Mr. Leubner.

Mr. Arnertte – it’s seems that it’s not Borough property.

Mr. Urbanski – I don’t see how we can spend public money if the road is not ours.

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Mr. Caizza – lets have one more meeting up there.

Mayor Little – so lets have one more meeting on this.

Donald Manrodt of 268 Bayside Drive questioned an item Liquor Licenses listed on page three of the agenda.

Mayor Little – we are dealing with consent agenda at this time.

Michelle Pezzulo of 115 Highland Avenue questioned R-09-123 and R-09-124. She questioned the need for Auditing Services.

Mr. Pfeffer stated that it's a State requirement to have an audit every year.

Michelle Pezzulo questioned Resolution R-09-124.

Mrs. Clerk explained that bids came in higher than what the Bond Ordinance provided for.

Mr. Keady explained that for people picked up the bid specs and two companies submitted bids on the project and they exceeded the funds available.

Drew Eldridge was not present for his turn to speak.

Carol Bucco of 330 Shore Drive stated that Resolution R-09-138 is missing from the packet.

Mr. Arnette – that's the Highlands on the Bay Resolution has already been done.

Mrs. Flannery – that is supposed to come off because it was done a year ago.

Jim Filip was not present.

Jay Consgrove was not present.

Jim Parla of 16 Portland Road questioned Resolution R-09-142.

Mayor Little stated that this appointed in not to replace anyone it's a new appointment.

John Bentham of 39 Washington Avenue had no comment at this time.

Carla Cefalo-Braswell not present.

Art Gallagher had no comment.

A.J. Solomon had no comment.

Arnie Fuog had no comment.

There were no further questions or comments on public portion on agenda items.

Consent Agenda Resolution:

Mrs. Flannery stated that Resolution R-09-129 and R-09-138 have been removed from the Consent Agenda.

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

**R-09-123
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL AUDITING SERVICES**

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FALLON & LARSEN LLP**

WHEREAS, the Borough of Highlands has a need for professional auditing services; and

WHEREAS, such professional auditing services can only be provided by licensed professionals and of the firm of Fallon & Larsen LLP, 1390 Route 36 Suite 102, Hazlet, NJ 07730-1716 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$50,100 plus reimbursable expenses for professional auditing services for the Borough of Highlands for the SFY 2009 audit; and

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

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

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

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon adoption of the following SFY 2010 Municipal Budget:

**Account # 1030A-3551 \$31,900
3008-4000 \$18,000**

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:1101 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 Governing Body of the Borough of Highlands as follows:

1. The firm of Fallon & Larsen LLP is hereby retained to provide professional auditing services as described above for an amount not to exceed \$50,100.00 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 this 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. Caizza and adopted on the following roll call vote:

ROLL CALL:

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

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

**R-09-124
RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL
OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW
JERSEY REJECTING BIDS
FOR THE VALLEY AVENUE DRAINAGE PROJECT**

WHEREAS, the Mayor and Council of the Borough of Highlands authorized the receipt of bids for the Rehabilitation of the Valley Avenue Drainage Pipe; and

WHEREAS, said bids were received on July 9, 2009; and

WHEREAS, four (4) bid packages were picked up and two (2) bids were received; and

WHEREAS, said bid was reviewed by the Borough Engineer for the Borough of Highlands, and it has been determined that the low bid amount exceeded the cost estimate of the Borough of Highlands; and

WHEREAS, it is the desire of the Mayor and Council to reject the bid and to authorize the receipt of new bids for the Valley Avenue Drainage Project.

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 authorize the receipt of new bids for the Rehabilitation of the Valley Avenue Drainage Pipe. The Borough Engineer shall determine the time, date and place for the receipt of bids.

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

- A. Borough Engineer
- B. Chief Financial Officer
- C. All State Power Vac, Inc.
928 East Hazelwood Avenue

Rahway, NJ 07065

3. That the Municipal Clerk be authorized to return Bid Bonds to all bidders.

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

ROLL CALL:

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**Mayor and Council
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R-09-125
RESOLUTION PERMITTING PRE-PAYMENT
OF CERTAIN ITEMS**

WHEREAS, the Governing Body of the Borough of Highlands budgets funds for payment of such items as utilities, payroll, contractual agreements previously approved and authorized by the Governing Body, debt service, governmental fees and other statutory payments, insurance, employer paid employee benefits, and for the advertising, printing and mailing costs of the Borough; and

WHEREAS, the payment of these items frequently arrives out of time for placement on the next available bill list, and in several months of the year the Governing Body meets only once a month, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings; and

WHEREAS, the Governing Body wishes to designate one person who may approve claims between meetings of the Governing Body. The Governing Body of the Borough of Highlands wishes to provide for the pre-payment of certain items, so that they may be paid in a timely manner;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Chief Financial Officer be and is hereby authorized to make pre-payment of the following fixed items prior to the same appearing on the meeting bill list, such funds to be taken from the pre-budgeted amount for each such expense:

1. Utilities (electric, gas, water, sewer, telephone, cellular telephone, gasoline, diesel fuel, internet providers, etc.). The Chief Financial Officer is hereby authorized, if desirable, to establish an electronic payment plan (sometimes referred to as zip check) with the various utilities. This resolution would authorize said utilities to debit the appropriate Borough bank accounts as required.
2. Payroll and various payroll agencies.
3. Contractual agreements previously authorized and approved by the Governing Body.
4. Debt service.
5. Governmental fees and other statutory payments (school, county, special district taxes, regional sewage authority and County of Monmouth Reclamation fees).
6. Insurance.
7. Employer paid employee and retired employee benefits.
8. Bills pertaining to the advertising, printing and mailing costs of the Borough.
9. Bills where vendor discounts are granted for timely payments. Example: 2% discount for payments made within 10 days. Maximum dollar amount allowed is \$10,000.

10. Payment of any other item deemed necessary by the Chief Financial Officer that does not exceed \$10,000.
11. Third Party Tax Lien and Premium Redemptions.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-09-126
RESOLUTION APPROVING THE PRELIMINARY MUNICIPAL TAX LEVY FOR
THE CALENDAR YEAR 2009**

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WHEREAS, the New Jersey Division of Local Government Services has revised the method of calculating the Local Municipal Tax Rate for Municipalities operating on a fiscal year basis ending June 30th; and

WHEREAS, the revised procedures for the calculation of a preliminary Municipal Tax Levy on the basis of a calendar year requirement as per the attached form hereto;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, Monmouth County, New Jersey as follows: that the attached certificate of preliminary fiscal year levies is hereby approved reflecting a preliminary levy of \$5,715,392.55 for the calendar year 2009;

BE IT FURTHER RESOLVED, that certified copies of this resolution be filed with the New Jersey Division of Local Government Services and with the Monmouth County Board of Taxation.

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

ROLL CALL:

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

**CERTIFICATION OF PRELIMINARY STATE FISCAL YEAR TAX LEVIES
3RD AND 4TH INSTALLMENTS 2009**

MUNICIPAL PORTION			NON-MUNICIPAL PORTION		
	Formula	Amount	Taxing District	Prior Levy	Estimate
Year 1 & 2 Levy		2,902,892.55			
ment			School		
ment Year 1 & 2 Levy	A	2,902,892.55	County(All Units)		
			Other		
New FY Levy	B	5,625,000.00			
			Total		
ry Levy	C= (B/2)+A	5,715,392.55			
nt		0.00			
Preliminary Levy	C	5,715,392.55			
3 & 4	D=C-A	2,812,500.00			
ation Taxable	E	544,165,233			
	<u>F=C</u> E/100	1.050			

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<u>Position:</u>	<u>Signature</u>	<u>Certification</u> #	<u>Date</u>
Financial Officer:	<hr/>		
Mayor:	<hr/>		
City Clerk:			

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

**R-09-127
RESOLUTION AUTHORIZING INTERNSHIP
IN THE HIGHLANDS POLICE DEPARTMENT**

WHEREAS, Stephanie Angerami, a student majoring in Criminal Justice, has requested an Internship with the Highlands Police Department; and

WHEREAS, the Borough of Highlands welcomes the opportunity to invite interns to gain experience in their chosen fields relying on the experience and professionalism of its current staff; and

WHEREAS, Chief Joseph Blewett has made the appropriate investigation and has recommended that Stephanie Angerami be accepted in the program for the required 120 hours;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Stephanie Angerami, 214 Bay Avenue, Highlands be and hereby is accepted as an intern in the Highlands Police Department effective July 15, 2009.

