

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
FEBRUARY 15, 2006**

Mr. Urbanski called the meeting to order at 7:15 P.M.

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

**ROLL CALL:**

**Present:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski

**Late:** Mrs. Little, Mayor O'Neil

**Absent:** None

**Also Present:** Nina Light Flannery, Borough Clerk  
David Gilson, Borough Administrator  
Dominick Manco, Esq., Borough Attorney  
Stephen Pfeffer, Chief Financial Officer

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**Executive Session Resolution**

Mrs. Flannery read the following Resolution for approval:

Mr. Urbanski 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:

**Personnel Matter: Zoning Officer, Code Enforcement, DPW  
Contracts: Animal Control, Comcast Cable  
O.E.M.  
Shade Tree  
Performance Bonds - Lapitzki**

**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:

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.

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

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. Caizza, Mr. Urbanski

**NAYES:** None

**ABSENT:** Mrs. Little, Mayor O'Neil

**ABSTAIN:** None

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Regular Meeting back to order at 8:41 P.M.

Mayor O'Neil asked all to stand for the Pledge of Allegiance.

**ROLL CALL:**

**Present:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**Absent:** None

**Also Present:** Nina Light Flannery, Borough Clerk  
David Gilson, Borough Administrator  
Stephen Pfeffer, CFO  
Dominick Manco, Esq., Borough Attorney

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**Budget Amendment – Public Hearing**

Mayor O'Neil opened up the public hearing for the budget amendment.

There were no questions or comments from the public; therefore the public hearing on this matter was closed.

Mrs. Flannery read the title of the Resolution R-06-37 for adoption.

Mayor O'Neil offered the following Resolution and moved on its adoption after public hearing was held:

**R-06-37  
BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
RESOLUTION**

**WHEREAS**, the local municipal budget for the fiscal year 2006 was approved on the 21<sup>st</sup> day of September, 2005 and

**WHEREAS**, the public hearing on said budget has been held as advertised, and

**WHEREAS**, it is desired to amend said approved budget, now

**THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Highlands, County of Monmouth that the following amendments to the approved budget of fiscal year 2006 be made:

GENERAL REVENUES

FROM

TO

3. Miscellaneous Revenues – Section F:– Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset With Appropriations:

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Municipal Alliance on Alcoholism and Drug Abuse	32,693.00	29,300.00
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Total Section F: Special Items Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset With Appropriations:		
	113,753.23	110,090.23

SUMMARY OF REVENUES

3. Miscellaneous Revenues

Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services – Public and Private Revenues		
	113,753.23	110,090.23

Total Miscellaneous Revenues	1,189,768.85	1,186,105.85
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5. Subtotal General Revenues	2,714,768.85	2,711,105.85
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6. Amount to be Raised by Taxes for Support of Municipal Budget		
a) Local Tax for Municipal Purposes Including Reserve For Uncollected Taxes		
	4,880,443.14	4,741,494.72

Total Amount to be Raised by Taxes for Support of Municipal Budget		
	4,880,443.14	4,741,494.72

7. Total General Revenues	7,595,211.99	7,452,600.57
	<u>FROM</u>	<u>TO</u>

8. General Appropriations  
(A) Operations – Within “CAPS”

Borough Council		
Other Expenses	11,000.00	13,000.00

Borough Clerk		
Other Expenses	24,000.00	30,000.00

Code Enforcement Officer		
Salaries and Wages	77,360.00	72,400.00

Unemployment Insurance		
	20,000.00	15,000.00

Police		
Salaries and Wages	1,218,500.00	1,239,200.00

Road Repair and Maintenance		
Other Expenses	47,415.00	46,415.00

Sanitation		
Salaries and Wages	262,460.00	256,000.00

Mechanical Garage		
Other Expenses	80,000.00	79,000.00

Public Buildings and Grounds		
Other Expenses	60,000.00	57,000.00

Environmental Commission		
Other Expenses	100.00	250.00

Beachfront Maintenance		
Salaries and Wages	21,520.00	18,000.00

Community Center		
Salaries and Wages	126,785.00	124,000.00

Accumulated Sick Leave		
	70,000.00	20,000.00

Total Operations within “CAPS”	4,492,480.00	4,441,605.00
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Total Operations Including Contingent Within “CAPS”	4,492,480.00	4,441,605.00
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Detail:		
Salaries and Wages	2,882,348.00	2,885,323.00

