

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
COMBINED MEETING  
APRIL 5, 2006**

Mayor O'Neil called the meeting to order at 7:38 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 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, Mayor O'Neil

**Absent:** Mr. Urbanski

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

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**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: Code Enforcement, DPW Supervisor, Ed O'Neil, Court Problems**
2. **First Aid Squad Issues**
3. **Animal Control Contract**
4. **Engineering Fees/Invoice Issues**
5. **Potential Conflicts of Interest**

**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:

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.**

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- 11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.**

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: Mr. Urbanski**

**ABSTAIN: None**

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Combined Meeting back to order at 8:31 P.M.

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

**ROLL CALL:**

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

**Absent: Mr. Urbanski**

**Also Present: Nina Light Flannery, Borough Clerk**

**David Gilson, Borough Administrator**

**Stephen Pfeffer, Chief Financial Officer**

**Dominick Manco, Esq., Borough Attorney**

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**ORDINANCES: O-06-03, 2<sup>nd</sup> Reading, Public Hearing & Adoption:  
Zoning Ordinance Amendments**

Mayor O'Neil announced that he was informed today that this matter has to go back to the Planning Board before it can be heard here.

Mr. Manco explained that under the statute the ordinance that was introduced at the last meeting was a change from the prior ordinance that was introduced and we do not have a report from the Planning Board under section 26 of the Land Use Law and the Planning Board has 35-days to give us that report before we can act on this. So we need a motion to carry the ordinance and the public hearing on the ordinance until the meeting of April 19, 2006 because we need to have the action of Planning Board report.

William Eaton – we have a lot of people here tonight and we are ready to go. Couldn't there have been some kind of notice of this.

Mayor O'Neil – I just found out this evening.

William Eaton requested that the Mayor and Council have the Planning Board review this in May and then set the public hearing after that so that yhey have time to get ready for May, please give us some time.

Mayor O'Neil agreed.

William Eaton – okay, then we can appear at the Planning Board May Meeting and then we will be back here. Could you schedule this to appear before the Council in the first meeting in June because I will be out of time.

Mrs. Flannery requested that no further public notice be required.

Mr. Manco – we need to carry this public hearing on this ordinance to June 7th with no further public notice being required.

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Mrs. Flannery stated that it would be on the May 11, 2006 Planning Board Meeting and the June 7<sup>th</sup>, 2006 Council Meeting.

Mayor O'Neil offered a motion to carry this public hearing on the zoning ordinance amendments to June 7<sup>th</sup>, 2006 with no further public notice, seconded by Mr. Nolan and approved on the following vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Urbanski

**ABSTAIN:** None

Mr. Manco announced to the public that this public hearing will be carried to the June 7, 2006 meeting with no further public notice.

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**RESOLUTIONS:**

Mayor O'Neil left the meeting room.

The Borough Clerk read the titles of the following Resolutions for approval:

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

**R-06-62  
RESOLUTION AUTHORIZING  
PERSON-TO-PERSON AND PLACE-TO-PLACE  
TRANSFER OF LIQUOR LICENSE 1317-33-030-004  
FROM PALERMO, R & PANZINI, A. TO KRIKORIAN, MARGOT E. &  
TAKIAN, RANDOLP S.  
AT 326 BAY AVENUE**

**WHEREAS**, an application has been filed for a Person-to-Person and Place-to-Place transfer of Liquor License 1317-33-030-004, hereto issued to Robert Palermo & Augusto Panzini located at no site (Pocket License); and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with license business;

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of Highlands does hereby approve, effective April 5, 2006, the Person-to-Person transfer of the aforesaid Liquor License #1317-33-030-004 to Margot E. Krikorian & Randolph S. Takian, and the Place-to-Place transfer to 326 Bay Avenue. The Borough Clerk is hereby directed to endorse the license certificate to the new ownership and location.