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

ROLL CALL:

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

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

**R-09-128
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,

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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>
100.10	90	2008/2009	\$1780.90	Chase Home Finance LLC

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

Borough of Highlands
County of Monmouth

**R-09-130
RESOLUTION**

SFY 2010 Temporary Municipal Budget

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the SFY 2010 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided: and

WHEREAS, the date of this resolution is within the first thirty days of July 2009: and

WHEREAS, the total appropriations in the SFY 2009 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance is the sum of:

SFY 2009 Municipal Budget	\$7,
SFY 2009 Sewer Utility	\$1,
budget	\$1,

WHEREAS, 26.25% of the total appropriations in the SFY 2009 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said SFY 2009 budget is the sum of:

SFY 2009 Municipal Budget	\$2,
SFY 2009 Sewer Utility	\$
budget	\$

WHEREAS, THEREFORE, BE IT RESOLVED by the Borough Council of

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ie Borough of Highlands, County of Monmouth, State of New
ersey that the temporary appropriations be made and a certified
opy of this resolution be transmitted to the Borough Chief
inancial Officer for his records:

SFY 2010 TEMPORARY APPROPRIATIONS:

MUNICIPAL BUDGET

Department	Salaries	Other Expenses	Total
=====	=====	=====	=====
"IN CAPS"			
General Government:			
Borough Council	3,250.00	2,500.00	
Borough Clerk	35,000.00	14,000.00	
Borough Administrator	22,500.00	4,000.00	
Central Services	7,000.00	19,000.00	
Financial Administration	28,000.00	6,000.00	
Assessment of Taxes	6,500.00	3,000.00	
Collection of Taxes	16,000.00	3,000.00	
Legal Services		119,000.00	
Municipal Prosecutor	6,000.00		
Engineering Services		51,000.00	
Public Buildings & Grounds		43,000.00	
Municipal Land Use Law:			
Planning Board	2,500.00	11,000.00	
Zoning Board of Adjustment	3,000.00	11,000.00	
Insurance:			
Surety Bonds			
Group Insurance		350,000.00	
Other			
Workers Compensation			
Unemployment			
Public Safety:			
Fire		18,000.00	
Police	482,000.00	25,000.00	
Dispatch	40,000.00	500.00	
First Aid		10,000.00	
Emergency Management	1,500.00	8,000.00	
Municipal Court	25,000.00	3,500.00	
Public Defender	1,500.00		
Streets and Roads:			
Road Repair & Maintenance	42,797.00	15,000.00	

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Snow Removal

Health & Welfare:

Regional Health Commission 15,000.00

Dog Health 4,000.00

.E.O.S.H.A. 1,000.00

Recreation & Education:

Beachfront Maintenance 15,000.00 11,000.00

Parks & Playgrounds 11,000.00

Public Events 2,000.00

Community Center 48,000.00 10,000.00

Uniform Fire Safety Act 10,000.00 2,000.00

Code Enforcement Officer 20,000.00 4,000.00

Sanitation 80,000.00 5,000.00

Ironmouth County Reclamation Center 90,000.00

Mechanical Garage 20,000.00 30,000.00

Condominium Services 8,000.00

Construction Code Official 18,000.00 1,500.00

Accumulated Leave

Utilities:

Electricity 20,000.00

Street Lighting 20,000.00

Telephone 12,000.00

Water 2,000.00

Gasoline 30,000.00

Natural Gas 10,000.00

Telecommunications 11,950.00

Fire Hydrants 16,000.00

Deferred Charges:

PERS

Social Security System 45,000.00

PFRS

	933,547.00	1,077,950.00	2,
	933,547.00	1,077,950.00	2,

OUTSIDE CAPS"

Recycling Tax 3,000.00

Stormwater Management 6,000.00

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Grants:

Summer Food	9,951.39	
D.D.E.F.	4,689.36	
Clean Communities		
Body Armour		
Alcohol Education	1,067.42	

	0.00	24,708.17	
TOTAL OUTSIDE "CAP"			
	933,547.00	1,102,658.17	2,
TOTAL APPROPRIATIONS			

Statutory Additions:

Payment of Bond Principal	202,000.00		
Interest on Bonds	174,805.00		
Payment of Note Principal			
Interest on Notes	15,640.00		
Lease Purchase			
Principal	137,100.00		
Interest	13,575.00		
	0.00	543,120.00	
TOTAL STATUTORY ADDITIONS			

	933,547.00	1,645,778.17	2,
TOTAL TEMPORARY MUNICIPAL BUDGET			

SEWER UTILITY:

	Salaries	Other Expenses	Total
Operating:	57,000.00	326,229.89	

Statutory Expenditures:

Group Insurance	20,000.00		
PERS			
Social Security System	6,000.00		
Unemployment Compensation			
Insurance	0.00		
	57,000.00	352,229.89	
Sub-Total			

Statutory Additions:

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Payment of Bond Principal	7,000.00	
Interest on Bonds	4,645.00	
Interest on Notes	2,653.00	
Total Statutory Additions	0.00	14,298.00
2009 Budget	57,000.00	366,527.89

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

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

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

BOROUGH OF HIGHLANDS
 COUNTY OF MONMOUTH

R-09-131

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

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

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$45,000 plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands for the period July 1, 2009 through December 31, 2009; and

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

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I hereby certify funds are available as follows contingent upon adoption of the SFY 2010 municipal budget:

Current Fund: General Engineering and Stormwater Management
Sewer Utility Fund: Other Expenses

Stephen Pfeffer, Chief Financial Officer

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

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

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$45,000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for
3. services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
5. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-09-132

RESOLUTION

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

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

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

WHEREAS, this contract is to be awarded at an hourly rate of \$135 for an amount not to exceed \$18,000 plus reimbursable expenses for special counsel services provided to the Borough of Highlands for the period July 1, 2009 through December 31, 2009; and

I hereby certify funds are available as follows contingent upon adoption of the SFY 2010 municipal budget:

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Current Fund: Legal \$18,000

Stephen Pfeffer, Chief Financial Officer

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

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Scarinci & Hollenbeck, LLC has not made any reportable contributions to a political candidate, local party committee or candidate committee in the Borough of Highlands in the previous year and that the contract will prohibit

Scarinci & Hollenbeck, LLC from making any reportable contributions through the term of the contract; and

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

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:

6. Scarinci & Hollenbeck, LLC are hereby retained to provide special counsel services as described above for an amount not to exceed \$18,000 plus reimbursable expenses.
7. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
8. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
9. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

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

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-09-133

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

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

WHEREAS, such professional engineering services can only be provided by licensed professionals and the Arnette Law Firm, LLC, 830 Broad Street, Shrewsbury, N.J. 07702 is so recognized; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$49,000 plus reimbursable expenses for Professional Legal Services provided to the Borough of Highlands for the period July 1, 2009 through December 31, 2009 per the attached contract:

Retainer \$4,129.05 per month

Hourly Rate for additional services outside of retainer \$125

WHEREAS, the Arnette Law Firm LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the Arnette Law Firm has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous

one year, and that the contract will prohibit the Arnette Law Firm LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Arnette Law Firm LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify funds are available as follows contingent upon adoption of the SFY 2010 municipal budget:

Legal Other Expenses
Sewer Utility Other Expenses

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:

10. The Arnette Law Firm, LLC is hereby retained to provide professional legal services as described above for an amount not to exceed \$49,000 plus reimbursable expenses.
11. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
12. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
13. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

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R-09-134

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

WHEREAS, the Borough of Highlands has a need for special counsel services for on going litigation related to the construction of the firehouse and other legal matters as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Apruzzese, McDermott, Mastro & Murphy, 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938 is so recognized; and

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

WHEREAS, this contract is to be awarded at an hourly rate of \$170 for an amount not to exceed \$10,000 plus reimbursable expenses for special counsel services provided to the Borough of Highlands for the period July 1, 2009 through December 31, 2009, and

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

WHEREAS, the firm of Apruzzese, McDermott, Mastro & Murphy has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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 contingent upon adoption of the SFY 2010 municipal budget:

Current Fund: Legal
Bond Ordinance O-98-11 \$2,000
Current Budget – Legal \$8,000

Stephen Pfeffer, Chief Financial Officer

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

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

14. The firm of Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide special counsel services as described above for an amount not to exceed \$10,000 plus reimbursable expenses.
15. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for

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

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

17. The Borough Clerk is hereby directed to publish notice of this award as required by law. Seconded by Mr. Caizza and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
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**R-09-135
RESOLUTION PROFESSIONAL BOND COUNSEL SERVICES
GIBBONS P.C.**

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$8,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period July 1, 2009 through December 31, 2009. All rates based on the services utilized are provided for in the contract between Gibbons P.C. and the Borough of Highlands; and

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

Contingent upon adoption of the SFY 2010 Municipal budget:

Legal
Sewer Utility
Various Bond Ordinances

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:

18. The firm of Gibbons P.C. is hereby retained to provide professional bond counsel services as described above for an amount not to exceed \$8,000 plus reimbursable expenses.

19. The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.

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

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

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

ROLL CALL:

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

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

**R-09-136
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, tax clearance certificates have finally been issued for the following 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:

1317-32-009-006	The Sugar Shack, LLC t/a The Sugar Shack	23 Bay Avenue
1317-33-004-011	Bay Ave Restaurant Co, LLC t/a Andrettas	123 Bay Avenue
1317-33-012-004	Dan-Rob Restaurant Assoc. LLC t/a Windansea	56 Shrewsbury Ave
1317-33-017-002	L & P Tavern Inc. t/a Ye Ole Cork & Bottle	Bayside Plaza Navesink Ave
1317-33-024-012	Waz Two, LLC t/a 128 Bay Avenue	128 Bay Avenue

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

ROLL CALL:

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

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

**R-09-137
RESOLUTION – CHANGE ORDER #1
JADS CONSTRUCTION CO. INC.
EXTENSION OF CONTRACT COMPLETION DATE
FIRE HOUSE APRON PROJECT**

WHEREAS, Resolution R-08-66 awarded a contract to JADS Construction Co. Inc. on March 18, 2009 for the Fire House Apron Project and;

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WHEREAS, change order # 1 dated June 10, 2009 prepared by T & M Associates, Borough Engineer, sets forth reasons for said change order (extension of contract completion time until June 15, 2009 at no additional cost to the Borough),

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #1 granting an extension of the contract completion time until June 15, 2009 at no additional cost to the Borough of Highlands is hereby authorized for the Fire House Apron Project.

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

ROLL CALL:

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

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

**R-09-139
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 a Dodge Durango for the Police Department; and

WHEREAS, the Borough of Highlands on two separate occasions solicited for bids to provide a Dodge Durango or equal without attracting any responsive bids; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Highlands to authorize negotiations by the Chief of Police with any interested parties for the purchase of a Dodge Durango or equal.

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 authorize negotiations by the Chief of Police for an acceptable price for the purchase of a Dodge Durango or equal for the Police Department.
2. That a certified copy of this resolution shall be provided by the Office of the Municipal Clerk to each of the following:
 - A) Administrator
 - B) Chief of Police
 - C) Purchasing Agent

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

ROLL CALL:

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

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

**Mayor and Council
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R-09-140**

**RESOLUTION AUTHORIZING APPLICATION
FOR BEACH ACCESS GRANT
AND
AUTHORIZING THE MAYOR AND THE RECREATION
DIRECTOR TO EXECUTE THE APPROPRIATE DOCUMENTS**

WHEREAS, the Borough of Highlands desires to apply for and obtain a grant from the State of New Jersey Department of Community Affairs for approximately \$20,000 to carry out a project to provide access to public bathing beaches at Snug Harbor & Miller Street beaches and to provide an accessible beach chair;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. that the Borough of Highlands does hereby authorize the application for such a grant; and
2. recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the NJ Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the department, does further authorize the expenditure of funds pursuant to the terms of the Agreement between the Borough of Highland and the New Jersey Department of Community Affairs;

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application and they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

(signature)
Anna C. Little
Mayor

(signature)
Timothy Hill
Director of Recreation

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-09-141

**RESOLUTION OF THE BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
FOR BLOCK 56, PART OF LOT 13
(PART OF SAID LOT LOCATED EAST OF PRIVATE ROAD
WHICH IS DEPICTED AS BLOCK 56, LOT 9 ON THE
TAX MAP OF THE BOROUGH OF HIGHLANDS) LEASE EXTENSION**

WHEREAS, The Borough of Highlands has title to the property known as Block 56, Lot 13 (more particularly the portion of which that is located east of Private Road [identified as Block 56, Lot 9]) on the Tax Map of the Borough of Highlands; and

WHEREAS, the hereinbefore mentioned property has been previously determined to not be needed for public use, which determination is herein again restated; and

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WHEREAS, the identified property has been the subject of a land lease with Dan-Rob Restaurant Associates, LLC since 2003; and

WHEREAS, the Mayor and Council of the Borough of Highlands have been approached by Dan-Rob for a temporary extension of their lease through the end of 2009; and

WHEREAS, The long term lease that has been in existence for this property has benefited the Borough of Highlands in creating revenue, has benefited those individuals who reside in the area of the lot by decreasing street parking and congestion by the utilization of the lot by Dan-Rob for valet parking for its facility Windansea, and by the maintenance of a lot in a safe and reasonable condition; and

WHEREAS, Dan-Rob has agreed to certain terms and conditions to insure the effective use of the lot as well as decrease the impact of exiting patrons from their facility; and

WHEREAS, the Borough of Highlands is desirous of offering a temporary extension of the property that has been leased to Dan-Rob since the original land lease auction in 2003, to continue to benefit the area and realize revenues;

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Highlands that the property known as Block 56, Lot 13 (more particularly the portion of which that is located east of Private Road [identified as Block 56, Lot 9]) on the Tax Map of the Borough of Highlands and which is identified on Schedule A attached hereto and which has been the subject of a lease agreement with Dan-Rob since on or about 2003, is hereby temporarily extended through December 31, 2009.

BE IT FURTHER RESOLVED, that the terms and conditions of the lease shall be substantially similar to those outlined in the prior lease agreement and shall include the following conditions and restrictions:

1. The extension of the lease shall be for June, July, August and September with a monthly rental of \$1,500.00 per month to be paid to the Borough of Highlands. Any arrears currently in existence shall be made current immediately and the payment of rents going forward shall occur on the first day of each month of this temporary extension.