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Other Expenses	1,610,132.00	1,556,282.00
Statutory Expenditures		
Social Security System	146,090.00	144,400.00
Total Deferred Charges and Statutory Expenditures – Municipal within “CAPS”	146,090.00	144,400.00
 Total General Appropriations for Municipal Purposes Within “CAPS”	 4,638,570.00	 4,586,005.00
 Operations – Excluded from “CAPS”		
Length of Service Awards Program	85,100.00	36,000.00
Insurance (N.J.S.A. 40A:4-45.3(oo))		
Group Insurance Plan for Employees	1,097,000.00	1,043,000.00
Other Insurance	85,000.00	88,000.00
Workmen’s Compensation	105,000.00	125,000.00
Police and Firemen’s Retirement System of N.J.	114,890.00	114,891.00
	<u>FROM</u>	<u>TO</u>
 Total Other Operations – Excluded from “CAPS”	 1,517,755.00	 1,437,656.00
Total Operations – Excluded from “CAPS”	1,640,999.23	1,560,900.23
Detail:		
Other Expenses	1,640,999.23	1,560,900.23
Capital Improvements – Excluded from “CAPS”		
Capital Improvement Fund	50,000.00	47,000.00
Total Capital Improvements – Excluded from “CAPS”	50,000.00	47,000.00
(H-2) Total General Appropriations for Municipal Purposes Excluded from “CAPS”	2,300,954.23	2,217,855.23
 (O) Total General Appropriations – Excluded from “CAPS”	 2,300,954.23	 2,217,855.23
 (L) Subtotal General Appropriations	 6,939,524.23	 6,803,860.23
 (M) Reserve for Uncollected Taxes	 655,687.76	 648,740.34
9. Total General Appropriations	7,595,211.99	7,452,600.57

**SUMMARY OF APPROPRIATIONS**

(H-1) Total General Appropriations for Municipal Purposes Within “CAPS”	4,638,570.00	4,586,005.00
(a) Operations – Excluded from “CAPS” – Other Operations	1,517,755.00	1,437,656.00
Total Operations – Excluded from “CAPS”	1,640,999.23	1,560,900.23
( C ) Capital Improvements	50,000.00	47,000.00
(M) Reserve for Uncollected Taxes	655,687.76	648,740.34
Total General Appropriations	7,595,211.99	7,452,600.57

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended.

**BE IT FURTHER RESOLVED**, that a summary of this amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the Courier in the Issue of February 9, 2006, and that said publication contain notice of public hearing on said amendment to be held at the Municipal Building on February 15, 2006, at 8:00 o’clock p.m.

Seconded by Nolan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O’Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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**Adoption of Municipal Budget**

Mrs. Flannery read the following Resolution for approval:

**INSERT  
RESOLUTION  
R-06-41  
HERE**

HIGHLANDSNJ.COM

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**BOROUGH OF HIGHLAND  
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**Consent Agenda:**

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

Mr. Pfeffer asked if the Borough Attorney had reviewed Resolution R-06-33.

Mr. Manco stated that he had not reviewed it yet.

Mayor O'Neil stated that Resolution R-06-33 increasing LOSAP contributions would be removed from the consent agenda and discussed later on this evening.

Mayor O'Neil offered the following resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-06-38**

**RESOLUTION - DEFERRAL OF REGIONAL HIGH SCHOOL TAX**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis; and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

**WHEREAS**, it is the desire and intent of the Governing Body of the Borough of Highlands, County of Monmouth, to avail the Borough of the deferral as permitted by regulations promulgated by the Local finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Henry Hudson Regional School District is \$1,655,318.59.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Highlands, County of Monmouth hereby authorize the Chief Financial Officer of the Borough to defer \$11,180.20 of school taxes as permitted by the aforementioned regulation.

