

**MAYOR AND COUNCIL
COMBINED MEETING
AUGUST 19, 2009**

Mayor Little called the meeting to order at 7:15 P.M.

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

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,
Scott Arnett, Esq., Borough Attorney
Stephen Pfeffer, Chief Financial Officer

Executive Session Resolution

Mrs. Flannery read the following Resolution for approval:

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

**RESOLUTION
EXECUTIVE SESSION**

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

1. Litigation Sewage Authority relocation costs, Schultz Property on Central Avenue, Guinta vs. the Borough of Navesink Taxpayers Re: to Matthew Street Beach.

2.Contract: Negotiations update on the USBWU, THE Chief's agreement;

3.Real Estate: Property for sale Bay and Waterwitch Avenues and 2 private road, report from Birdsall. Highlands on the Bay settlement

4. Personnel Matters: Notice of retirement Edward O'Neill

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.

Mayor Little has code enforcement been postponed;
Mrs. Flannery advised that a waiver was signed Mr. Murphy that he would like this matter to be heard in public.

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

ROLL CALL:

AYES: Mr. Urbanski, Mr Caizza, Mr. Francy, Francy, Rebecca Kane,
NAYES: None
ABSENT: None
ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Little called the Regular Meeting back to order at 8:31 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, CFO
Scott Arnette, Borough Attorney**

Consent Agenda Public Portion:

Carol Bucco, 330 of Shore Drive

Maureen Kraemer, 200 Portland Road. Asks council to elaborate 09-156, resolution

Mr. Hilling explained that a consortium of towns that have gotten together to request for grant garbage pick up for all towns, no cost to apply - 95 percent of municipalities have applied for grant, through this consortium. Brian Valentino is the head of the association.

Mayor Little closed public portion on consent agenda items.

Consent Agenda Resolutions:

Mr. Pfeffer adds to payment of bills. 10,953.11 to Jazz Construction for Fire House. Cornwell Street emergency sanitary sewer repair, in the amount of \$22,178 for

Mayor Little, item #13 which is R-09-159 on the consent agenda, is stricken, because the resolution was adopted previous to this meeting.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-147

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

WHEREAS, the Borough of Highlands has a need for professional Labor relations counsel 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 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 \$20,000 plus reimbursable expenses for professional labor relations 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 SFY 2010 budget:

SFY 2010 Municipal Budget:

Current Fund: Legal

Sewer: Legal

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. The firm of Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide professional labor relations counsel services as described above for an amount not to exceed \$20,000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.

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3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Francy 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-09-148
RESOLUTION URGING ELIMINATION OF
STATE-IMPOSED UNFUNDED MANDATES**

WHEREAS, in 1995, New Jersey voters approved an amendment to the State Constitution that was supposed to curb lawmakers' penchant for mandating new programs for state and local governments without giving them the necessary funding; and

WHEREAS, in order to implement the law, the legislature established the Council on Local Mandates, whose job is to review complaints from the local government entities and then make a determination on whether new statutory or regulatory impositions by the State constituted "unfunded" mandates; and

WHEREAS, under the law, if a statute or regulation is deemed by the Council to be an "unfunded" mandate, it ceases to be mandatory and expires; and

WHEREAS, 12 years later, the Council has made only eight decisions and in only two of those did the Council rule in favor of local governments. In one of those cases, the decision was pointless because the Council has no power to force the State to comply and local governments have no right to seek redress in the courts; and

WHEREAS, clearly, this is not the reform that people thought they were voting for in 1995. Proof is that property taxes in New Jersey, which the people were seeking to control with the amendment, have nearly doubled since then; and

WHEREAS, the New Jersey Association of Counties (NJAC) has proposed that local and county officials join forces to push for a complete overhaul of the Council on Local Mandates, which in its view clearly has not satisfied the voters, desire for reform; and

WHEREAS, NJAC has also proposed the following:

- 1) Change the composition of the Council on Local Mandates because under the law, Members of the Council are appointed by the Governor, the Legislature and the Chief Justice of the State Supreme Court, the makers of mandates.
- 2) A review of the obvious flaw that state appointees, such as judges and prosecutors, Can force county governments to hire Court personnel and expand facilities, all without approval from voters or their elected representatives.
- 3) A review of the provision that states while State officials can appeal to the Courts, County and local officials don't have that option. Under the law, decisions made by the Council on Local Mandates are not eligible for judicial review. Furthermore, when the Council makes a decision in favor of a local government, the State is free to ignore it without consequence.
- 4) A complete review of the section "unfunded mandates" Law delineating the exemptions. This should included a top to bottom review of all State mandates that would require the

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State to repeal the outdated ones and pay for the rest; and

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highlands of the County of Monmouth urges the elimination of State - imposed unfunded mandates.

BE IT FURTHER RESOLVED that the Borough of Highlands strongly supports the New Jersey Association of Counties and all of its proposals to deal with the problems caused by Unfunded mandates.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this Resolution to Governor Jon Corzine, the Legislative Delegation representing Monmouth County, the Boards of Chosen Freeholders of each county in New Jersey and the Mayors and governing bodies of every municipality in Monmouth County.

Seconded by Mr. Francy 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-09-149
RESOLUTION AMENDING R-09-123
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL AUDITING SERVICES
FALLON & LARSEN, LLP**

WHEREAS, the Borough of Highlands adopted Resolution R-09-123 at a meeting held on July 15, 2009 awarding the above contract to Fallon & Larsen, LLP, 1390 Route 36, Suite 102, Hazlet, NJ 07730-1716 for an amount not to exceed \$50,100 plus reimbursable expenses; and

WHEREAS, the correct contract amount is \$51,900 and Resolution R-09-123 contained the wrong contract amount of \$50,100.