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

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**ROLL CALL:**

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

Mrs. Little offered the following Resolution and moved on its adoption:

**R-06-68**

**RESOLUTION APPROVING AMENDED GRANT AGREEMENT BETWEEN  
THE NJ DEPARTMENT OF COMMUNITY AFFAIRS AND THE BOROUGH OF  
HIGHLANDS AND AUTHORIZING THE MAYOR AND/OR THE DIRECTOR  
OF RECREATION TO EXECUTE THE AGREEMENT**

**WHEREAS**, the Borough of Highlands is eligible for a grant in the amount of \$10,000.00 from the New Jersey Department of Community Affairs (hereinafter the Department) for the Open Space Inventory and Plan; and

**WHEREAS**, \$5,000.00 of the grant has already been received upon execution of the original grant agreement; and

**WHEREAS**, the amended agreement has been submitted to the Borough for execution; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands:

1. That the Governing Body of the Borough of Highlands accepts the terms and conditions of the amended agreement
2. That the Mayor or Director of Recreation is authorized to execute the amended agreement with the NJ department of Community Affairs in connection with the Grant Contract Number 03-7086-00.

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

**ROLL CALL:**

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

Mayor O'Neil returned to the Meeting.

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

**RECAP OF PAYMENT OF BILLS  
04/05/06**

|                       |            |               |
|-----------------------|------------|---------------|
| <b>CURRENT:</b>       |            | \$ 550,581.62 |
| Payroll               | (03/30/06) | \$ 220,036.65 |
| Manual Checks         |            | \$ 135,757.11 |
| Voided Checks         |            | \$ 11.31      |
| <b>SEWER ACCOUNT:</b> |            | \$ 10,363.82  |
| Payroll               | (03/30/06) | \$ 8,813.77   |
| Manual Checks         |            | \$ 3,786.14   |

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|                                  |    |            |
|----------------------------------|----|------------|
| Voided Checks                    | \$ |            |
| <b>CAPITAL/GENERAL</b>           | \$ | 205,966.36 |
| <b>CAPITAL-MANUAL CHECKS</b>     | \$ |            |
| Voided Checks                    | \$ | 5,492.57   |
| <b>TRUST FUND</b>                | \$ | 12,617.09  |
| Payroll (03/30/06)               | \$ | 2,166.00   |
| Manual Checks                    | \$ |            |
| Voided Checks                    | \$ |            |
| <b>UNEMPLOYMENT ACCT-MANUALS</b> | \$ |            |
| <b>DOG FUND</b>                  | \$ | 68.40      |
| <b>GRANT FUND</b>                | \$ | 237.00     |
| Payroll (03/30/06)               | \$ | 3,013.09   |
| Manual Checks                    | \$ |            |
| Voided Checks                    | \$ |            |
| <b>DEVELOPER'S TRUST</b>         | \$ | 587.95     |
| 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. Caizza and approved for payment on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Urbanski

**ABSTAIN:** None

Ms. Flannery read the following Resolution for adoption:

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

**R-06-57**

**RESOLUTION APPOINTING FULL TIME CODE  
ENFORCEMENT OFFICE/LANDLORD REGISTRATION OFFICER**

**WHEREAS**, the Governing Body has determined that it would be appropriate and cost effective to combined the positions of Code Enforcement Officer and Landlord Registration Officer; and

**WHEREAS**, on January 5, 2006, Paul Murphy was appointed Acting Code Enforcement Officer; and

**WHEREAS**, interviews have been conducted by appropriate Council members and Borough Officials; and

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**WHEREAS**, it has been recommended that Paul Murphy be appointed as Code Enforcement/Landlord Registration Officer full-time (said position to encompass Fire Inspection Officer); and

**WHEREAS**, the Governing Body agrees with said recommendation and desires to implement same, subject to the laws and regulations of the State of New Jersey, Department of Personnel, as may be applicable, and subject to the adoption of an appropriate amendatory salary ordinance; and

**WHEREAS**, the Chief Financial Officer has certified that adequate funds are available for this purpose.

**NOW, THEREFORE, BE IT RESOLVED** that Paul Murphy be and hereby is appointed Code Enforcement Officer/Landlord Registration Officer (full-time).