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

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

**ROLL CALL:**

**AYES:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

Mayor O'Neil offered the following resolution and moved its adoption:

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**R-06-39  
RESOLUTION AUTHORIZING AN EXTENSION OF TIME  
FOR PAYMENT OF MUNICIPAL TAXES WITHOUT  
INTEREST TO MARCH 20, 2006**

**WHEREAS**, the Borough of Highlands mailed Municipal tax bills in February, 2006 to all property owners; and

**WHEREAS**, the delay of the mailing of the Municipal tax bills, due to late budget approval, 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 March 20, 2006.
2. In the event that the tax bills are not paid by a resident on March 20, 2006. then interest shall be retroactive to the February 1, 2006 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. Nolan and adopted on the following Roll Call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Mayor offered the following resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-06-40**

**RESOLUTION - DEFERRAL OF LOCAL SCHOOL TAX**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis; and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and



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**WHEREAS**, it is the desire and intent of the Governing Body of the Borough of Highlands, County of Monmouth, to avail the Borough of the deferral as permitted by regulations promulgated by the Local finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Highlands School District is \$1,482,633.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Highlands, County of Monmouth hereby authorize the Chief Financial Officer of the Borough to defer \$117,761.50 of school taxes as permitted by the aforementioned regulation.

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

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

**ROLL CALL:**

**AYES:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Mayor O'Neil offered the following Resolution and moved on its adoption:

**R-06-41a  
RESOLUTION AUTHORIZING  
REFUNDS OF REMAINING  
UNUSED PLANNING & ZONING BOARD ESCROW FUNDS**

**WHEREAS**, the Board Secretary has reviewed the following escrow accounts and has received authorization from both the Board Attorneys and Board Engineers that there are no outstanding invoices due to them; and

<u>Account #</u>	<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
9500-9-01-05	Gomes & Michalois	79	3	\$443.25
9500-9-15-04	NYSMSA c/o Hiering	106.1	1	\$168.00
9500-9-12-04	Tierney, A.	44	4	\$243.78
9500-9-10-04	Nextel Comm, Inc.	106.1	1	\$1,510.33
9500-9-9-04	VanWagner Builders	59	31	\$184.96
9500-9-7-04	Belezza, John	117	10	\$250.00
9500-9-4-04	Oakley, Robert	65	9	\$142.95
9500-9-3-04	Alexander, J. & L.	6	15	\$337.31
9500-9-1-04	Worthington Capital	9	6/7	\$1,697.52
9500-9-2-04	Gorman, Francis	101	30	\$87.37
9500-9-10-03	Feldman, A. & M.	57	2	\$155.44
9500-9-7-03	Highlands Brd of Ed	116	2	\$1.00
9500-9-6-03	Colbert, Richard	103	22	\$.13
9500-9-5-03	Cummins, Arthur	94	15	\$42.22
9500-9-13-02	Franco, Tina	102	5	\$.22
9500-9-9-02	Riverdale Mgmt	102	8	\$281.24
9500-9-07-97	King, John	120	8.04	\$19.15
9500-9-07-95	Benedetti	92	10	\$401.45
9500-9-04-95	Salerno, Anne	37	8	\$66.14

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9500-9-05-95	Armstrong, R. & K.	100	8	\$75.00
9500-9-09-94	R. Caizza & Mullen	103	4	\$68.79
9000-9-05-10	Knox, Michael	57	2.01	\$552.00

**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 applicants their remaining escrow funds.

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

**ROLL CALL:**

**AYES:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Mayor O'Neil offered the following Resolution and moved on its adoption :

**R-06-42  
RESOLUTION**

**AUTHORIZING MONMOUTH COUNTY MOSQUITO EXTERMINATION  
COMMISSION TO APPLY PESTICIDES FROM AIRCRAFT TO CONTROL  
MOSQUITOES OVER PORTIONS OF THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Borough of Highlands has received notification from the Monmouth County Mosquito Extermination Commission for the resumption of aerial surveillance and treatment on or about March 15, 2006 and continuing through November 30, 2006; and

**WHEREAS**, Regulations of the Federal Aviation Administration require that the Commission obtain written approval from the local governing body where operations are conducted.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands in the County of Monmouth, State of New Jersey, a municipal corporation that the Monmouth County Mosquito Extermination Commission are hereby authorized to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Highlands. The Borough does understand that all pesticides used are registered with the NJDEP for aerial application by the State and the USEPA.