2. A per diem fee of \$100.00 per day for the utilization of the lot for valet parking on days beyond the term of the lease identified herein above shall be paid to the Borough of Highlands for each day of use. The days which Dan-Rob intends to utilize the property for valet parking beyond the four month term outlined herein above must be approved in writing in advance of any such use, by the Borough Administrator in writing.

3. Dan-Rob shall continue its liability insurance which names the Borough of Highlands as an additional insured and indemnifies and defends the Borough of Highlands from any loss or claims arising out of the use of the lot. The insurance limits of liability coverage shall be a minimum of \$1,000,000.00. Dan-Rob shall continue to be responsible for all maintenance of the parking lot.

4. Dan-Rob shall, at its own cost and expense, have a Borough of Highlands Police Officer specifically assigned to special patrol of its property and location from 11:00 p.m. until 3:00 a.m. on Friday and Saturday nights throughout the term of this lease extension.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

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ABSTAIN: None

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

**R-09-142
RESOLUTION APPOINTING
LIAISON FOR THE
ATLANTIC HIGHLANDS-HIGHLANDS REGIONAL
SEWER AUTHORITY**

WHEREAS, the Mayor and Council of the Governing Body feels there is a need for a Council Liaison between the appointed Highlands members of the Atlantic Highlands-Highlands Regional Sewer Authority;

NOW, THEREFORE, BE IT RESOLVED that CHRIS FRANCY be and hereby is appointed Council Liaison to the Highlands members of the Atlantic Highlands-Highlands Regional Sewer Authority;

BE IT FURTHER RESOLVED that the appointed Liaison shall report to the Governing Body on a monthly basis at the Workshop Meeting or when Committee Reports are on the agenda;

BE IT FURTHER RESOLVED that said appointment expire on December 31, 2009. Seconded by Mr. Caizza and adopted on the following roll call vote:

ROLL CALL:

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

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

**R-09-143
RESOLUTION AUTHORIZING
REFUNDS OF UNUSED ZONING BOARD ESCROW FUNDS**

WHEREAS, the Board Secretary has reviewed the following Zoning Board Escrow Accounts and has determined that there are remaining funds in the following accounts:

Name	Account No.	Block	Lot	Amount
Pace, Vincent	9500-9-2-08	34	2	\$455.75
Domagala, Karol	9500-9-7-08	21	16.01	\$148.62

WHEREAS, there are no outstanding professional legal or engineering invoices on these accounts and the Board Secretary recommends that the remaining funds be refunded to the applicants:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund the above referenced escrow funds to the said applicants.

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

ROLL CALL:

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

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

R-09-144

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**RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES
FOR EVERCLEAR DEVELOPMENT, LLC
FOR THE SUBDIVISION PROJECT OF BLOCK 60 LOT 7
NOW KNOWN AS BLOCK 60 LOTS 7.01 & 7.02**

WHEREAS, the Borough of Highlands Planning Board adopted a Resolution on July 12, 2007 approving the subdivision application of Everclear Development, LLC for property known as Block 60 Lot 7; and

WHEREAS, it is a condition of approval that the applicant post performance guarantees for this project in the amount of \$3,065.00 (10% Cash Portion), \$27,585.00 (90% Bond Amount) and inspection fees in the amount of \$1,280.00 as listed in the T & M Letter dated January 28, 2008; and

WHEREAS, the applicant Everclear Development, LLC posted the required performance guarantees and inspection fees back in March of 2008 and has not yet started development of this project; and

WHEREAS, Everclear Development, LLC submitted a letter to the Borough of Highlands dated February 26, 2009 requesting relief of maintaining the performance guarantees due to the fact that they have not yet started construction given the current economy situation;

WHEREAS, the Governing Body discussed this request at the May 20, 2009 Council Meeting and supported this request.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough Clerk is hereby directed to release the performance bond

#5023533 Everclear Development, LLC in the amount of \$27,585.00 and the Chief Financial Officer is hereby authorized to refund the \$3,065.00 (10% Cash Portion) and the unused inspection fees plus any accrued interest.

BE IT FURTHER RESOLVED that Building Department will not issue any permits for the development of both Block 60 Lots 7.01 and 7.02 until the required performance guarantees and inspection fees are posted.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-145

**RESOLUTION SETTING THE ANNUAL SALARY FOR
THE CHIEF FINANCIAL OFFICER**

WHEREAS, Stephen Pfeffer serves as the Chief Financial Officer of the Borough of Highlands; and

WHEREAS, both the Borough and the CFO seek to have the salary set for fiscal years 2009, 2010; and

WHEREAS, representatives of the Borough and the CFO have reached an agreement on the salary for SFY2009 and SFY 2010 and have recommended those terms to the governing body of the Borough of Highlands for approval; and

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WHEREAS, it has been determined by the Mayor and Council that the terms agreed to by the parties will provide a fair and reasonable level of compensation for the CFO;

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

Annual Salary for Chief Financial Officer for SFY 2009 shall be \$60,142.00
Annual Salary for Chief Financial Officer for SFY 2010 shall be \$62,548.00
The CFO will continue to receive an annual longevity payment in the amount of \$5,000.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-09-146

**RESOLUTION AUTHORIZING AN EXTENSION OF TIME
FOR PAYMENT OF MUNICIPAL TAXES WITHOUT
INTEREST TO AUGUST 28, 2009**

WHEREAS, the Borough of Highlands mailed Municipal tax bills in JULY, 2009 to all property owners; and

WHEREAS, the delay of the mailing of the Municipal tax bills will result in the imposition of interest payments if a further extension of time for the payment of the bills is not granted to the residents of the Borough of Highlands.

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 hereby authorize the extension of time for payment of the Municipal tax bills to August 28, 2009.
2. In the event that the tax bills are not paid by a resident on August 28, 2009 interest shall be retroactive to the August 1, 2009 due date.
3. That the Borough Clerk shall forward certified copies of this resolution to the following:
 - A. Beth Gates, Director
Division of Local Government Services
Department of Community Affairs
 - B. Tax Collector

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**RECAP OF PAYMENT OF BILLS
06/30/09**

CURRENT:	\$	35,701.53
Payroll (06/30/09)	\$	146,646.90
Manual Checks	\$	21,977.99
Voided Checks	\$	
SEWER ACCOUNT:	\$	1,166.16
Payroll (06/30/09)	\$	7,884.07
Manual Checks	\$	370.22
Voided Checks	\$	
CAPITAL/GENERAL	\$	465.00
CAPITAL-MANUAL CHECKS	\$	41,385.89
WATER CAPITAL ACCOUNT	\$	
TRUST FUND	\$	20,508.35
Payroll (06/30/09)	\$	2,000.00
Manual Checks	\$	
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	22.20
GRANT FUND	\$	
Payroll (06/30/09)	\$	
Manual Checks	\$	
Voided Checks	\$	
DEVELOPER'S TRUST	\$	
Manual Checks	\$	1,092.95
Voided Checks	\$	

**RECAP OF PAYMENT OF BILLS
0715/09**

CURRENT:	\$	15,474.76
Payroll (07/15/09)	\$	132,942.64
Manual Checks	\$	546,478.17
Voided Checks	\$	
SEWER ACCOUNT:	\$	648.20
Payroll (07/15/09)	\$	7,078.20
Manual Checks	\$	90,997.28
Voided Checks	\$	
CAPITAL/GENERAL	\$	
CAPITAL-MANUAL CHECKS	\$	
WATER CAPITAL ACCOUNT	\$	
TRUST FUND	\$	8,843.07
Payroll (07/15/09)	\$	4,080.74
Manual Checks	\$	
Voided Checks	\$	

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UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	
GRANT FUND	\$	
Payroll (07/15/09)	\$	1,547.25
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.**

