

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
COMBINED MEETING
MARCH 1, 2006**

Mayor O'Neil called the meeting to order at 7:19 P.M.

The Borough Clerk made the following statement: As per requirement of P.L. 1975, Chapter 231, notice is hereby given that this is a Combined Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the 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, Mayor O'Neil

Absent: None

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

Executive Session Resolution

Mrs. Flannery read the following Resolution for approval:

Mayor O'Neil 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. Personnel: Zoning, Code Enforcement, DPW Supervisor, Office Employees**
- 2. Ptak Wall**
- 3. O.E.M.**
- 4. S. Bay Beach Improvements**
- 5. Tomaino – Community Center Design**

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:

5. Deals with purchase, lease or acquisition of real property with public funds.
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 Mrs. Little 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

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Combined Meeting back to order at 8:37 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
Dominick Manco, Esq., Borough Attorney

Consent Agenda Resolutions:

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

**INSERT
RESOLUTION
R-06-46
HERE**

**BOROUGH OF HIGHLANDS
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MARCH 1, 2006**

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**BOROUGH OF HIGHLANDS
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Mayor O'Neil offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
03/01/06**

CURRENT:		\$	546,623.48
Payroll	(02/15/06)	\$	107,440.21
Manual Checks		\$	12,026.04
Voided Checks		\$	
SEWER ACCOUNT:		\$	3,273.49
Payroll	(02/15/06)	\$	5,044.48
Manual Checks		\$	68.91
Voided Checks		\$	
CAPITAL/GENERAL		\$	29,627.36
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
TRUST FUND		\$	2,387.47
Payroll	(02/15/06)	\$	1,302.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	5,719.80
Payroll	(02/15/06)	\$	1,289.52
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	418.50
Manual Checks		\$	
Voided Checks		\$	
ADDENDUM			
Jack Serpico		\$	838.75

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

Seconded by Mrs. Little 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

Ordinances: Introduction, Setting of PHD for March 15, 2006

Ordinance O-06-02

**Borough of Highlands
Mayor and Council
Combined Meeting
March 1, 2006**

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

Mr. Urbanski offered the following Bond Ordinance be introduced and published according to law and that a public hearing date be scheduled for Wednesday, March 15, 2006 at 8:00 P.M or soon thereafter as the matter may be reached:

O-06-02

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$378,000 FOR VARIOUS IMPROVEMENTS TO VALLEY STREET STORMWATER PUMP STATION FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$359,100 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION

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 members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$378,000, such sum includes the sum of \$18,900 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 Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$359,100 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$359,100 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

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Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Various improvements to Valley Street Stormwater Pump Station, including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$378,000	\$359,100	40

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$359,100.

(c) The estimated cost of the Improvements is \$378,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

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 resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

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(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$359,100 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance 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 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 \$359,100.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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Discussion RE: Tim Hill, Recreation Director

Mrs. Little stated that she wanted Mr. Hill to be recognized at this time. He has made the effort above and beyond his job description to apply for monies through the Open Space Grant Program and we have been granted monies for the improvements to the Snug Harbor Playground Area.

The Governing Body then thanked Mr. Hill for obtaining grant monies.

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Committee Reports:

Public Safety:

Chief Blewett stated the following:

1. The Police Department will be hosting a Police Explorer Program Open House on March 2nd at 6:30 at the Henry Hudson Regional School. The program is open to young adults between the ages of fourteen and twenty.
2. The total number of calls for service last month was 262 which resulted in 23 adult arrest and 6 juvenile arrests.

Building/Housing:

Mr. Caizza stated the following:

1. There were 27 Certificates of Occupancies done last month and they reinspected 18 units. There were 2 fence permits issued and the Zoning Officer had 7 permits. The Borough brought in \$755.00 in fees last month.

Parks/Recreation:

Mrs. Little stated the following:

1. Our focus has been on the Community Center Project and we have made progress and final designs are available for inspection by the Mayor. There will be Professional speaking on this matter at the next meeting.
2. There has been progress made with regard to the improvements related to the Bridge Project.

Mr. Hill stated the following:

1. We are exploring alternate program space for this year's summer program. We know that we are going to be vacating the building at some point in the late Spring. We do have a challenge ahead of us but we will make it work.

Highlands Business Partnership:

Carla Cefalo-Braswell, HBP stated the following:

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1. She congratulated Councilwoman Anna Little for her new appointment as Freeholder.
2. We are planning our St. Patrick’s Day Parade which will be held on Saturday, March 18th at 2:00 P.M. If anyone would like to volunteer please call 291-4713. We have received sponsorship income in the amount of \$16, 250.00
3. We have added a new event for Earth Day.