**BE IT FURTHER RESOLVED** that it is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor. This approval is subject to the Monmouth County Mosquito Extermination Commission notifying the local police department prior to each and every application.

**BE IT FURHTER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to execute agreement for said aerial surveillance and treatment program.

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

**ROLL CALL:**

**AYES:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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Mayor O'Neil offered the following resolution and moved its adoption:

**R-06-43  
AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

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

**NOW, THEREFORE BE IT 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:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
87	3	2005	\$ 791.98	Paul & Patti Gardner
105.107	1.1	2005	10315.80	Highlander Assoc.
106.1	108	2004	267.16	Michael & Carol Murphy
106.1	1003	2005	250.00	H.L. & Barbara Ewbank Trust

Seconded by Mr. Nolan and adopted on the following Roll Call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

Mayor O'Neil offered the following resolution and moved its adoption:

**R-06-44  
CANCEL TAX OVERPAYMENTS**

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

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

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Council of the Borough of Highlands, in the County of Monmouth, New Jersey, that the Tax Collector cancel tax overpayments and open balances effective June 30, 2005 as follows:

<u>Block</u>	<u>Lot</u>	<u>SF Year</u>	<u>Amount</u>
1.02	6	2003	\$ 64.80-
3	4	2003	17.59-
6	17	2003	11.93-

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9.01	4	2003	1,344.74-
11	13.02	2003	9.04-
11.04	6	2003	870.86-
11.08	12	2003	1,182.47-
11.10	6	2003	108.51-
14	1.01	2003	86.20-
22.1	4	2003	1,062.93-
26	11.02	2003	.01 -
34	22	2003	1,025.00-
38.01	12	2003	140.60-
46	2	2003	56.62-
47	5	2003	2,325.62-
52	9	2003	3.45-
60	7	2003	120.54-
65	1	2003	120.31-
65	6	2003	863.28-
65	34	2003	688.73-
65	35	2003	573.03-
68	3.02	2003	15.02-
72	9.05	2003	1,568.20-
76	13	2003	30.00-
77	16	2003	219.76-
80	5.01	2003	84.51-
80	21	2003	5.45-
83	11	2003	3.00-
86	3	2003	70.82-
89	1	2003	47.78-
93	9	2003	702.27-
94	12	2003	31.47-
98	10	2003	12.73-
99	14-C406	2003	401.92-
100	26.05	2003	843.22-
100.7	37	2003	965.05-
101	9	2003	612.13-
106.1	1003	2003	247.01-
106.1	1408	2003	62.50-
110	16.02	2003	821.10-
112	12.17	2004	507.57+
114	7.03	2003	1,207.06-
114	7.09	2003	1,149.99-
115	9.109	2003	1,244.55-
116	15	2003	.02-
118	6.3	2003	1,413.57-
118	10	2003	274.75-
120	1	2003	.01-
120	10.2-6	2003	<u>2.00-</u>
Totals			\$22,204.58-

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

**ROLL CALL:**

**AYES:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**BOROUGH OF HIGHLANDS  
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Mayor O'Neil offered the following Resolution and moved on its adoption:

**R-06-45  
RESOLUTION APPROVING HANDICAP PARKING SPACES  
FOR 51 MATTHEW STREET & SEADRIFT AVENUE**

**WHEREAS**, an application for a Handicap Parking Designation was submitted to the Highlands Police Department by Ms. Kerry Hernandez of 51 Matthew Street and Cathleen Szirko of 7 Sea Drift Avenue; and

**WHEREAS**, the Chief of Police has reviewed the application and recommends the approval of said Handicap Parking Designations.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the application for Handicap Parking Designation for Cathleen Szirko and Kerry Hernandez area hereby approved; and

**BE IT FURTHER RESOLVED** that the Borough of Highlands erect Handicap Parking Designation Signs as follows:

1. for Mrs. Szirko on Sea Drift Avenue directly across the street from pole JC255HL on the south side of Sea Drift Avenue two (2) feet west of the Water main cover between house numbers five and seven; and
2. for Ms. Hernandez on Shore Drive, five (5) feet south of pole JC576HLB on the east side of Shore Drive.