WHEREAS, an error necessitates that this resolution be amended for an amount not to exceed an additional \$1,800 for professional auditing services for a total contract amount not to exceed \$51,900 plus reimbursable expenses.

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

Account #1030A-3551	\$33,900
#3008-4000	\$18,000

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 Governing Body of the Borough of Highlands as follows:

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1. The firm of Fallon & Larsen, LLP is hereby retained to provide professional auditing services described above for an amended amount not to exceed \$51,900 plus reimbursable expenses.
2. This contract is awarded without competitive biddings 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 contracts 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. Francy 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-09-150
DECLARING AN EMERGENT CONDITION AND AUTHORIZATION TO OBTAIN
CONTRACTS WITHOUT PUBLIC BIDDING PURSUANT TO THE PROVISIONS OF
N.J.S.A. 40A:11-6
SANITARY SEWER MAIN – CORNWELL STREET**

WHEREAS, per the July 24, 2009 letter prepared by the Borough Engineer, Robert Keady there is an emergent condition with respect to a failed sewer main on Cornwall Street; and

WHEREAS, provisions of N.J.S.A. 40A:11-6 permit the Borough to award contracts without public bidding or quotes when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

WHEREAS, the Borough Engineer, Robert Keady has declared this situation an emergency condition affecting the health and safety of the public;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that authorization be and is hereby given to the Borough Administrator, for the emergency repairs without public bidding (completed) pursuant to the provisions of N.J.S.A. 40A:11-6 and in compliance with N.J.S.A. 19:44A-20.12.

Seconded by Mr. Francy 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-09-151
RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR:
PLUMBING REPAIR AND MAINTENANCE**

WHEREAS, bids were received on July 28, 2009, and;

WHEREAS, one (1) bid was picked up by a vendor, and one (1)

Responsive Bid was received as follows:

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<u>VENDOR</u>	<u>AMOUNT</u>
1. GEORGE TREVETT PLUMBING & HEATING LLC 336 HIGHWAY 36 PORT MONMOUTH , N.J. 07753	\$ 95.00 PER HOUR

Bids were advertised as per N.J. State Statutes and affidavit of publication is on file in the Office of the Borough Clerk.

GEORGE TREVETT PLUMBING & HEATING LLC., 336 HIGHWAY 36, PORT MONMOUTH, N.J. 07753. shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated July 28, 2009. said bidder being the Lowest Responsible Bidder.

<u>DESCRIPTION</u>	<u>VENDOR</u>
PROVIDE ALL INCLUSIVE PLUMING REPAIR AND MAINTENANCE FOR THE BOROUGH'S FACILITIES AND PARKS FOR A TWENTY FOUR (24) MONTH PERIOD	GEORGE TREVETT PLUMBING & HEATING 336 HIGHWAY 36 PORT MONMOUTH, N.J. 07753

WHEREAS, bids have been reviewed by the Purchasing Agent and it is his recommendation that the contract be awarded to GEORGE TREVETT PLUMBING & HEATING LLC., 336 HIGHWAY 36, PORT MONMOUTH, N.J. 07753. in the amount of: \$ 95.00 Per Hour.

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. It hereby awards the contract for "Plumbing Repair and Maintenance to George Trevett Plumbing & Heating LLC., 336 Highway 36, Port Monmouth, N.J. 07753. in the amount of \$ 95.00 per hour.

2. **BE IT FURTHER RESOLVED**, this contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20.5 et seq.

BE IT FURTHER RESOLVED, this contract is open-ended pursuant to N.J.A.C. 5:34-5.2 (B) with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase order prior to each request for service.

3. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to

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each of the following:

- A) Purchasing Agent
- B) Comptroller
- C) All of the above bidders

Seconded by Mr. Francy 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 for its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-152

ACCEPTING COMMUNITY CENTER PLAYGROUND PROJECT

WHEREAS, the Community Center Playground Project has been completed and accepted by the Borough of Highlands:

Whirl Construction, Inc.
187 Main Street
Port Monmouth, N.J. 07758

NOW, THEREFORE, BE IT RESOLVED, that this Resolution be forwarded to Faith Hahn of the Monmouth County Park System.

Seconded by Mr. Francy 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-09-153

**RESOLUTION AMENDING RESOLUTION R-09-68
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES SHORE
DRIVE TREATMENT PLANT WET WELL DEMOLITION**

WHEREAS, the Borough of Highlands adopted Resolution R-09-68 at a meeting held on March 18, 2009 awarding the above contract to CMX., Inc. 200 State Highway 9, P.O. Box 900, Manalapan, NJ 07726-0900 for an amount not to exceed \$16,050 plus reimbursable expenses for professional engineering services; and

WHEREAS, an unforeseeable condition has been discovered necessitating that this contract be amended to increase the contract award amount of \$16,050 awarded to CMX, Inc. to \$18,550 plus reimbursable expenses for the Shore Drive Treatment Plant Wet Well Demolition; and

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

WHEREAS, CMX, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that CMX, Inc. 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 CMX, Inc. from making any reportable contributions through the term of the contract; and