**Supplemental Bill List
July 15, 2009**

Current Fund

Arnette Law Firm	July Retainer	4,129.05
Arnette Law Firm	June 2009 Legal Services	2,537.50
Avaya	Telephone Maintenance	340.01
Broadview Networks	Telephone June 2009	2,297.82
Comcast	Internet Fees	180.00
County of Monmouth	County Taxes 8/17/09	479,217.12
County of Monmouth	Library Taxes 8/17/09	27,810.70
County of Monmouth	Open Space Taxes 8/17/09	30,990.46
Mazza & Sons	Bulky Waste	1,528.72
Ceridian Benefit Services	Cobra Fees June 2009	41.35
LGA Engineering	Preliminary Site Assessment 2 Private Road	750.00
Caruso & Baxter	Legal Retainer - Zoning Board	867.50
Monmouth County Regional Health Commission	3RD Quarter Health Services Fee	12,523.75
Nextel Communications	Cell Phones - Fire & Emerg. Management	426.97
N.J. Natural Gas	Natural Gas Borough Buildings	503.67
N.J. American Water	Water & Hydrants	4,934.23
State of N.J.	Marriage Licenses 2nd Quarter 2009	125.00
Tygris	Copier Leases	246.76
USA Mobility Wireless	Beepers 7/01/09-9/30/09	364.75
Highlands Board of Education	Debt Service 8/10/09	33,309.38
Highlands Board of Education	School Taxes 8/12/09	242,881.33
Horizon	Dental Insurance 8/09	2,891.69
Horizon	Retiree Health Insurance 7/09	9,402.57
Horizon	Retiree/Active Dental Insurance 7/09	436.43
Henry Hudson Regional School	School Taxes 8/14/09	392,122.64
Henry Hudson Regional School	Debt Service 8/14/09	104,714.22
Henry Hudson Regional School	School Taxes 7/17/09	196,061.32
T & M Associates	General Services - May 2009	3,882.83
T & M Associates	Land Use Plan Amendment	2,441.56
Total Current		1,557,959.33

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Sewer

	August Sewer	
AHHRSA	Fees	87,133.00
Horizon	Dental Insurance 8/09	163.32
N.J. American Water	Water	14.75
T & M Associates	General Sewer Services May 2009	1,976.52
Total Sewer		89,287.59

Trust Fund

Red Bank Recycling	Transport Fees	450.00
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Grant Fund

Henery Hudson Regional School	2nd Quarter Alliance Grant	6,899.98
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Capital Fund

	Shore Dr.	
CMX	Demolition	364.00
T & M Associates	Emergency Generators	906.38
T & M Associates	Valley Ave. Lining Design	4,806.60
Total Capital Fund		6,076.98

Total Supplemental Bill List 1,660,673.88

Payment to Highlands Business Partnership in the amount of \$7,500

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

ROLL CALL:

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

Other Resolutions:

Resolution R-09-129

**Resolution Canceling SFY 2009 Budget Appropriations
Current Budget and Sewer Utility Budget Effective June 30, 2009**

Mr. Francy requested an explanation of this end of the year process.

Mr. Pfeffer gave an explanation of the process for the end of year canceling of appropriations.

Mayor Little further commented on the unexpended funds that are being canceled.

**BOROUGH OF
HIGHLANDS
COUNTY OF
MONMOUTH**

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

R-09-129

RESOLUTION CANCELING SFY 2009 BUDGET

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**APPROPRIATIONS
CURRENT BUDGET AND SEWER UTILITY BUDGET
EFFECTIVE JUNE 30, 2009**

WHEREAS, the following budget appropriation balances remain unexpended:

Current	315,000.00
Sewer	
Utility	175,000.00

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

**NOW, THEREFORE, BE IT
RESOLVED** by the Governing Body of the Borough of Highlands that the unexpended balances listed below be canceled in the current fund.

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

ROLL

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

NAYES: None

ABSENT: None

ABSTAIN: None

**CURRENT
FUND**

Borough Administrator:	
Salaries & Wages	
Other Expenses	8,000.00
Borough Council	
Salaries & Wages	
Other Expenses	5,302.00
Borough Clerk	

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Salaries & Wages	1,400.00
Other Expenses	
Central Services:	
Salaries & Wages	1,500.00
Other Expenses	7,000.00
Financial Administration	
Salaries & Wages	1,700.00
Other Expenses	5,000.00
Tax Assessor:	
Salaries & Wages	
Other Expenses	4,000.00
Tax Collector:	
Salaries & Wages	1,500.00
Other Expenses	
Prosecutor	
Salaries & Wages	3,179.00
Engineering	
Other Expenses	
Building & Grounds:	
Salaries & Wages	1.00
Other Expenses	13,000.00
Shade Tree:	
Other Expenses	750.00
Planning Board	
Salaries & Wages	500.00
Other Expenses	
Zoning Board	
Salaries & Wages	400.00
Other Expenses	6,000.00
Insurance:	
Other Insurance	1,500.00
Streets:	
Salaries & Wages	32,000.00
Other Expenses	5,000.00
Snow Removal:	
Salaries & Wages	
Other Expenses	500.00
Monmouth County Regional Health Commission	
Police:	
Salaries & Wages	35,000.00
Other Expenses	11,000.00
Police Dispatch:	
Salaries & Wages	14,000.00
Other Expenses	1,500.00
Municipal Court:	
Salaries & Wages	12,000.00
Public Defender:	
Salaries & Wages	1,000.00
Construction Official	
Salaries & Wages	6,500.00
Code Enforcement	
Salaries & Wages	12,000.00
Other Expenses	4,000.00

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Environmental Commission	
Other Expenses	900.00
P.E.O.S.H.A.	
Other Expenses	1,000.00
Beachfront Maintenance	
Salaries & Wages	
Public	
Library:	
Salaries & Wages	1.00
Other Expenses	1.00
Community Center	
Salaries & Wages	15,000.00
Utilities:	
Gasoline	10,000.00
Natural Gas	8,000.00
Sanitation:	
Salaries & Wages	13,000.00
Other Expenses	5,000.00
Monmouth County	
Reclamation	25,074.00
Affordable Housing:	
Salaries & Wages	1.00
Other Expenses	1.00
Mechanical Garage	
Salaries & Wages	1,700.00
Other Expenses	15,000.00
Social	
Security	8,000.00
Recycling	
Tax	1,500.00
Stormwater Management	
Other Expenses	13,000.00
Matching Funds for Grants	2,590.00
9-1-1 Telecommunications	
Total Current	315,000.00

SEWER UTILITY

Salaries & Wages	12,000.00
Other Expenses	130,345.00
Group	
Insurance	2,500.00
Workers Compensation	10,000.00
Other	
Insurance	20,000.00
PERS	155.00
Total Sewer Utility	175,000.00

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Ordinances: Introduction and set PH Date for August 19, 12009

Ordinance O-09-17

Mrs. Flannery read the title of Ordinance O-09-17 for introduction and setting of a public hearing date for August 19, 2009.

Mr. Francy offered the following ordinance on introduction and set a public hearing date for Wednesday, August 19, 2009

**O-09-17
AN ORDINANCE AMENDING CHAPTER 10, SECTION 10-3
"RESERVED" OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF HIGHLANDS, 1975,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Mayor and Council of the Borough of Highlands that Chapter 10, Section 10-3, is hereby amended to include the following:

SECTION 10-2 RESERVED: shall be changed and amended as follows:

FEES:

A. PLAN REVIEW FEE shall be 20% of the amount to be charged for a new construction permit. Plan review fees are not refundable.