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

**ROLL CALL:**

**AYES:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

Mayor O'Neil offered the following Payment of Bills and moved on its approval for Payment:

**RECAP OF PAYMENT OF BILLS  
02/15/06**

<b>CURRENT:</b>		\$ 52,892.79
Payroll	(01/30/06)	\$ 106,184.79
Manual Checks		\$ 7,960.74
Voided Checks		\$ 2,718.11
<b>SEWER ACCOUNT:</b>		\$ 221,796.80
Payroll	(01/30/06)	\$ 5,552.29
Manual Checks		\$ 1,278.81
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$ 44,288.54
<b>CAPITAL-MANUAL CHECKS</b>		\$
Voided Checks		\$

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<b>TRUST FUND</b>	\$	9,625.51
Payroll (01/30/06)	\$	1,116.00
Manual Checks	\$	
Voided Checks	\$	
 <b>UNEMPLOYMENT ACCT-MANUALS</b>	 \$	 39.24
 <b>DOG FUND</b>	 \$	 237.00
 <b>GRANT FUND</b>	 \$	 181.66
Payroll (01/30/06)	\$	1,762.77
Manual Checks	\$	
Voided Checks	\$	
 <b>DEVELOPER'S TRUST</b>	 \$	
Manual Checks	\$	
Voided Checks	\$	

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

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

**ROLL CALL:**

**AYES:** Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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

**Ordinance O-06-01**

Mrs. Flannery read the title of Ordinance O-06-01 for the second reading and public hearing.

Mayor O'Neil opened the public hearing on this ordinance.

There were no questions or comments from the public; therefore the public hearing was closed on this matter.

Mrs. Flannery read the title of Ordinance O-06-01 for the third and final reading.

Mr. Urbanski offered the following ordinance pass final reading and be adopted and published according to law:

**O-06- 01**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED "GENERAL POLICE REGULATIONS-PUBLIC PARKS", ESTABLISHING A NEW SECTION 3- 21 THEREOF ENTITLED, "SEX OFFENDER RESIDENCY LIMITATION"**

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**WHEREAS**, the Governing Body of the Borough of Highlands is concerned about the possible threat posed by convicted sex offenders having convenient accessibility to children, or the places where children congregate regularly, and

**WHEREAS**, the risks involved appear to be increased if such convicted offenders have accessibility to children when their own residence is located near places where children congregate, as children can be more readily observed, monitored, approached and communicated with, and

**WHEREAS**, there are presently no State laws which regulate or prohibit such convicted sex offenders from residing in close proximity to or loitering in such places where children regularly congregate, and *NJSA 40:48-1* provides the authority for a municipality to pass such ordinances as appropriate to adequately protect the health and safety of the community, and certainly its children, and

**WHEREAS**, the Mayor and Borough Council have concluded it is appropriate to protect the safety and welfare of its children to prohibit the residence of convicted sex offenders within close proximity of defined locations where children congregate regularly, and loitering of such offenders in the immediate vicinity of such locations.

**NOW THEREFORE BE IT ORDAINED** BY THE GOVERNING BODY OF THE BOROUGH OF HIGHLANDS, that the Revised General Ordinances of the Borough of Highlands be and hereby are amended and supplemented to add a new Section 3-21 under Chapter III, "Revised General Police Regulations," entitled, "Sex Offender Residency Limitation", to read as follows:

Section 3-21.1.           Residency Limitation.

No person over the age of 18 who is required to register with the proper authorities pursuant to *NJSA 2C:7-1 et seq*, "Registration and Notification of Release of Certain Offenders", commonly identified as "Megan's Law", and has been classified as either a Tier 1, Tier 2 or Tier 3 Offender, shall be permitted to reside or otherwise live in an area within 1,000 feet of any public or private school, park, playground or daycare center in the Township.