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

Bond Ordinance O-09-05 finally Adopted on March 18, 2009

Stephen Pfeffer, Chief Financial Officer

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

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

5. CMX, Inc. hereby retained to provide professional Engineering Services as described above for an amount not to exceed \$18,550 plus reimbursable expenses.
6. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. Francy, 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-09-154
TEMPORARY CAPITAL BUDGET**

WHEREAS, the Borough of Highlands desires to constitute the SFY 2010 Temporary Capital Budget of the Borough of Highlands by inserting therein various capital projects,

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Highlands as follows:

Section 1. The SFY 2010 Temporary Capital Budget of the Borough of Highlands is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget
Borough of Highlands

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County of Monmouth, New Jersey

Project	Estimated Costs	Capital Improvement Fund	Other Funds	Debt Authorized
<hr style="border-top: 1px dashed black;"/>				
Rehabilitation of Storm Sewer on Valley Drive (amending Bond Ordinance 09-03) Project # R-09-06	\$113,500	\$ 2,000	\$60,000	\$ 51,500

Section 2. The Borough Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, within three days after the adoption of these projects for the SFY 2010 Temporary Capital Budget, to be included in the SFY 2010 Permanent Capital Budget as adopted.

Seconded by Mr. Francy 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 for its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-155

**RESOLUTION – AUTHORIZING THE MAYOR AND BOROUGH CLERK TO
EXECUTE A DEED OF OPEN SPACE EASEMENT FOR BLOCK 97, LOT 1 –
COMMUNITY CENTER PARK & PLAYGROUND**

BE IT RESOLVED, by the Governing Body of the Borough of Highlands that it hereby authorizes the Mayor and Borough Clerk to execute a Deed of Open Space Easement for the property known as the Community Center Park and Playground, 22 Snug Harbor Avenue – Block 97, Lot 1 upon approval by the Borough Attorney.

Seconded by Mr. Francy 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-09-156

**RESOLUTION OF THE BOROUGH OF HIGHLANDS
AUTHORIZING THE MAYOR AND ADMINISTRATOR TO
JOIN OTHER MONMOUTH COUNTY MUNICIPALITIES IN AN APPLICATION FOR
A REGIONAL FEASIBILITY STUDY GRANT**

WHEREAS, the Governing Body of the Township of Marlboro as Lead Municipality and the Township of Aberdeen, City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Township of Holmdel, Borough of Keyport, Borough of

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Lake Como, Borough of Little Silver, City of Long Branch, Township of Manalapan, Borough of Matawan, Township of Middletown, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Roosevelt, Borough of Sea Bright, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, and the Township of Wall, have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Regional Feasibility Grant through the State of New Jersey Local *SHARE* Program in the amount of \$417,831.00; and,

WHEREAS, Township of Marlboro has agreed to be the lead agency in this endeavor; and

WHEREAS, the Governing Body of the Township of Marlboro is acknowledging and accepting the responsibility of acting as applicant for this grant on behalf of the Township of Aberdeen, City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Borough of Highlands, Township of Holmdel, Borough of Keyport, Borough of Lake Como, Borough of Little Silver, City of Long Branch, Township of Manalapan, Borough of Matawan, Township of Middletown, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Roosevelt, Borough of Sea Bright, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, and the Township of Wall, and

WHEREAS, the State of New Jersey has made *SHARE* grants available to assist local units in the study, development and implementation of new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the sharing of solid waste and recycling collection services that would be beneficial to all local units. This would include things such as technological advances, different methods of solid waste removal, waste flow analysis and data retrieval.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, that the Borough of Highlands does hereby join with the Township of Aberdeen, City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Township of Holmdel, Borough of Keyport, Borough of Lake Como, Borough of Little Silver, City of Long Branch, Township of Manalapan, Township of Marlboro as Lead Municipality, Borough of Matawan, Township of Middletown, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Roosevelt, Borough of Sea Bright, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, and the Township of Wall, in applying for a grant for the purpose of a feasibility study.

Seconded by Mr. Francy 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-09-157
RESOLUTION OF THE BOROUGH OF
HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING PURCHASE OF A DODGE DURANGO
FOR USE BY THE HIGHLANDS POLICE DEPARTMENT**

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

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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, Resolution R-09-129 authorizes negotiations by the Chief of Police with any interested parties for the purchase of a Dodge Durango or equal; and

WHEREAS, Chief Joseph Blewett has negotiated with Warnock Fleet, 175 Route 10, P.O. Box 524, East Hanover, NJ 07936 for the purchase of a Dodge Durango in the amount of \$31,513.80;

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 Chief of Police or Purchasing Agent to make the purchase of a 2009 Dodge Durango for the amount of \$31,513.80 from Warnock Fleet, 175 route 10, East Hanover, NJ.
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. Francy 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-09-158
RESOLUTION AUTHORIZING AWARD OF CONTRACT
FOR: ELECTRICAL REPAIR AND MAINTENANCE**

WHEREAS, bids were received on August 11, 2009; and

WHEREAS, one (1) bid was picked up by a vendor, and one (1) Responsive Bid was received as follows:

VENDOR

AMOUNT

SODON ELECTRIC, INC.
\$ 95.00 PER HOUR
P.O. BOX 408
ATLANTIC HIGHLANDS, N.J. 07716

Bids were advertised as per N.J. State Statutes and affidavit of publication is on file in the Office of the Borough Clerk.

SODON ELECTRIC, INC., P.O. Box 408, Atlantic Highlands, N.J. 07716, shall furnish and deliver the following as per Bid Proposal & Specifications & Covenants thereof dated August 11, 2009 said bidder being the lowest responsible bidder.

