

**Mayor and Council  
Combined Meeting  
November 4, 2009**

Mayor Little called the Meeting to order at 7:16 pm.

Mrs. Cummins read the following statement: As per requirement of P.L. 1975, Chapter 231, notice is hereby given that this is a Work Shop Meeting with Special Action 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:** Carolyn Cummins, Borough Clerk  
Debby Dailey, Deputy Borough Clerk  
Bruce Hilling, Borough Administrator  
Scott Arnette, Esq., Borough Attorney  
Stephen Pfeffer, Chief Financial Officer

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**Executive Session Resolution:**

Mrs. Cummins 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: Jennings vs. Borough of Highlands  
AHHRSA  
Property Revaluation – Tax Assessor**
- 2.Contract:**
- 3.Real Estate:**
- 4. Personnel Matters: Chief Blewett Contract (Riced)**

**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.

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6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
  
7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
  
8. Related to investigation of violations or possible violations of the law.
  
- 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.

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.

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Mayor Little called the Combined Meeting back to order at 8:17 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:** Carolyn Cummins, Borough Clerk  
Debby Dailey, Deputy Borough Clerk  
Bruce Hilling, Borough Administrator  
Stephen Pfeffer, Chief Financial Officer  
Scott Arnette, Esq., Borough Attorney

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**Public Portion on Agenda Items:**

None

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**Consent Agenda Resolutions:**

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

**R-09-200  
RESOLUTION 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

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residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes; and

**WHEREAS**, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

**NOW, THEREFORE BE IT AND IT IS HEREBY 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:

**BLOCK LOT YEAR AMOUNT NAME**

19 25 2009 \$456.71 BRENNER,MICHAEL

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

**Borough of Highlands  
County of Monmouth**

***R-09-184***

**Resolution approving a Section 125 Plan and Health Benefits Waiver**

**WHEREAS**, the Mayor and Council of the Borough of Highlands deem it necessary to establish a Section 125 Plan. The Purpose of the plan is to permit eligible employees (as that term is defined in the plan) to choose between different levels of coverage of health insurance; choose optional insurance benefits as made available by the Plan Sponsor; and/or to elect a cash benefit as permitted by Section 125 and other relevant sections of the Internal Revenue Code of 1986, as amended and now in effect;

**NOW THEREFORE BIT IT RESOLVED**, that the form of the Section 125, Cafeteria Plan, effective November 1, 2009, is hereby approved and adopted and that the Mayor and/or Borough Administrator is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan; and be it further

**RESOLVED**, that the Plan Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan; and be it further

**RESOLVED**, that in accordance with the plan Employees may elect to waive Borough medical coverage and receive a cash benefit in the amount of \$5,500.00 as set forth in the Plan; and be it further

**RESOLVED**, that the Borough Administrator, shall act as soon as possible to notify the employees of the Borough of the adoption of the Cafeteria Plan by providing a copy of the summary description of the Plan in the form of the Summary Plan Description, which form is hereby approved.

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

**R-09-201  
RESOLUTION APPROVING DISABLED PARKING SPACE**

**WHEREAS**, an application for a Disabled Parking Designation was submitted to the Highlands Police Department by Kerry Hernandez for 35 Seadrift Avenue; and

**WHEREAS**, the Governing Body adopted Resolution R-09-88 on April 15, 2009 approving a Disabled Parking Designation for Ms. Kerry Hernandez in front of the Residence at 35 Seadrift Avenue; and

**WHEREAS**, Ms. Hernandez has since moved and has submitted a new application for a Disabled Parking Designation for her new residence at 121 Waterwitch Avenue; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the application for Disabled Parking Designation for Kerry Hernandez for 121 Waterwitch Avenue is hereby approved; and

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

For 121 Waterwitch Avenue – ten (10) feet west of pole BT40090HB.

**BE IT FURTHER RESOLVED** that the disabled parking designation currently located in front of the Residence of 35 Seadrift Avenue be removed.

Seconded by Mr. Urbanski 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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**INSERT RESOLUTION R-09-204**

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

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**R-09-205  
RESOLUTION – CHANGE ORDER #2 - DECREASE OF \$2,347.32  
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**, Resolution 09-160 adopted August 19, 2009 authorized change order # 1 for a net change in the contract of zero, and

**WHEREAS**, change order # 2 dated October 16, 2009 prepared by T & M Associates, Borough Engineer, sets forth reasons for said change order decreasing the contract amount by \$2,347.32 for an adjusted contract balance of \$314,186.26.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that change order #2 granting a decrease in the contract amount of \$2,347.32 is hereby authorized for the Shore Drive Resurfacing Project and the 2008 Capital Improvement Program,

Seconded by Mr. Urbanski 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

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

**R-09-206  
RESOLUTION APPOINTING  
A PART TIME RECREATION AIDE**

**WHEREAS**, Colleen Franklin, part-time Recreation Aide has resigned from her position;  
and

**WHEREAS**, this resignation has created a part-time opening for a Recreation Aide; and

**WHEREAS**, interviews were conducted with applicants and it is the recommendation of Tim Hill, Recreation Director that Dillon Vargas be appointed to said position.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Dillon Vargas is hereby appointed to the position of Recreation Aide (Part-Time) effective immediately; and

**BE IT FURTHER RESOLVED** that said appointment be compensation at an hourly rate of \$7.50/hour for up to ten hours per week.