Section 3-21.2.           Prior Residency Exclusion.

This ordinance shall not be deemed to apply to any such prohibited person/resident who is both a record title owner and occupant of their residence in a prohibited area as of the date of the adoption of this ordinance. Any other such prohibited person/resident residing within any prohibited area shall have ninety days (90) from the effective date of this ordinance, or upon the termination of any residential lease with a term not longer than one (1) year entered into prior to the adoption of this ordinance, whichever is later, to relocate outside of the prohibited areas established by this ordinance. Failure to so relocate from prohibited areas shall constitute a violation of this ordinance. No such prohibited person shall establish residency in a prohibited area after the adoption of this ordinance.

Section 3-21.3.           Exclusion Zone – 150 feet.

In addition to the foregoing, an area encompassing 150 feet in all directions from any facilities identified in Section 1 shall be established and defined as an "Exclusion Zone". NO person subject to the residency limitation specified in Section 3-21.1 shall be permitted to stop, sit, stand or loiter within an "Exclusion Zone" for any period of time

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exceeding the amount of time reasonably necessary to engage in a legitimate activity within the "Exclusion Zone", and shall remain within said "Exclusion Zone" for only that period of time required to actually engage in that legitimate activity.

Section 3-21.4. Penalty for Violations

Any violation of this chapter shall be punishable by the penalties provided in Section 3-9 of the Revised General Ordinances of the Borough of Highlands.

Section 3-21.5. Severability

The provisions of this ordinance shall be deemed to be severable. Therefore, if any provision, section, subsection, sentence, clause, phrase or portion of this ordinance shall be deemed to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions of this ordinance shall remain in full force and effect.

**BE IT FURTHER ORDAINED THAT** this ordinance shall take effect upon final passage and publication in accordance with law.

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

**ROLL CALL:**

**AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**  
**NAYES: None**  
**ABSENT: None**  
**ABSTAIN: None**

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**Other Business:**

**Engineer's Report**

Dale Leubner of T & M Associates stated the following:

1. Community Center Improvements – right now they are currently on schedule for a March 1<sup>st</sup>, submittal to the County for review. They have a design progress meeting scheduled for tomorrow.
2. Fire House Project – the snow has set our contractor back a couple of days, but they still assure us that the project is still on schedule for a September 25, 2006 closing.
3. Bridge Project – we are still going back and forth with the design consultants with regard to the utility reimbursements to the borough and they have assured us that they are looking into that.
4. Storm Water Management Regulations – we have located the outfalls and are finalizing the report which will be submitted in one week.
5. Washington Street Reconstruction Project – a utility mark out has been requested and as soon as the snow clears we are going to excavate a couple



of our test pits to examine the sub-grade and do a preliminary cost estimate to determine the actual project length.

Mr. Caizza stated when they do the cost estimate for Washington Street, we should let them go down between Washington and Recreation on Seadrift because that is a bad street and we should black top it and curb it.

Mr. Norbut stated that they would prepare a separate price for Seadrift.

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Mr. Leubner continued as follows:

6. Ocean Street & Recreation Street Improvements – the improvements were done and the contractor has been paid and that project is closed. A Maintenance Bond is in place.
7. South Bay Sanitary Pump Station – this project is completed and the final close out documentation is being processed.
8. North Street Box Culvert Replacement – as soon as the Borough's contractor completes hanging the sheathing then we are going to have the contractor coordinate that project and get that project moving forward.
9. AHHRSA Funding – we have submitted the five year plan and they are reviewing it.

Don Norbut of T & M Associates stated the following:

1. Zoning Ordinance Amendments – tonight he given copies of the amendments to the Zoning Ordinance to the Governing Body. Mr. Truscott will be issuing the final ordinance version for you to introduce at your next meeting.
2. Sanitary Sewer Basin 8 Proposal – there is a proposal that has been submitted. He stated that if the improvements are made the borough's sewer bill will be reduced and the annual bond cost for this project on an annual basis would be less than what the borough pays for the sewerage flow, which he further explained.
3. S. Broderick Request to Vacate next to Block 60 Lot 7 - the applicant currently has an application in front of the Planning Board for a two lot subdivision on Shore Drive. He has a paper street next to the subject property and he is suggesting that the Borough vacate that right-of-way.