DESCRIPTION

Provide all inclusive electrical repair and maintenance for the Borough's facilities and parks for a twenty four (24) month period.

VENDOR

Sodon Electric, Inc.
P.O. Box 408
Atlantic Highlands, NJ 07716

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WHEREAS, bids have been reviewed by the Purchasing Agent and it is his recommendation that the contract be awarded to Sodon Electric, Inc., P.O. Box 408, Atlantic Highlands, NJ 07716 in the amount of: \$ 95.00 per hour.

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. It hereby awards the contract for "Electrical Repair and Maintenance" to Sodon Electric, Inc., P.O. Box 408, Atlantic Highlands, N.J. 07716 at a rate of \$95.00 per hour.
2. This contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20-5 et seq.
3. This contract is open-ended pursuant to N.J.A.C. 5:34-5-2 (B) with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase order prior to each request for service.
4. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:
 - A) Purchasing Agent
 - B) Administrator
 - C) CFO
 - D) All of the above Bidders

Seconded by Mr. Francy 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

R-09-159 was removed from agenda because it was adopted at a previous meeting

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

**R-09-160
RESOLUTION – CHANGE ORDER #1
S BROTHERS, INC.
SHORE DRIVE RESURFACING PROJECT & 2008 CAPITAL IMPROVEMENT
PROGRAM**

WHEREAS, Resolution R-09-65 awarded a contract to S Brothers, Inc on March 18, 2009 for \$316,533.58 for the Shore Drive Resurfacing Project and the 2008 Capital Improvement Program and;

WHEREAS, change order # 1 dated July 27, 2009 prepared by T & M Associates, Borough Engineer, sets forth reasons for said change order (net change in contract is zero),

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #1 granting a net change in the contract of zero, (\$0.00), is hereby authorized for the Shore Drive Resurfacing Project and the 2008 Capital Improvement Program,

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

ROLL CALL:

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

NAYES: None

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ABSENT: None
ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
R-09-161
RESOLUTION – AGREEMENT ADOPTING A FLEXIBLE SPENDING PLAN**

WHEREAS, the Borough of Highlands wishes to offer all eligible employees the flexible protection of individual insurance plans at no cost to the Borough, such as accident/sickness disability insurance, cancer insurance, and life insurance; and

WHEREAS, Section 125 of the Internal Revenue Code contains a provision whereby employers can provide their employees with a flexible spending plan for certain insurance premiums, unreimbursed medical expenses and child or dependent care to be furnished with pretax income; and

WHEREAS, Coordinated Benefits Associates, Inc. (Carmin Iannacone), a Voluntary Benefits Company, specializing in supplemental insurance representing AFLAC, Allstate, Kanawha and other like insurance companies, can provide assurance that employees will receive individual consultation and enrollment information from consultants of Coordinated Benefits Associates, Inc. on an ongoing basis, and all servicing will be handled by same; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Borough of Highlands hereby adopts the flexible spending plan (consisting of the flexible benefits plan document, the adopted agreement, and component benefit plans and policies). The Mayor and the Borough Clerk are hereby authorized to execute the plan documents and agreements.

Seconded by Mr. Francy 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 Resolutions and moved its adoption:

**R-09-162
RESOLUTION – CHANGE ORDER #2
JADS CONSTRUCTION COMPANY, INC.
FIREHOUSE APPARATUS DRIVEWAY APRON REPLACEMENT PROJECT**

WHEREAS, Resolution R-09-66 awarded a contract to Jads Construction Company, Inc. on March 18, 2009 for \$47,500.00 for the Firehouse Apron Replacement Project; and

WHEREAS, change order # 2 dated August 11, 2009, prepared by T & M Associates, Borough Engineer, sets forth reasons for said change order (net change in contract is \$4,889.00),

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #2 granting a net change in the contract of +\$4,889.00, is hereby authorized for the Firehouse Apparatus Driveway Apron Replacement Project.

Seconded by Mr. Francy 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 Resolution and moved its adoption:

**R-09-163
RESOLUTION – CHANGE ORDER #1 AND FINAL
STAR OF THE SEA CONCRETE CORP.
CORNWELL STREET EMERGENCY SANITARY SEWER REPAIR**

WHEREAS, per the July 24, 2009 letter prepared by the Borough Engineer, Robert Keady there was an emergent condition with respect to a failed sewer main on Cornwall Street; and

WHEREAS, due to that emergent condition, Star of the Sea Concrete, 448 Marlboro Road, Old Bridge, NJ 08857 was awarded (without public bidding) a contract for \$22,615.00 for the Cornwall Street Emergency Sewer Repair; and

WHEREAS, change order # 2 dated August 11, 2009, prepared by T & M Associates, Borough Engineer, sets forth reasons for said change order (net change in contract is - \$437.00),

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #1 granting a net change in the contract of -\$437.00, is hereby authorized for the Cornwall Street Emergency Sanitary Sewer Repair Project.