Nancy Thomas stated the following:

1. We have added a Pride in Highlands Community Day because the Visual Improvement Committee is not happy with the litter and trash in town. So we are going to have an activity from 10:00 to 4:00 on April 22nd starting at Veterans Park.

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Other Business:

Approval of Raffle Licenses – Clean Ocean Action:

Mr. Urbanski offered a motion to approve two Raffle Licenses for Clean Ocean Action for April 1, 2006, seconded by Mrs. Little and all were in favor.

Smart Future Reallocation of Funds:

Mrs. Flannery stated that this was already discussed.

Mayor O’Neil offered a motion to approve the Open Space Inventory Plan, seconded by Mrs. Little and approved on the following roll call vote:

ROLL CALL:

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

Approval of Fire Department Application – J. Rogers, III:

Mr. Caizza offered a motion to approve the application of Joseph Rogers, III for the Highlands Fire Department, seconded by Mayor O’Neil and all were in favor.

Highlands Business Partnership 2006 Budget:

Carla Cefalo-Braswell stated the following:

1. The HBP has been operating for the past six years with the same \$90,000.
2. They recently have a project that is going to be very costly which is our Highway sign that is falling down. One of the Council has requested that they look into the purchase of a new lighthouse. We have received a proposal

- for the repair and get a new lighthouse which will cost \$10,000.
3. Water Taxi – we are trying to get this project off the ground.
 4. We would like to request a \$10,000 increase in the budget to have a \$100,000 budget.
 5. She said there are some properties that are not being assessed in the BID tax and she has a meeting set up to discuss this with the Tax Assessor.

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Nancy Thomas stated that the Visual Improvement Committee is adding plantings for the early season holidays which is about \$2,000 to \$3,000. If the budget were increased then we would have more money to do other things.

Mr. Urbanski questioned Mrs. Braswell about the budgeted money for the water taxi and why the BID needed another \$60,000 for the water taxi.

Mrs. Braswell stated that she wished that someone was here to explain that. In this years budget they are asking for \$60,000 for the Economic Development Committee.

Mr. Caizza questioned if the BID made any profits from any of the events.

Mrs. Braswell – the first time ever that we made a profit was at the 2005 Clam Fest, which she further explained the small profit and where it was spent.

Mr. Nolan stated that there are no other organization in the town that is willing to pick up the events and drawing people in to take care of our businesses. So if it's a \$10,000 increase and its drawing people in to the town then he is for it.

Mrs. Little – this is a quality of life issue for a lot of residents and she is appreciative of the quality of life benefit.

Mr. Urbanski stated that he does not feel that the boat project is going to get off. If they are doing something positive like the events which they do go then do the events.

Mrs. Little disagreed with Mr. Urbanski

The Governing Body continued to discuss the BID budget and the water taxi project with Carla Braswell and Nancy Thomas.

Chris Francy of Fifth Street asked if the boat is self liquidating.

Mr. Urbanski, no it would take three years.

Chris Francy stated that the boat would be a big risk.

Mrs. Braswell explained that the cost of the boat which would be owned by the BID would be about \$4,000 per season for the water taxi.

Mr. Nolan stated that he believes that the water taxi is something that can work because it has worked in other places. If we are worried about the funding for it, I think that we should make it known that if it does not take place then that money is still set aside and

that they would have to come back to the table to have us agree on what that money will be spent on. I don't think that we should hold up on the process for this.

Mrs. Braswell explained that the Vice President, John Koenig is not here to speak about the water tax.

Mayor O'Neil explained that he feels that the water tax is a real gamble which he further explained.

Mrs. Braswell stated the Economic Redevelopment Meetings are the second Mondays of every month here at Borough Hall at 5:00 and anyone wishing to attend should do so.

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Mayor O'Neil stated that the Economic Committee must appear before the Governing Body to explain the water tax because the Governing Body does not want to approve a budget with so many questions on it. He wants to know where we are going with the water tax.

Mrs. Flannery stated that we need to have a public hearing on the budget before it can be adopted.

The Governing Body continued to discuss the water tax money with Mrs. Braswell.

Mrs. Braswell explained that New Jersey State Statute states that the budget is supposed to be past by March 31st of each year. The Governing Body controls the amount of money, the BID approves where it's spent.

Mrs. Little stated that she supports this organization and the events that they sponsor.