Mayor O'Neil stated that the applicant does not need this right-of-way vacation to subdivide and does not believe that the Borough should vacate this at this time because the applicant will turn around and sell this property. He believes that this could be vacated after the subdivision to the new homeowner.

Mr. Manco stated that if the applicant wants to proceed then the applicant should post an escrow.

The Governing Body had a discussion on this matter and decided hold off on this matter.

Mr. Norbut stated the following:

4. Mountain Street Sanitary Sewer Connection – we are waiting for a follow up to the plan and then we will make a recommendation to the Governing Body.
5. Valley Street Pump Station – we are ready to move forward with the design on this project. We can put alternate bid items in the proposal if the funding is going to be capped at \$300,000.

Mr. Pfeffer explained that T & M Associates has to submit a description and supply some numbers then the Bond Counsel can prepare a Bond Ordinance for this project.

Mayor O'Neil stated that he wanted to know what it will cost in total.

Mrs. Flannery – with regard to the Basin 8 design proposal, that has to be a Professional Services Contract so we can do that at the next meeting.

**Resolution R-06-33 – Increase in LOSAP**

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Mr. Manco stated that the LOSAP Ordinance that was adopted in 2004 specified the initial year rate, so there is no need to adopt this resolution for this year. The Governing Body can adjust it next year for 2006 & 2007.

**Community Center Project**

Anna Little stated that with regard to the Community Center Project there have been some additional funds obtained from the CDBG so that will reduce the amount that the borough has to spend for this project.

**Approval of New Members of Fire Department – M. Mezey & G. Roxby**

Mr. Caizza offered a motion to approve the new membership of the Fire Department for Matthew Mezey and George Roxby, seconded by Mr. Nolan and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

**Zoning Ordinance Amendment Discussion**

Mrs. Flannery stated that the Governing Body received a memo from the Planning Board Secretary with attachments including a Planning Board Resolution.

Mr. Caizza offered a motion to move the review of the Planning Board comments to the March 1, 2006 meeting, seconded by Mr. Urbanski and all were in favor.

**Donation for Come Home, Inc. – Ambulance**

Mrs. Flannery explained that Come Home, Inc. is a soup kitchen and they have requested that we give them our ambulance that we have recently retired. Normally we auction off retired equipment.

Mr. Manco stated that the State does not really allow for us to make donations. If it has a value then we have to bid it.

The Governing Body discussed the request for the ambulance donation.

Mr. Urbanski stated that he would have the Borough Mechanic come up with a value of the ambulance.

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**Public Portion**

Roberta McEntee of Fifth Street complimented the Mayor for getting the reports to the Sewerage Authority which means a big savings for the borough. She was also happy that the borough received the \$58,000 that Tim Hill worked very hard for.

Mayor O'Neil wanted to know if the borough could submit for reimbursement for the I & I Basin 8 job.

Mr. Norbut – yes that was listed in the five year plan.

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William Eaton, Esq. – I am here on behalf of the Paradise Park Homeowners Association and we just got the proposed copy of the Zoning Amendment Ordinance and we don't think that this is any better than the last proposed ordinance. He requested that section thirty two be voted on separately so that we can deal with it separately because the rest of the ordinance is fine. We only have an issue with section thirty two.

Donald Manrodt of Bayside Drive asked what the new tax rate was.

Mr. Pfeffer – it appears that at the next billing there will be a 1.48 cent reduction on the total rate, which is about \$14.00 per 100.

Lori Ann Nolan of Waterwitch Avenue – the DPW did a very good job removing the snow from the streets.

Joseph Dorin of 102 Valley Avenue – has there been an update on the title search that was to be done on Block 35 Lot 12?

Mr. Manco stated that the search has been ordered and he is still waiting for the final report.

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

The meeting adjourned at 9:32 P.M.

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**CAROLYN CUMMINS, DEPUTY CLERK**