**BE IT FURTHER RESOLVED** that said position be effective April 6, 2006 and be compensated at an annual salary of \$29,500.00.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Urbanski

**ABSTAIN:** None

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**COMMITTEE REPORTS:**

Mr. Caizza offered a motion to dispense with committee reports, seconded by Mr. Nolan and all were in favor.

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**OTHER BUSINESS:**

**Clean Ocean Action Beach Sweep:**

Mrs. Little – we are looking for approval from the Council in response to this letter which is about an annual beach cleaning which is something that we have always participated in.

Mrs. Little offered a motion to give permission to Mr. Hill to submit the appropriate letter as we have done in past years, seconded by Mr. Nolan and all were in favor.

**Memoria Project:**

James Fox – we were here in September and were given conditional approval by the Council pending placement of the actual memoria and we have submitted four different alternatives to the Council and to the Committee and I am showing here the Memoria Project preferred location but the other three are acceptable to them. We would like to get the Councils approval on one of these.

Mayor O'Neil pointed out the one that he believed to be favorable.

James Fox – can we get a resolution that approves Scheme D.

Mr. Nolan wanted to confirm that the Veterans were represented on this matter and that they had input on it.

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Mayor O'Neil – yes, there were two of them last week that were looking at the drawings and they spoke with Mr. Urbanski which he further explained.

Mr. Fox – in order for us to move forward we need to have an approval to apply for grants.

Mr. Caizza – how many more funds do you have to raise for this project?

Mr. Fox – at this point we are just looking at just installing the memorial and we are not sure what the cost will be but we do have funding to engrave all of the names on the stones and we are looking for donations from various contractors which he further explained.

Mr. Nolan – when all of the improvements are done will the borough own everything.

Joann \_\_\_\_\_, Treasurer – yes, we would have to have paperwork done for that.

Roberta McEntee of Fifth Street – At the second meeting it was said that it would not cost the borough any money for this project.

Mr. Fox – confirmed

Chris Francy of 36 Fifth Street – is there a Standing Committee and Municipal representation on it? Somebody from the borough should be part of it.

Mr. Fox – we are forming that committee right know.

Carla Cefalo-Braswell – Tim Hill is part of the committee.

Mr. Francy stated that he would like to volunteer for the committee.

Mr. Nolan also stated that he would like to volunteer for the committee and stated that he would like for this approval to be held back for another two weeks so that he can meet with the veterans.

Mr. Fox stated that yes another two weeks would hurt them.

Ms. Flannery read the following Resolution for approval:

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

**R-06-71  
RESOLUTION APPROVING THE MEMORIA PROJECT  
VETERAN'S PARK, BOROUGH OF HIGHLANDS,  
COUNTY OF MONMOUTH**

**WHEREAS**, the Governing Body of the Borough of Highlands have reviewed the plans for the Memoria Project as presented on April 05, 2006, encompassing completion of the project and improvements to the park and the Veteran's Memorial section of the park; and

**WHEREAS**, the Governing Body desires that the Memoria Project remain in the Borough of Highlands and further that it remain in Veteran's Park.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that permission is hereby given for The Memoria Project, Inc. to construct and locate the Memoria Project in accordance with said plans, at no cost to the

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Borough, and does hereby authorize the Borough to enter into an agreement memorializing the above.

Seconded by Mrs. Little and adopted on the following Roll Call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Urbanski

**ABSTAIN:** None

**Discussion of Liquor License Incidents on St. Patrick's Weekend:**

Mrs. Flannery stated that copies of the police incidents cards were given to the Governing Body and a Council Member wanted to know if we could limit the hours of sales on particular days resulting in early closings to prevent the problems that we have had in the past two years. She then described the incidents reports from St. Patrick's Weekend.

Mrs. Little – I was the Council person that requested Ms. Flannery to look into the possibility of limiting the hours of operation on certain dates which she further explained.

Chief Blewett – it is the responsibility of the tavern owners to control the people in their establishments and most do but some did not. There was over crowding and under age drinking and fights and other incidents. A lot of the incidents happened on Friday night.