Mayor O'Neil offered the following HBP Budget be introduced and published according to law and that a public hearing date be set for April 19, 2006 at 8:00 P.M. or thereafter:

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2006– December 31, 2006
(12 months)**

COMMERCIAL DISTRICT
2006
PROGRAM BUDGET
EXPENSES

Visual Improvement.....	28,000.00
• Beautification	
• Maintenance	
• Design	
• Holiday & Seasonal	
• Street Banners	
Special Events Committee.....	35,000.00
• Promotion/creation of events	

Marketing & Communications..... 20,000.00

- Ad campaigns/Sponsorship Sales
- Public Relations
- Image Building
- Publish Visitor Guide
- Maintain and expand website
- Videos/Commercials

Economic Development.....60,000.00

- Business Recruitment/Retention & Redevelopment
- Water Taxi service

Administrative Budget

Administration..... 20,000.00

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Miscellaneous 10,000.00

- Legal
- Audit
- Insurance
- Supplies

TOTAL Expenses\$173,000

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2006 – December 31, 2006
(12 months)**

COMMERCIAL DISTRICT

2006

PROGRAM BUDGET

Income

VIC Clean Communities Reimbursement.....0

VIC Street Banner Income.....2,000.00

Special Events Income.....60,000.00

- Vendor Fees & Sponsors

Marketing & Communications.....12,000.00

- Sponsorship Income
- Barter Goods & Services (approx. \$8k)

Economic Development (no profit 1st yr)0

- Water Taxi service

TOTAL Income\$74,000.00

TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE -\$100,000.00

Seconded by Mrs. Little and introduced on the following roll call vote:

ROLL CALL:

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

NAYES: Mr. Caizza, Mr. Urbanski

ABSENT: None

ABSTAIN: None

Mayor O'Neil advised Mrs. Braswell that Mr. Koenig must appear at the public hearing to discuss this.

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Planning & Zoning Amendments:

The Governing Body reviewed the proposed zoning ordinance amendments draft.

Mayor O'Neil opened up for public discussion the proposed zoning ordinance amendments:

William Eaton, Esq. stated that he is here on behalf of Paradise Park Homeowners Association. They made their comments at the last meeting and their recommendation is hold the MDX portion out from all of the other issues that are in this ordinance. The problem that they have is with the amendment to rezone the property of the trailer park. They believe that this section should be voted on separately.

Kimberly Hagger, Esq. of Locust Street stated that she appreciates the amended draft dated 1/6/2006 dealing with pre-existing structures on page 27, it was amended to propose that the homeowners on Locust Street can keep their houses the way that they are.

Mayor O'Neil stated that the current draft is dated 2/6/2006.

Mr. Eaton stated again that he is requesting that the MDX be voted on separately.

Lori Dibble of 32 Paradise Park wanted to know if there was a change in the zoning map.

Mrs. Flannery – yes

Lori Dibble, so the new zoning only affects Mr. Bollermans properties?

Mr. Caizza stated that there were a few changes on the map.

Chris Francy of 36 Fifth Street wanted to know if this was an introduction of an ordinance.

Mr. Manco stated that is on the agenda for discussion purposes tonight.

Mayor O'Neil directed the Governing Body to read the amendments and wanted to give Mr. Eaton and the public time to review it as well. He stated that this matter will be put on the March 15th meeting and that he will not recommend separating the MDX section from the rest of the ordinance for a separate vote.

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Approval of Minutes:

Mayor O'Neil offered a motion to approve the January 18, 2006 minutes, seconded by Mrs. Little and all were in favor.

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Public Portion:

Joseph Doran of 102 Valley Avenue – what is the latest finding with regard to the title search for lot 12.

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Mr. Manco stated that he did receive the title work and in fact the Borough does own that property so his recommendation is to cancel the tax lien that is on the property and refund the tax lien money then offer the property for sale in accordance with law which he further described.

Connor Jennings, we represent a group of homeowners on Ralph Street and we wanted to thank the Borough for their cooperation with regard to tree removal that we received.

Tom Dalling of Fifth Street – with regard to the boat ride, if they take a survey you might find out if this boat will take off or not.

Mrs. Braswell – the intent was to create more business by creating a water taxi for the existing businesses. We did not really survey the residents because they can use it but the intention was for tourist which she further explained. She stated that she learned that the bank property was sold and has been leased by a bank but she does not know the details but we should see another bank there soon.

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

The meeting adjourned at P.M.

CAROLYN CUMMINS, DEPUTY CLERK