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

**R-09-207  
RESOLUTION AUTHORIZING AWARD OF CONTRACT  
TO VENDOR(S) WITH STATE CONTRACT  
FOR FORD MASON DUMP TRUCK WITH PLOW**

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

**1. In accordance with the requirements of the Local Public Contracts Law  
N.J.S.A. 40A:11-12 et seq., and the regulations promulgated thereunder,  
the following purchase without competitive bids from vendor(s) with  
State Contract is hereby approved.**

**ITEM # 1**

**VENDOR**

**DITSCHMAN FLEMINGTON FORD  
215 ROUTE 202  
FLEMINGTON, N.J. 08822**

**STATE CONTRACT # A73962**

**AMOUNT \$ 41,733.00**

**DESCRIPTION**

**FORD MASON DUMP  
TRUCK WITH PLOW  
FOR THE DEPARTMENT  
OF PUBLIC WORKS**

**WHEREAS, the Chief Financial Officer of the Borough of Highlands has  
certified that adequate funds for such contract are available, and are designated to  
line item appropriation of the official budget no. M.C.I.A. A copy of the said  
certification is attached hereto and made a part hereof and the funds to be expended  
herein are assigned to line item no. M.C.I.A. A copy of the within  
resolution and certification shall be certified by the Borough Clerk.**

**2. The Borough Attorney is satisfied that the availability of funds has been  
provided and a copy of the within resolution shall be made a part of the file  
concerning said resolution and appointment.**

**2008 M.C.I.A. - \$ 41,773.00**

**3. 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. Michael Johnson, DPW  
C. Bruce Hilling, Administrator**

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Seconded by Mr. Urbanski 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**

Mr. Caizza offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS  
11/04/09**

<b>CURRENT:</b>		\$ 829,898.45
Payroll	(10/30/09)	\$ 123,242.00
<b>Manual Checks</b>		<b>\$ 132,369.20</b>
<b>Voided Checks</b>		<b>\$</b>
<b>SEWER ACCOUNT:</b>		\$ 90,952.60
Manual Checks		\$ 3,393.00
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$ 135,180.36
<b>CAPITAL-MANUAL CHECKS</b>		\$ 12,261.17
<b>WATER CAPITAL ACCOUNT</b>		\$
<b>TRUST FUND</b>		\$ 39,194.91
Payroll	(10/30/09)	\$
Manual Checks		\$ 1,683.07
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$ 11,130.62
<b>DOG FUND</b>		\$
<b>GRANT FUND</b>		\$ 600.00
Payroll	(10/30/09)	\$
Manual Checks		\$ 9,372.65
Voided Checks		\$
<b>DEVELOPER'S TRUST</b>		\$
Manual Checks		\$ 549.51
Voided Checks		\$

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

Seconded by Mr. Urbanski and 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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**Other Resolutions:**

**Resolution R-09-202**

Mayor Little offered the following Resolution and moved its adoption:

**R-09-202  
RESOLUTION APPOINTING MEMBER OF HOUSING  
AUTHORITY**



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**WHEREAS**, the term five year term for Gloria Miller, Housing Authority Member is due to expire on November 30, 2009

**WHEREAS**, the Governing Body desires to fill that position effective December 1, 2009.

**NOW, THEREFORE, BE IT RESOLVED** that the following appointment be and hereby is made:

Gloria Miller - Five year term to expire  
to expire November 30, 2014

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**

**R-09-203**

Mr. Francy offered a motion to table this resolution until next meeting.

Seconded by Ms. Kane and all were in favor. Moved to December 2<sup>nd</sup> meeting.

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-09-120**

**RESOLUTION APPROVING TERMS  
OF AN EMPLOYMENT AGREEMENT BETWEEN  
THE BOROUGH OF HIGHLANDS AND  
POLICE CHIEF BLEWETT**

**WHEREAS**, Joseph Blewett serves as the Police Chief for the Borough of Highlands; and

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

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

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

**IT IS HEREBY RESOLVED** this 4th day of November, 2009 that the Mayor and Borough Council hereby approve the terms of the Employment Agreement negotiated between the Borough of Highlands and its Police Chief; and

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

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**

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**Committee Reports:**

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No written reports submitted.

Mayor Little stated that reports will be dispensed with for this meeting.

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**Other Business:**

**Flood Reduction Discussion:**

Mayor Little stated that Steve Pfeffer needs to explore financing.

Mr. Pfeffer stated that we authorize T&M to prepare application to infrastructure trust and if we get approval it would allow us to do a Bond Ordinance with a 5% down payment. It will also allow us to use the Trust for lower financing. T&M will have a presentation for next meeting. He also stated that a discussion is needed with all concerned to determine if we should do this project in phases or all at once.