B. THE BASIC CONSTRUCTION FEE shall be the sum of the parts computed on the basis of the volume or the cost of construction, and the number of plumbing fixtures and devices, and

the number of sprinklers, standpipes and the heat and smoke detectors at the unit rates provided herein plus any special fees.

C. NEW CONSTRUCTION based on the volume of the structure:

Building Fees

New Construction \$.025 per cubic foot

Use Groups A-1, A-2, A-3, A-4 F-1, F02, S-1 and S-2 structures on farms, including Farm Buildings \$.025 per cubic foot

D. ADDITIONS. The fees for additions shall be computed on the same basis as for new construction for the added portion.

Renovations, alterations and repairs

Use Groups R-1 R-2, R-3 R-4 R-5

\$20 per thousand for the first \$50,000 of estimated costs

\$20 per thousand from \$50,001 to and including \$100,000

\$20 per thousand above \$100,001

Use Groups A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H, I-1, I-2, I-3, M, R-1, S-1 & S-2

\$20 per thousand for the first \$50,000

\$20 per thousand from \$50,001 to and including \$100,000

\$20 per thousand above 1000,001

Use Group U \$20 per thousand for the first \$50,000

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\$20 per thousand from \$50,001 to \$100,000

The applicant shall submit to the Construction Code Official such data as may be available to provide a bona fide estimated cost. The Construction Official shall make the final decision regarding estimated cost.

COMBINATION FEE FOR RENOVATIONS & ADDITIONS shall be computed as the sum of the fees computed separately in accordance with C, D, & E.

Roofing and Siding Fees----As per alteration Fee

Minimum fee for Building permits-----\$50

Cost of Construction Alterations-----\$20 per thousand.

Installation of Swimming Pools: Construction of a Swimming Pool

\$20 per \$1000.00

Construction of Accessory and storage structures:

Construction of accessory storage sheds,

\$ 20 per \$100.00 pool cabana or similar accessory structures over 100 square feet

Demolition and removal of structures:

Demolition or removal for a structure less than 4,000 square feet in area and less than 30 feet in height for one and two family residences (Use Groups R-3 and R-4) and structures on farms under NJAC 5:23-3.2(d) \$150

Demolition of farm out-buildings and minor \$150 Accessory structures (Use Group U)

Demolition of all other buildings, structures \$150 and use groups

Demolition or removal of tanks:

Demolition or removal of tanks up to 1000 \$75

Demolition or removal of tanks above 1000 \$125

Satellite dishes and radio transceiver equipment:

Installation of a satellite dish, radio, television or other transceiver equipment for residential use. Installation of a satellite dish, radio, television or other transceiver equipment for nonresidential or commercial use. \$40

Fences: To erect a fence in all use groups (not to exceed 6 feet in height) for which a permit is needed in accordance with Uniform construction Code regulations. \$50

To erect a fence in all use groups (not to exceed 8 feet in height) for a permit is needed in accordance with Uniform Construction Code regulations \$50

Asbestos Hazard Abatement:

Asbestos Hazard Abatement for each Construction permit issued \$75

Lead abatement:

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Lead Hazard Abatement \$75

Tents:

Tents without appurtenances in excess of 900 square feet or more than 30 feet in any dimension excluding canopies \$50

Signs:

The fee to construct a sign shall be in the amount of \$2 per square foot of surface area of the sign, computed on one side only for double-faced signs. Which are in allowance with the UCC regulations.

Temporary Structure:

The permit fee for a temporary structure used in the course of construction or other activities whose life is limited to not more than one year shall be \$75.

Certificate of Occupancy:

New construction/Additions/Tenant Fit Up 10% of total permit cost.

Change in use group \$100

Continuation under NJAC 5:23-2.23(c) \$120

Variation: Flat fee \$75 for submission, \$50 resubmission

Electrical Fees:

Switching, lighting and receptacle (devices of less than one horsepower or one kilowatt included):

One to 50 \$50

Each additional 25 \$10

Service panels, entrances and subpanels:

Each service panel, entrance or subpanel up to

200 amperes \$65

Up to 201-400 amps \$100.

Larger than above 401-1000 \$325

Transformers and Generators:

Up to 10 kilowatts \$25

Up to 45 kilowatts \$40

Up to 112.5 kilowatts \$90

Larger than above \$325

Motors and electrical devices

(control Equipment, heating, air handling, Compressor, heat pump, air handler, strip, Heater, water heater, dryer, oven, range, furnace and dishwasher):

Up to 10 horsepower \$25

Up to 50 horsepower \$40

Up to 100 horsepower \$90

Larger than above \$325

Annual electrical inspection fee

for bonding and grounding certificates for public swimming pools, spas and hot tubs \$75

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**The minimum fee for Electrical permits shall be: \$50
Furnace and Air Conditioner Replacement**

Furnace replacement for electric, fire and Plumbing \$40 each.

Air conditioner compressor
replacement for electric and plumbing \$40 each

Fire Protection Fees:

Smoke, Heat and CO detectors/5 or less	\$40
Each additional 15	\$20
Alarm devices (heat pulls, water flow) 5 or less	\$40
Each additional 15	\$20
Supervisory devices (tampers, low/high air) Or signaling devices (horns/strobes, bells) 5 or less	\$40
Each additional 15	\$20
Sprinkler Heads (Wet or Dry): 10 or fewer	\$50
11-100	\$120
101-200	\$250
201-400	\$600
401-600	\$1,000
Standpipes	\$150 each

Kitchen exhaust systems (Commercial) \$50 each

Independent pre-engineered systems (CO2, Halon, foam, wet or dry chemical, etc)

All fire places (wood or gas) \$45 each

Gas and oil-fired appliance \$45 each

That is connected to plumbing system

Tank Installation:

Up to 550 gallons in water capacity \$50 each

Over 550 gallons in water capacity \$75 each

Incinerators \$260 each

Crematoriums \$260 each

Alarm panel \$50 each

Fire pumps \$200 each

Preaction valves \$40 each

Dry pipe/alarm valve \$25 each

Smoke Control Systems \$65 each

The minimum fee for Fire permits shall be \$50

Plumbing Fees:

Fixtures and appliances

Connected to or components of a

Plumbing system \$20 per fixture/appliance

Waste/vent stacks \$20 each

Special devices including, but not limited

to: grease traps, separators, Interceptors, air conditioning units,

Refrigeration units, sewer connections, Water service connections,

backflow preventors, sewer pumps and fuel oil piping, pool drains. \$50 each

Steam/hot-water boilers \$50 each

Gas piping service \$50 per system

Appliances added to a gas piping system \$20 per appliance

Hot water heaters \$50 each

The minimum fee for plumbing permits shall be \$50

Waiver of building permit fees:

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\$50 administration fee for all permits

No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing private structure on any of the facilities contained herein.

A disabled person or a parent sibling or child of a disabled person shall not be required to pay a municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement designed and/or undertaken solely to promote accessibility to his or her living unit.

“Disabled person” shall mean any person who meets the requirements as set forth in the definition of NJSA 52:27D-126e and NJSA 40:55D-8 as the same may be amended from time to time.

Annual review of fee schedules

The Construction Official shall, with the advice of the subcode officials, prepare and submit to the borough Council, annually, a report recommending a fee schedule based on the operating expenses of the agency and other expenses of the municipality attributable to the enforcement of the State Uniform Construction Code Act and subcodes.

State of New Jersey Permit Fees

The fees shall be in the amount of \$.334 per cubic foot volume for new buildings and additions. Volume shall be computed in accordance with NJC 5:23-2-28. The fee for all other construction, except pre-engineered systems of commercial farm buildings, shall be \$1.70 per \$1,000 of value of construction. No fee shall be collected for pre-engineered systems of commercial farm buildings.