The Governing Body had a discussion on this matter with Chief Blewett.

Mayor O'Neil is not in favor of limiting the hours.

Chief Blewett explained that enforcement will be different next year.

Mayor O'Neil also expressed his dissatisfaction with the way that the incidents are reported to the newspapers.

Mr. Manco – during the renewal process we can impose conditions.

Ms. Flannery stated that the Claddagh already has special conditions which she described.

Mayor O'Neil explained that the Police will just have to increase enforcement.

Carla Cefalo-Braswell – we can certainly send out letters and take a more active approach.

Chris Francy of 36 Fifth Street – maybe we were overcrowded.

Carol Bucco of 330 Shore Drive – I don't think that you can blame it on the parade, blame it on the drunks.

**Request to Change Zoning – Highlander Association/Shadow Lawn Mobile Park:**

The Governing Body reviewed and briefly discussed the request to schedule a hearing for a zone change.

Mr. Manco at some point in the process the Planning Board needs to make a recommendation.

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The Governing Body directed that this matter be referred to the Planning Board.

**Engineer Request Approval to Go Out to Bid for the Community Center & Valley Street Pump:**

Ms. Flannery stated that the Borough Engineer has requested authorization to go to bid for the Community Center and the Valley Street Pump and the CFO has indicated that the funding is in order.

Mayor O'Neil offered motion to authorize the Engineer to go to Bid for both the Community Center and the Valley Street Pump, seconded by Mr. Caizza and all were in favor.

**Parking on Shore Drive from Dusk to Dawn:**

Mr. Gilson – I am ready to proceed on this but I would like to wait until Councilman Urbanski is present.

The Governing Body agreed to table this matter until the next meeting.

**Amendment to the Mercantile License Ordinance:**

Ms. Flannery discussed an amendment to the Mercantile Ordinance to remove the requirement for applicants to be finger printed.

Mr. Nolan explained that we are the only local town that requires finger prints for business licenses which is a very long delay.

Chief Blewett explained that it takes about three or four months to process finger prints.

Mayor O'Neil stated that yes we should amend it.

Ray Cosgrove of Bay Avenue – with regard to Peddlers Licenses we really don't need any more people competing with the restaurants.

Carla Cefalo-Braswell – with regard to finger printing if we do take away finger printing then will we be assured that a background check will be sufficient.

Chief Blewett – it will not bring up what finger prints do but there are other things we can do which he described and stated that he will look into it.

Art Gallagher of Linden Avenue – questioned the length of time it takes for finger prints.

Mayor O'Neil – lets issue a temporary license until finger print reports come back.

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**APPROVAL OF MINUTES:**

Mayor O'Neil offered a motion to approve the February 15, 2006 and March 1, 2006 Meeting Minutes, seconded by Mr. Nolan and all were in favor.

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**PUBLIC PORTION:**

Carla Cefalo-Braswell – we have some business owners here this evening.

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Mrs. Little explained that she has had discussion with these people regarding letters that they have received from NJDOT with regard to the adjustments to their property with regard to eminent domain in conjunction with the Bridge Project. It was her understanding from the beginning of the project that there would be no such eminent domain actions on the part of NJDOT. So she will have to look into this further on behalf of these property owners.

Mayor O'Neil – there word was that they were not taking anything and we will look into that.

Carla Cefalo-Braswell – as you get any information please contact the HBP so that they can inform Mr. & Mrs. Lee.

Mrs. Little explained that she would be in direct contact with the property owner.

Roberta McEntee of Fifth Street stated that she was at the Sea Bright Bridge Meeting and she was told that there would definitely be eminent domain.

Bernadine Harford of 168 Highland Avenue – if they are rescinding these promises it might be a good idea to monitor their meetings more.

There were no further questions from the public.

Mayor O'Neil offered a motion to adjourn the meeting, seconded by Mr. Caizza and all were in favor.

The Meeting adjourned at 9:27 P.M.

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**CAROLYN CUMMINS, DEPUTY CLERK**