Mr. Caizza stated the OEM is working on a grant. Dave Parker is working on a write up. Mr. Caizza will contact Mr. Parker to prepare for next meeting.

**Special Police Duty:**

Mr. Arnette discussed the rate of the off duty rate as per call out and cancellation. Mr. Arnette recommended to put an ordinance in place for the minimum number of hours when contractor cancels. He will write ordinance up for next meeting.

**Approval of Minutes:**

Ms. Kane offered a motion and moved on the approval of the October 7, 2009 Executive Session Minutes, seconded by Mr. Francy 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**

**Public Portion:**

**Donna O'Callinan - 3 Bay Street - Signage on bridge, sizes disproportionate to area and beach erosion, will soil be replaced?**

**Mr. Hilling will draft a letter to DOT about soil replacement and discuss with Tony Marsalla and DOT, regarding Borough's dissatisfaction with signage. He will also be meeting with DOT and J.H. Reid tomorrow to map out curb cuts.**

**Mrs. O'Callinan addressed to Chief of Police regarding traffic going wrong way on S. Bay Avenue at various times of day. Mayor Little recommended to the Chief that police presence there would help to control traffic patterns.**

**Maureen Kraemer - 200 Portland Road –Questioned the Mayor regarding stimulus money, garbage pick up reduction. She questioned the Mayor about a lawsuit and she complained about the negative political literature written about her and illegally placed on cars.**

**The Mayor stated that she did write one side of the letter but did not distribute letter in question.**

**Tara Ryan - 12 Ocean Street – passed on her time to speak.**

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**Michele Pezzullo - 115 Highland Avenue - Questioned the purpose of Resolution R-09-207 Mason Dump Truck**

Mr. Urbanski stated that it is Public Works Vehicle used to pick up leaves and various items.

Michelle Pezzullo referenced the corner Highland Avenue and Peak Street flooding. Storm drain needs to be cleaned out.

Mr. Hilling will look in to this.

Letter from Debra Thorner was referenced regarding speeding on Highland Avenue. Mayor recommended to Chief of Police about installing a traffic calming sign. The Chief will also put up speed limit sign.

Chief will contact Mrs. Thorner about these recommendations by the next meeting.

DOT - lighting and signage - lighting is not aesthetic to the area.

Mr. Hilling will get a detailed answer with in the week to Mrs. Pezzullo.

**Tara Ryan - 17 Ocean Street - agreed with other residents about traffic problems on Highlands Avenue. Also has a concern about flooding on S. Bay Avenue.**

Mr. Hilling said he would be looking at tomorrow.

Chris Francy asked about the collected data from these devices. Police presence could be in place when needed as is collected data.

Chief will get the data from these devices.

**Shiela Winstock - Highland Avenue. Student drivers need to be addressed regarding speeding on Highland Ave.**

The Chief said he does give a class discussion to new drivers about speeding once a year. This has not been done this year. The Chief will study the problem.

**Mrs. Pezzullo - 115 Highland Avenue - said there is also a problem with speeding because of detouring on Highland Avenue.**

Chief will look in to this.

**Don Manrodt - 268 Bayside Drive - Invited Mayor and Council and all Veteran's to services for Veteran's at 7pm on Wednesday, November 11<sup>th</sup> at the Doughboy at the VFW. Girl scouts will have a dinner for all Veteran's at the Community Center from 4-7pm. Will post on electronic signboard and Public Relations will put out a press release.**

Mr. Manrodt complained about odor/fuel seeping on Bayside Drive. Having problems with getting mortgage because of the hazardous conditions.

The Mayor stated that the Borough will send a letter to the DEP on his behalf.

Mr. Hilling will get property addresses that are affected and correspond with DEP that we are receiving complaints and it is effecting the quality of life.

**John Amici - 3 Thompson Avenue - Spoke about wanting parking on one side of Hillside Avenue. It is a one-way with no parking. Could it be changed to allow parking and keep as one-way?**

Chief Blewett has no problem with keeping it one-way and allowing parking. He will check with the State for approval.

Mr. Caizza told Chief to take down temporary parking signs if ok with State.

**Roberta McEntee - 5<sup>th</sup> Street - mentioned that it is illegal to place anything on private property.**

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Mayor stated she was not sure of the rules about placing items on property.

**Mr. Dowling - 5<sup>th</sup> Street – He stated that businesses place hand outs at homes, also.**

**Mr. Caizza stated the when restaurants do it, the Police Department does ask them to stop or issue summons. They are very good about enforcing that law.**

**Lori Dibble - Paradise Park - Unwanted phone books should be considered a part of this problem.**

**There is a problem with ferry traffic. They disregard stop signs and are speeding. The Crossing Guard directs traffic.**

**Mr. Caizza asked the Chief to speak with the crossing guard to stop directing traffic.**

**Paul Cefalo - 29 Beach Blvd agreed that there is speeding.**

**Mayor Little offered a motion to adjourn the meeting, seconded by Mr. Caizza**

There were no further questions or comments from the public.

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

The Meeting adjourned at 10:31 P.M.

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**CAROLYN CUMMINS, BOROUGH CLERK**