BE IT FURTHER ORDAINED that this Ordinance Shall take effect after publication in accordance with law.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Ordinance O-09-18

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

Mr. Caizza offered the following ordinance pass introduction and set a public hearing date for August 19, 2009, after publication according to law:

O-09-18

**AN ORDINANCE AMENDING CHAPTER VII, SECTION 7-3.4
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 Chapter VII of the Borough Code identified below as follows:

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7-3.4 Regulate Public Parking

Section 7-3.4, Traffic, Schedule 1 “No Parking” shall be amended to include the additional location on Cornwell Street as follows:

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Cornwell Street Avenue	All	From its intersection with Shrewsbury to and including it’s terminus at the Shrewsbury River

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Ordinances: 2nd Reading, Public Hearing, Adoption

Mrs. Flannery stated that all of the following ordinances have been published in the June 26th edition of the Two River Times.

Ordinance O-09-14

Mrs. Flannery read the title of Ordinance O-09-14 for the second reading and public hearing.

Mayor Little opened the public hearing on Ordinance O-09-14.

Carol Bucco of 330 Shore Drive questioned what defined contribution was.

Mr. Pfeffer explained that the State is moving away from the normal defined pension benefits that they offer employees and has taken a selective class of new employees and are making their contributions go into a 401k. Trying to wean themselves off of the old Public Employees Retirement System. This is a mandate by the State which he further explained.

Art Gallagher questioned the exempt positions.

Mr. Pfeffer stated that the Statutory positions are exempt and would stay in the old pension system. Anyone that is hired who is not already in the pension system will have to go into the new pension system which is an optional system.

There were no further questions or comments from the public there for Mayor Little closed the public hearing on Ordinance O-09-14.

Mrs. Flannery read the title of Ordinance O-09-14 for the third and final reading and adoption.

Mr. Urbanski offered the following Ordinance on Adoption and directed it’s 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

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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
- 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

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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. Caizza, Mr. Urbanski, Mayor Little

NAYS: None

ABSENT: None

ABSTAIN: None

Ordinance O-09-15

Mrs. Flannery read the title of Ordinance O-09-15 for the second reading and public hearing.

Mayor Little opened the public hearing on Ordinance O-09-15.

There were no questions or comments from the public.

Mayor Little closed the public hearing on Ordinance O-09-15.

Mrs. Flannery read the title of Ordinance O-09-15 for the third and final reading and adoption.

Ms. Kane offered a motion and moved on the adoption of Ordinance O-09-15, seconded by Mr. Urbanski.

Mr. Francy commented on Chapter B of the Ordinance talks about the fine of not to exceed \$125.00 and thinks that it's a typo because \$125.00 is a small fine. He suggested changing it to a daily license.

Mr. Arnette stated that the ordinance could be modified to be made clear that its \$125.00 per day of violation.

Ms. Kane offered the following ordinance on Adoption and directed its publication according to law:

O-09-15

**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:

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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 per day for each day of violation.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: Mr. Caizza

Ordinance O-09-16

Mrs. Flannery read the title of Ordinance O-09-16 for the second reading and public hearing.

Mayor Little opened the public hearing on Ordinance O-09-16.

Donald Manrodt of 268 Bayside Drive questioned the ordinance about the fee for summer rentals under section B of the ordinance.

Mr. Arnette stated that he believes it's a onetime fee.

Mr. Urbanski – you can rent it for as many times as you want after that.

He stated that we will have to change this because the word summer rentals isn't go to work here.

Mayor Little – I think that we need to differentiate between someone who rents a single unit for an entire summer and a person who rents on a weekly or monthly basis.

Discussions continued at the table on this issue.

Mr. Arnette advised the council that a change of the ordinance on this issue would be considered a substantial change and would require it to be republished.

Arnie Fuog of 50 Valley Street spoke about he personal experience of paying this fee as a landlord and he believes that this ordinance proposed an amount that is quite a bit of money and will deter landlords. He suggested that the fee maybe per block and lot.

Carla Cefalo-Braswell questioned if the fee applied to owner occupied properties.

Mr. Urbanski stated that he believes that the rate is reduced.

Carla Cefalo-Braswell questioned the fees for landlords.

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Carol Bucco of 330 Shore Drive questioned if this ordinance applied to all summer long rentals, if not she believes that it is discriminatory. She also questioned the fees in the ordinance.

Mr. Urbanski explained the fees in the ordinance.

Mayor Little further explained the ordinance.

Donald Manrodt of 268 Bayside Drive questioned the ordinance and the fact that it states that summer rentals will be inspected monthly and he does not believe that the ordinance is written correctly.

Carol Bucco suggested that the Governing Body withdraw the ordinance and further research it.

Ms. Kane stated that we may need to redefine summer rental in the ordinance.

Carla Cefalo-Brawell stated that Paul Murphy, Code Enforcement Officer indicated to her that a summer rental is defined as not having heat. She then asked if summer rentals are going to get a reduced sewer rate.

Mr. Francy explained that if you are connected to the sewer then you pay the rate year round.

Donald Manrodt stated that he does not believe that the Code Enforcement Officer is going to do monthly inspections.

Mayor Little explained that she believes the intent of the ordinance is to create a savings to the people.

There were no further questions from the public on Ordinance O-09-16.

Mayor Little closed the public hearing on Ordinance O-09-16.

Mrs. Flannery read the title of Ordinance O-09-16 for the third and final reading and adoption.

Mr. Urbanski stated that he does not agree with item 3-61 of the proposed ordinance which he further explained.

Mr. Francy stated that Twinlights Mariana will have to move the boat racks, Marina on the Bay has to move the boats away from the fence. At this point he thinks that we need to table this ordinance.

Mr. Francy offered a motion to table this ordinance, seconded by Mr. Urbanski and all were in favor.

Mayor Little stated that we are going to have to republish this ordinance. She then instructed the Council to get the ordinance corrected before we republish it.

**NOT ADOPTED
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:

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3-6.1 Minimum Distance From Property Lines.

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:

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

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. Urbanski and tabled on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Committee Reports:

Mayor Little waived most Committee Reports due to the lengthy agenda.

Finance

Mr. Pfeffer stated that we closed out SFY 2009 with a surplus of a little over short of 1.3 million, which he further described. The tax collection rate came in at 96.79% which he further described. He spoke about the Budget Committee and the review of the budget that they have been doing. At this point he is happy to say that the projected budget is under the Levy Cap by \$34,000. He spoke about the savings from no longer collecting commercial garbage.

Mayor Little further commented on the projected SFY 2010 budget.

Mr. Francy further commented on the budget and the hard work of the Budget Review Committee.

Mayor Little spoke about a Band Director who wants to have a concert at Veterans Park.

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Mr. Hilling stated that the flood review are now being handled by the Construction Official and there is no longer a need to post escrow funds.

OTHER BUSINESS:

Engineers Report

Robert Keady, P.E., Borough Engineer stated that there was a sewer main break today on Cornwell Street and he will provide improvement criteria to the Borough Administrator in the morning so that he can solicit bids and have it corrected.

Mayor Little stated that she has been told that it will be repaired by tomorrow.

Emergency Generators – at the last meeting he was asked to look at costs for portable generators and the cost is about \$40,000 each.

Road Improvement Program – the Shore Drive work is substantially complete and punch list work will follow. They have sent a letter to the Contractor requesting a meeting to discuss concerns of rideability of the surface.

Mr. Francy – are there specs on rideability.

Mr. Keady – there are not specifically, there are conditions in the contract. He then stated that the remainder of the work for Waddell, Rogers and South Linden, they are waiting for DOT approval.

Mr. Hilling stated that we had a resident request to relook at resurfacing project on Prospect Street. He then questioned if we want to proceed with the project on its own separately or if we want to proceed with this as an add on.