Seconded by Mr. Francy 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-09-164
RESOLUTION FOR THE BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
APPROVING SETTLEMENT OF THE LITIGATION
SCHULZ V. BOROUGH OF HIGHLANDS**

WHEREAS, in December of 2007, William and Mary Elizabeth Schulz of 17 Central Avenue in the Borough of Highlands filed an Amended Complaint against the Borough of Highlands to quiet and secure title as owners of certain lands on Lots 7 and 8 in Block 97; and

WHEREAS, they asserted that they and their predecessor in title had, for more than 30 years last past, been owners of the rear 20 feet of Lots 7 and 8 in Block 97; and

WHEREAS, litigation has continued and it has been revealed through discovery that the rear 20 feet of Lots 7 and 8 in Block 97, which had been long since fenced off and secured as the Schulz' property, was likely transferred years ago to the Schulz' predecessor in title, but said transfer was not lawfully perfected; and

WHEREAS, the parties have agreed that in order to resolve this matter to the benefit of the Borough and the Schulz' that the Schulz' have agreed to pay to the Borough the value of the land that is claimed to be theirs; and

WHEREAS, the parties have mutually selected and secured a valuation expert, The Meers Group, and the Meers Group has completed a market value appraisal, valuing the property at \$12,500.00; and

WHEREAS, the Borough agrees that the property in dispute is not, and was not needed for any municipal purpose, was the subject of a title challenge and the subject of this litigation that would have likely vested title to the property in the Schulz' at the end of Trial.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the Borough of Highlands hereby accepts the settlement payment of \$12,500.00 in full

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and final settlement of all claims raised and presented in the matter of Schulz v. Highlands, Docket No.: MON-L-5764-07, filed by the Schulz' in the Superior Court of Monmouth County to quiet and secure title to the land and premises shown on the tax map as Lots 7 and 8 in Block 97; and be it further

RESOLVED, that the Borough of Highlands hereby agrees to provide the necessary Deed or other documents to complete the terms, conditions and intentions of this settlement to vest title in Lots 7 and 8 in Block 97, in the Schulz' in exchange for the settlement proceeds herein referenced.

Seconded by Mr. Francy 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 payment of Bills and moved on its approval for payment:

RECAP OF PAYMENT OF BILLS

08/19/09

CURRENT:		\$	639,851.41
Payroll	(08/15/09)	\$	149,207.57
Manual Checks		\$	158,797.68
Voided Checks		\$	
SEWER ACCOUNT:		\$	96,553.59
Payroll	(08/15/09)	\$	8,233.37
Manual Checks		\$	4,713.83
Voided Checks		\$	
CAPITAL/GENERAL		\$	156,935.02
CAPITAL-MANUAL CHECKS		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	18,542.74
Payroll	(08/15/09)	\$	24,625.00
Manual Checks		\$	11,263.12
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	709.75
DOG FUND		\$	18.60
GRANT FUND		\$	1,112.00
Payroll	(08/15/09)	\$	1,750.39
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	50,503.83
Voided Checks		\$	

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

Addendum

Payment to JADS Construction	\$10,953.11
Payment to Star of the Sea	\$22,178.00

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

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

RESOLUTIONS:

R-09-120 Resolution Approving Chief of Police Contract will not move forward this evening.

ORDINANCES INTRODUCTION

Ordinance O-09-19

Ms. Flannery, read the title of ordinance O-09-19 for introduction and setting up a public hearing date for September 20th, 2009.

Mr. Urbanski offered the following Bond Ordinance and moved that it be introduced and that a public hearing be scheduled for September 16, 2009 at 8:00 P.M.

**O-09-19
BOND ORDINANCE AMENDING BOND ORDINANCE
NUMBER 09-03 FINALLY ADOPTED BY THE BOROUGH
COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW
JERSEY ON MARCH 18, 2009**

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

Section 1. The Bond Ordinance of the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") entitled "Bond Ordinance Providing An Appropriation Of \$86,500 For Rehabilitation of Storm Sewer on Valley Avenue For And By The Borough Of Highlands In The County Of Monmouth, New Jersey And, Authorizing The Issuance Of \$82,000 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation," finally adopted on March 18, 2009 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. The second sentence of Section 1 of the Ordinance is amended in its entirety as follows:

"For the said Improvements there is hereby appropriated the amount of \$200,000, such sum includes the sum of (a) \$60,000 expected to be received from the New Jersey Department of Transportation and (b) \$6,500 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law")."

The Ordinance is hereby further amended by (a) deleting the reference to "\$86,500" for the appropriation and estimated cost and "\$82,000" for the estimated maximum amount of bonds or notes and substituting in lieu thereof "\$200,000" and "\$133,500"; (b) deleting the reference of "\$4,500" for the down payment and substituting in lieu thereof "\$6,500"; and by (b) deleting the reference to "\$26,500" for expenses permitted under Section 20 of the Local Bond Law and substituting in lieu thereof "\$60,000".

Section 3. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the

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form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$133,500.

Section 5. All other provisions of the Ordinance shall remain unchanged.

Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

Seconded by 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

Ordinance O-09-20, Possible Introduction of Flood Hazard Ordinance

Mayor Little – I do not believe that we will be moving this ordinance tonight. We can carry this to the September 2nd Work Shop meeting to further discuss this.

=====
Ordinances: 2nd Reading, Public Hearing, Adoption

Ordinance O-09-17

Mrs. Flannery read the title of Ordinance O-09-17 for the second reading and public hearing.

Mayor Little opened up the Public Hearing on Ordinance O-09-17.

Mr. Urbanski questioned the storage shed fee and stated that we need clarification before adoption. Should be \$20.00 per thousand, it's a typo

Mr. Hilling stated that he will get clarification from the Construction Official before adoption.

There were no questions from the public with regard to Ordinance O-09-17.

Mayor Little closed the public hearing.

Mayor Little asks for a motion to table adoption until the September 16th meeting.