Mr. Leubner explained that there is a trench in the middle of the road.

Mayor Little – we will wait and that way when we do it we have a nice clean road.

Mr. Pfeffer left the meeting.

Sanitation Ordinance

Mr. Urbanski explained that more time is needed.

Mr. Urbanski offered a motion to table this matter, seconded by Mr. Francy and all were in favor.

Mayor Little directed the Borough Clerk that this item had been tabled and that she is not to place this on another agenda until she advises her.

Flood Ordinance – Review & Discuss

Mr. Francy stated that the Flood Ordinance is a recommendation from Monmouth County to basically update our ordinance and to incorporate the new firm maps. He suggested that we authorize the Borough Engineer to review the existing ordinance and the their recommendation side by side.

Mr. Urbanski also believes that we should have the Engineer review it.

All were in favor to have the Engineer review the ordinance and report back.

Mr. Keady that we have until Sep. 25th.

Mayor Little – may I please see an ordinance introduction on the next meeting agenda.

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Mr. Francy stated that Borough Engineer had a presentation on June 20th on a Flood Control Proposal for the town. It was a very excellent presentation and we have the hard copy of the presentation that will be available. We will be doing the presentation again because it is very important for everyone to understand.

Mayor Little urged the public to inform themselves about this.

Mr. Francy – we met with the Army Corp of Engineer and the DEP on July 2nd. The Army Corp has a project in this area and this meeting was called for because they need help from Highlands to get the residents of shore properties to give them access to take soil sample.

Mr. Leubner stated that the maps from the Army Corp are forth coming.

Mr. Francy stated that a future meeting on flood control will be announced.

Monmouth County Board of Chosen Freeholders Ordinance RE: Elimination of State Imposed Unfunded Mandates

Mrs. Flannery stated that the County is looking for local support on the elimination unfunded mandates.

Mr. Francy requested that a resolution supporting this be placed on the next agenda, seconded Ms. Kane and all were in favor.

HBP – Request for Game Permit

Ms. Kane offered a motion to approve the Games of Chance Permit for the Clam Fest, seconded by Mr. Francy and all were in favor.

Request for Special Liquor License for HBP & VFW

Mayor Little explained that the VFW annually has a Beer Garden at the Clem Fest and the HBP this year are also applying for a beer garden of their own to raise additional funds. She stated that she supports both licenses.

Mr. Caizza spoke against having two Beer Gardens and supported the issuing of a license for the VFW.

Mayor Little spoke about allowing the HBP to have a super 50/50 license.

Carla Cefalo-Braswell, HBP President spoke about their raffle that they had last year and low amount of funds that were raised and how the HBP really didn't push the raffle..

Mr. Caizza – the raffle license was approved last year and he voted in favor of it.

Carla Cefalo-Brawell, HBP spoke about possible HBP needed profits that could be made if the Borough approves the beer garden license for them.

Mr. Urbanski stated that he feels that the VFW will not be able to compete because they are put in the back.

Mr. Francy questioned if the HBP will be having tables.

Carla Cefalo-Braswell – the HBP was going to have six tables.

Chief Blewett stated that he approved of the location of the HBP liquor license.

Donald Manrodt, VFW Member spoke against the approval of the HBP license.

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Drew Eldridge, VFW Commander spoke in favor of the VFW liquor license.

Jim Filip of Doris & Ed's spoke in favor of the HBP liquor license.

Mayor Little wanted to know if the two organizations could come up with a way to both make money.

Jim Filip further spoke in support of the HBP liquor license. He then read a letter that the HBP received from Nina Light Flannery, Borough Clerk about the HBP becoming self sufficient. He then read a letter from the HBP regarding the HBP liquor license.

Mr. Caizza spoke about the issue of having two of the same things at the Clam Fest.

A.J. Solomon of 102 Marina Bay Court spoke in support of the HBP liquor license application.

Mr. Caizza questioned why the HBP did not sit down with the VFW a couple of months ago to work something out.

Mayor Little spoke about attempts to contact the VFW. She would like for something to be worked out.

Don Manrodt spoke in support of the VFW license and opposition of the HBP license.

Drew Eldridge spoke in favor of the VFW license.

Mayor Little like the HBP suggested to advertise the VFW beer garden up where the food is sold and have some high end beer that the VFW is not selling might be available at the other beer garden.

Art Gallagher of Linden Avenue stated that he believes that there was a HBP proposal that the VFW did not hear.

Several conversations going on at one time.

Mayor Little gaveled the audience to keep order in the meeting.

Carla Cefalo-Braswell, President of HBP described a proposal to the VFW that would allow them to have a beer garden in addition to the VFW and they will give the profits of domestic beer sale to the VFW.

Several people are speaking the same time.

A.J. Solomon asked if they could commit to a dollar figure to donate to the VFW.

Don Manrodt stated that the VFW made \$8,500 profit last year.

Again several people are speaking at the same time.

Arnie Fuog of 50 Valley Street suggested that the HBP only sell wine.

Mr. Urbanski asked if they could sell their beer in the HBP beer garden.

Carla Cefalo-Braswell further spoke about the HBP liquor license and how they reached out to the VFW and other local businesses about this.

Jim Filip, 348 Shore Drive suggested an alternate solution.

The Council had a discussion on the Social Affair licenses for the HBP and the VFW.

Mayor Little offered a motion to approve the HBP Social Affair Liquor License.

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This motion failed for lack of a second.

Mr. Francy offered a motion to approve the VFW Social Affair Liquor License, seconded by Mr. Caizza and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSTAIN: None

Raffle Licenses for the Highlands Fire Department for August 29th Event

Mr. Francy offered a motion to approve the HFD raffle licenses, seconded by Mr. Caizza and all were in favor, Ms. Kane abstained.

Review of Master Plan & Zoning Recommendations

Mayor Little requested that this item be placed on the next meeting agenda to discuss what will go into an ordinance, seconded by Mr. Urbanski.

Approval of Minutes;

Ms. Kane offered a motion to approve the May 20, 2009 and June 3, 2009 Meeting Minutes, seconded by Mr. Urbanski and all were in favor, Mr. Francy abstained on the June 3, minutes.

Public Portion:

John Bentham of 39 Washington Avenue spoke about discrepancies of the March 18, 2009 Council Meeting Minutes where the HBP budget was discussed. He feels that the positive comments of the public were mentioned in the public record, only the objections were printed in the minutes.

Nina Flannery explained that the record only needs to show the actions at a meeting.

Mayor Little stated that she hears Mr. Bentham's complaint and requested that we reframe from quoting.

Drew Eldridge, VFW Commander thanked the Governing Body for their work.

Carla Cefalo-Braswell, HBP President asked if anything can be done at this point regarding the discrepancies in the march 18, 2009 minutes.

Mrs. Flannery stated that she will review the minutes more in detail.

Mayor Little stated that the Borough shouldn't quote anyone.

Mr. Arnette explained the required contents of the minutes.

Mayor Little again stated that she understands the point made about the discrepancies in the minutes.

Carla Cefalo-Braswell further described the frustration of the people who spoke in favor of the HBP budget at the March 18th meeting and the minutes not reflecting their positive statements.

Carol Bucco of 330 Shore Drive requested that tonight's comments be reflected in the minutes.

Mr. Arnette explained that it's the Clerk's Office who is the official record agent of the minutes.

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Mr. Francy suggested that we acknowledge tonight that there is a discrepancy between the verbal record and the written record.

Mrs. Flannery stated going forward everyone will speak for or against.

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

The Meeting adjourned at 12:07 P.M.

CAROLYN CUMMINS, DEPUTY CLERK

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