Moved by Councilman Caizza, seconded by Councilwoman Kane and tabled on the following roll call vote:

Roll Call:

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

Nayes: None

ABSTAIN: None

Ordinance O-09-18

Mrs. Flannery read the title of Ordinance O-09-18 for the second reading and public hearing.

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Mayor Little opened up the public hearing on Ordinance O-09-18

There were no questions or comments from the public.

Mayor Little closed the public hearing on Ordinance O-09-18.

Mrs. Flannery read the title of Ordinance O-09-18 for the third and final reading and adoption.

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

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 its terminus at the Shrewsbury River

Seconded by Mr. Francy 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

COMMITTEE REPORTS:

Mayor Little, reports will be on file at the clerk's office in writing for anyone wishing to review them rather than being read this evening due to the lengthy agenda.

Finance Report

Mr. Pfeffer total increase of 1.25 percent and the taxes are at 4.7 percent. Appear to be within both caps.

Revenue issues, documentation problems with some revenues. We do have some State issues. levy cal worksheet is not yet prepared by the State. 2) no pension #s from the state. JIFF insurance we have no idea where they are coming in at. Potential of retirements and the effect on potential changes to the administrative structure of the Borough. July landfill bill, tipping fees and they were very positive on the reduction side.

Sewer budget, rates need to be adjusted, \$53,000 short fall between the revenues and expenses. Increased costs are associated with Atlantic Highlands/Highlands regional sewer authority. The total budget is 1.654 million. Projected right now is 1.2 million. 72 % of the budget is made up of one line item. Fee has jumped in 2007 to 66,310 to 2009 87,133 a month, and it's projected to go up in 2010. Raise rates from 367 to 400 that would be 7 % in fiscal 2010 it wouldn't go into effect until the November billing. 9 % percent increase.

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Mayor Little increasing the sewer rate is like increases taxes, so I think we need talk to our three people on the sewer commission, and streamline their budget like we are streamlining ours.

Mr. Pfeffer continues; increase is \$104,000. generate enough revenue to allow for some capital improvements to go forward. We cannot go forward with the budget unless that budget is in balance, and that will prevent the entire budget from going forward. Increase the rates effective for November billing. Start the process introduce an ordinance,

Discussion regarding capital projects and rates.

Next meeting we'll have ordinance for rate increase.

Mayor Little, solicits comments from the Council. The goal of the finance committee was working towards a zero increase if possible. The Budget Review Advisory Committee has that in mind as well.

Mr. Pfeffer - finance notice from the State, I did not give us Cap relief for the increase in cost on the pension. We are going to get cap relief on both sides for the pension increases, we have a lot of money in the spending cap. last year discussions on deferral of the 50 percent of the pensions, in the local finance notice from the state anybody who didn't take advantage of that in '09 to do it '10. I don't recommend it.

Councilmember -- There's no interest --

DPW

Garbage ordinance ready for the next meeting.

PUBLIC SAFETY

Councilmember, good job at the Calm festival just one little disturbance.

Chief, - Park opened Memorial Day. County Ignoring the Borough regarding opening of park.

BUILDING/HOUSING

Mr. Hilling, ordinance 2 months ago, to go clean up various lots, five lots throughout the Borough. Bill sent to property owner, if not paid, a lien will be filed against. 180 Navesink, 36 Valley, 44 Barbary, 40 Sea Drift and 38 Jackson.

PARKS/RECREATION

Councilwoman Kane. Fall soccer registration. Bike helmet distribution, summer kid fest program, (143 kids). Numerous programs. Skate park new sign waiting for delivery. Community Center projects generator costs, and action for grant approval. Veterans Park, replacement pieces of playground has been delivered. Schedule DWP installation.

Mayor Little, Saturday August 22, 7pm Brookdale big band in Veterans Memorial Park.

HBP

No report.

PUBLIC RELATIONS

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Councilwoman Kane, Newsletter will be delivered next week. New Firehouse dedication on August 29th. Kavookjian field restoration fund raiser, very successful. Raised over \$6,000.

ENVIRONMENTAL/SHADE TREE

No august meeting, but September we are back on. Renewed study environmental impact relative to shadow lawn and the seeping. There was some new information to discuss.

ADIMINSTRATION

Substandard housing, report has already been given.

The drainage of Jone's creek was completed, transported to a local contractor. The results of the test of Jone's creek were negative --

The DPW completed a town-wide brush collection last week. Bulk and Brush collection scheduled for the month of September. The schedules are posted on the board out front.

Handicap ramp has been installed at the community center and it has been inspection.

Other items, Paul Vitale submitted a memo/email regarding construction permits zoning and flood plan review completed prior. Minor items; heater, furnace roof, siding no need for the zoning officer to look at permit request for such items.

Mayor Little we were doing that because FEMA flood insurance is based upon our compliance with the elevation. We were having trouble catching people before they started work, and that was problematic even more so for the property owner than it was for the Borough. We were handing stop work orders Mayor recommends discussion before taking action.

Re: Request from the Hartford - State disability, Mr. Pfeffer, Hartford made a proposal save us a couple of thousand dollars if they handle disability instead of the State. Have to be approved by employees.

CLERK'S OFFICE

Mayor Little has announced that Nina Light Flannery will be retiring. Ms. Flannery, tax bills and sewer bills out within 2 days of each other. Review Verizon bill, cancelled two additional lines, for a total of eight. Pagers invoices, cancel account. Council should consider four day work week with extended hours. - Energy savings.

LIBRARY COMMITTEE

No report.

OTHER BUSINESS:

Engineer's Report

Road program: Shore Drive. Treatment for sanitary sewer, all sewer repairs. Starting concrete and paving work next week. Applied to the State for reduction of limits and inclusion of sanitary sewer, approved by State.
Discuss the proposal deal with flooding issues off of 36.
Engineer and Councilman Francy discuss issues
Handicaps ramp next week paving will follow.
Shore Drive - three repairs to surface, forward a letter to Mayor & Council for review.
Generators CDBG. submitted pricing for purchase of generators.
Cornwall Street. Grease problem

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Bridge Sanitary Sewer proposal - State run sanitary sewer line through the storm sewer. Borough's recommendation not on board, the State needs to come back with an alternative plan that's acceptable to the Borough. Negative impact on storm drain.

Sea Streak Ferry License

Hold until next meeting.

Review of Master Plan

Report from Planning Board, wants Council discussion on recommendations. The Governing Body asked the Borough Attorney to begin work on ordinances. Discussion on who constructs ordinance; Planning Board attorney or Borough Attorney

Mayor Little asks for a motion to authorize Borough Attorney to prepare Zoning Ordinance Amendments.

Moved by Mr. Francy, seconded by Mr. Urbanski and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSTAIN: None

Resident Parking on Shore Drive

Hold

Request for Social Permit – Chilangos

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

Request for Social Permit - American Legion

Council approved permit.

Raffle License - HHRS (2)

approved

Raffle License – HiMar

Approved

Mayor Little asks for a motion on items 5,6,8,9 (Two Raffles & Two Social Affairs)

Moved by Mr. Caizza, Seconded by Councilwoman Kane

Councilman Urbanski Comfortable issuing permit considering some of the incidents that have happened at the Legion.

ROLL CALL:

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

NAYES: NONE

Request for Handicap Parking- American Legion

Mayor Little asks for a motion

Handicap parking typically belongs to individuals - don't understand the need for it.

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Mr. Arnette is looking into an issue

Mayor Little asks for a motion to table for further investigation.

ROLL CALL:

AYES: John Urbanski, William Caizza, Christopher Francy, Rebecca Kane,

NAYES: NONE

Brown Fields

Ms. Flannery provides information to Council on grant money.

Request to use Huddy Park

Yes – this is allowable under administrator’s action.

Plans for Code Enforcement Office and/or personnel

Councilman Urbanski Presentation, Borough needs a full time code enforcer, and we don't need fire official and a half. Problem within the last year with real estate values going down the rentals coming down, we are starting to get back to where we started.

Councilman - agrees with John

Councilman Urbanski, eliminate the half time fire official position, use some of that money towards --

Mayor Little discussion with Fire prevention?

Councilwoman Kane, discuss with Fire official.

Discussion of Council

Need fire official for BHI.

Mayor Little agrees need to step up code enforcement.

BHI revenue producing.

Eliminate Fire Marshall (part time position)

Speak with Mr. Parker, head fire official.

Carry for next workshop

MINUTES:

June 17th, and July 15th

Ms. Flannery, Mr. Caizza were absent on June 17th.

Mayor Little asks for a motion to accept minutes

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

ROLL CALL:

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

NAYES: NONE

ABSTAIN: William Caizza abstained regarding June 17th,

PUBLIC PORTION

Maureen Kraemer, 200 Portland Road. Comments regarding Ms. Flannery. Remarks on Code enforcers. Lawsuit against FEMA. Has Borough advised property owners. Mayor Little advise, public notice from FEMA.

Councilman, multiple representations, affects very few properties west of Shore Drive.

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Shady Hook restricted parking, people parking, trouble getting down Portland Road onto Highland Avenue.

Directed to Mr. Hilling

Carol Bucco, I'll reserve

Christian Lee, 2 Navesink. Attorney working on Ordinance for the master plan, Mayor Little preparing ordinances based on the recommendations of the planning board. Mr. Lee, those recommendations were based on a lot of work, a lot of thought, a lot of time and I think that it's the right thing to do to go along with those recommendations.

Donna O'Callaghan, 29 South Bay. Thank you to Ms. Flannery. Thank you Mr. Hilling tour last Friday of the bridge. Beach project started. Drain south side of the beach, Mr. Wallace's attention. Took pictures of the damage. Question about decking, ending shy of property. Council discussion investigate before Friday's meeting. Three generators were mentioned any for South Bay, discussion about putting a permanent generator. Temporary generators,

Jim Parla, 16 Portland Road. Subhousing, curious where we are with the houses with the big "x" on them.

Mayor Little legal work done and final notice went out to the homeowners.

Set aside money for demolition purposes.

Mr. Pfeffer, how are we going to fund it.

Number 1 priority Mr. Kiley's residence --

Discussion.

Mr. Parla, American Legion problems, there was an aggravated assault there last month. Spoke with the Chief.

Need a full time code enforcement, spoke to Neighborhood Watch.

Ms. Flannery, how are we going to replace, you. You've done a great job.

Jerry Surges, 59 Matthew Street. Re: Taxpayers Association. Placed a sign on the beach, no motorized vehicles, and no boat launch. 1993, The Borough but a foreclosure on the beach. The late Larry Carton, letters to acting administrator, Ms. Flannery, spoken numerous times to Mr. Urbanski. Spoke with Mr. Hilling, and spoken to the Chief. This is about 2 or 3 years ago, due to some person making a complaint who lives in Bay view condominiums. Mr. Hilling is aware of the lease. I have letter from the police chief that was required by me, by Ms. Flannery, acting administrator to go get a letter from the police chief. I have letters, return receipt everything documented, right here in front of me, if you need to see them. Back and forth with the Chief, Blewett, wasn't in his hands, he has no problem with it. This was going on for some time because of this woman, from what I understand it was a woman making a complaint with the Township. Like I said, I don't know this woman, never met her, but an agitator nonetheless. Keep in mind this information that I'm giving you rather is coming from the police department. They are mentioning this person's name, now we have this thing with this beach situation, a couple of comments were made that they own the beach. So to make a long story short, there was an understanding that we were willing as an Association -- I own along with another person own the majority of the beach. I own most of Matthew Street. Now the understanding was due to this mistake that we -- this property under Green acres, so the property, the footprint would not be molested in any way, and used for the community. It's a very valuable piece of property, approximately \$1 million worth of piece of property, we are giving to the township for the use of the community. Willow Street, Bay side Drive, King Street, Matthew Street and all the people that have no beach in Bay view come and use that beach now. But they have no beach, there's no stand there. Half the beach is washed away. We have no problem with that. For my life time I was taking care of the property, before that my father, before that my grandfather, sixth generation family over there. Now I never asked the town -- although the town has a lease of the property never asked them to cut the grass, I never asked to pick up the debris from the beach, never asked to pick up their pipe lines that came from Bay view condominiums that I have to pay and remove because the township doesn't want to pay for it. I paid for it out of my pocket. I have receipts for dumpsters, and landscapers for all the trees and all the brush and everything -- well over \$7,000, never asked for money from the Township I did it myself. I wanted the place nice. You see my house, you see my stuff, my stuff is nice. I don't keep a messy place. And

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now I go down the beach with this wheeler, I have an 18 -- I pick up all the debris the bottles, broken crap, that all these people are leaving on the beach at my own expense.

UNIDENTIFIED: I'm going to relinquish my time also.

Mr. Surges continues: There was an agreement made and an agreement reached that the property would not be touched and left for recreation area, for swimming, bathing and such that no vehicles. the property would stay the same. And number 2 that we would have access. We have three properties there, that are deadlocked to that beach, and I have two of them. And (inaudible) live next to them, they have like a little dingy -- now these properties are deadlocked to that beach. Now that was the understanding the agreement that we had. Now this agreement was breached by the township -- unbeknownst to the Township because this was done this is all new people here now, this was done years ago. That's why I am speaking here today, because you know the agreement, although most of it was -- I have everything in writing, this is why I'm here for, I need this thing settled once and for all. I'm willing to give you this beach it's worth a \$1 million to the township. You guys already placed it under green acres open space illegally. So we have allowed you to keep that property, we want you to have this property. WE own that property we are giving it to the Community. I've got photos of all these kids playing, I don't want to close it all, I want it open for everybody, don't put handcuffs on me for using the beach, and cleaning the beach and cutting the grass every two weeks, every week. I've never asked anything from this town, all I want is to have access to use the beach, three houses there, to have this -- they are deadlocked. They put this sign up, the sign is for me, it's not for nobody else, because there's no access to that beach. It's not a throughway beach, it's a walking beach. That sign was placed there explicitly for me because of this one person making a complaint. Now that's why I'm here in front of you. I'm hoping that you guys see what I'm talking about, like I said, this is all documented, this is not something that -- all the stuff is written down and who owns the beach, I have proof here, the beach is ours. It was taken three years later illegally and that's it. I'm coming in front of everybody to open up their eyes to see what's going on here, to get this thing written down once and for all. And that's it. I'm not down there (inaudible) I'm down there cleaning, you know, so that's why I'm here, I'm hoping we can get this here resolved once and for all.

Mayor Little I will say that the attorney has received correspondence.

Mr. Arnette, I will at the council direction I will be responding to your attorney, I'll will be speaking to Mr. Nardelli tomorrow. And we'll work it through that way. And I'm sure he'll tell you about our conversation and we'll do whatever, take whatever steps need to be taken based on what happens.

Robyn Schaffer, 2 Private Road, Re: Open Space. Progress of open space, (out of range of microphone)

Mayor Little the matter is still in executive session, some action taken -- doing more investigatory work.

Mayor Little following requirements imposed by the grant.

Ms. Schaffer, (out of range)

Carol Bucco, the property that Mr. Surges is speaking is the property I brought to the Borough Council last month or two months ago. And we looked it up on the tax map, it belongs to the Borough of Highlands, his property stops at his house, and where is Don Manrodt (phonetic) -- Don would confirm what I'm saying that this is not his property, never was his property. And the Borough has an ordinance that says no vehicles are permitted on the beach. So they run their truck down to launch their boats, it's not a launching pad, they have launched now a winch that they are keeping their boat on out in the bay, and that's fine, but they dragged it all the way down the beach, and matter of fact their jeep got stuck and they had to use the four wheel whatever, all terrain vehicle to get it down the beach. And yes, I have called the police because it's an illegal operation on the beach. And if they were on our beach, I would call the police, and if they are on your beach I'm calling the police too. They raised a complaint against us, it cost us a lot of money and it was not our -- So it's nothing personal with Jerry, I don't really care about, but I'm telling you we will follow the laws in this town, someplace, and if it's only that beach so be it. Mayor Little thank you for your comments, the borough attorney's position will remain as he represented and the matter will play out.

Mayor Little asks for a motion to adjourn.

Moved by Mr. Caizza, seconded by Ms. Kane and all were in favor.

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The Meeting adjourned at 10:06 P.M.

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