

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
APRIL 19, 2006**

Mayor O'Neil called the meeting to order at 7:44 P.M.

Ms. 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, Mayor O'Neil

**Absent:** None

**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:**

Ms. Flannery 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:

**Personnel: Jorgi Craig – At Her Request**

**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:

- 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.**

Seconded by Mayor O'Neil 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.

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Mayor O'Neil then called the meeting back to order at 8:27 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, Chief Financial Officer  
Dominick Manco, Esq., Borough Attorney

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**HIGHLANDS BUSINESS PARTNERSHIP 2006 BUDGET:**

Mrs. Flannery – HBP Budget is on this evening for public hearing and possible adoption which was published in the March 23, 2006 edition of the Courier.

Mr. Nolan stated that he will recuse himself on this matter due to the conflict that he has with his wife being employed by the HBP.

Carla Cefalo-Braswell, HBP President explained that this budget is strictly a tax that is imposed to commercial property owners, not residents. All of the events in the town are all paid for by the HBP tax. She then explained that this is the first time in six years that the HBP is requesting an increase in their budget. She then explained how the HBP is using the water taxi as a tourist attraction. Every year the bid budget is threatened by some kind of “if you don't do this then you can't have your budget” and quite frankly the steak holders are really volunteering and participating and she really stressed that the water taxi is not what is up for approval tonight. What is up for approval tonight is the budget. She stated that without this budget there would be no parade or clam fest.

Mayor O'Neil asked if there were any questions or comments from the public.

Doug Douty of Lusty Lobster expressed his concerns about the risks of funding the water taxi.

Doug Douty – are the BID members businesses and commercial property owners covered under the borough's existing insurance policy relating to this project?

Carla Cefalo-Braswell – its not under the Monmouth County JIF, it's under our own insurance policy.

Mr. Manco stated that the BID is funded by the Borough but they operate separately.

Doug Douty expressed his concerns with the risk of the HBP operating this water taxi.

Jim Filip of Doris & Ed's Restaurant - he understands Mr. Douty's concerns but explained that if the water taxi is hired out as a separate corporation to be run by then they have the proper insurance and the BID has their insurance. He stated that tonight's vote is not about the water taxi it's about the bid budget. He spoke favorably about the BID budget and advised the governing to vote on whether or not they want the bid to continue with improving the community.

Annie Parmelee of Parmelee & Parmelee, LLP said a few words in support of the BID budget and then explained why her business is no longer here.

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Mayor O'Neil explained that with regard to the water taxi he was skeptical at first but now believes that it will be a positive thing for this town and that it will work. He believes that the BID has been a great improvement for the borough.

Chris Francy of 36 Fifth Street explained that we cannot deny the positive things that the BID has done for this town and he believes that we have to take the BID as a whole package. They have to deliver on what they have committed too and we should not demotivate the organization.

Maureen Kraemer of Portland stated that she agrees that the BID does a wonderful job but she is concerned with the liability should a horrible accident happen with the water taxi.

Mr. Manco explained that he believes that the Borough of Highlands will not be responsible but that does not prevent someone from filing suit against us. The borough is a separate entity from the BID.

Carla Cefalo-Braswell explained that all of the locations that have been chosen for the water taxi are privately owned marinas. She then explained the water taxi stops to the public.

John Koenig, owner of Marina on the Bay and Clam Hut explained that the water taxi project grew out of sense that the BID should do something tangible. It's never been the intent that this is a business, it's a marketing vehicle. With regard to the liability issue, it's insured and run by a corporation. He stated that operating the clam fest is a bigger liability risk than operating the water taxi. He also stated that this is not a money making proposition.

Don Tarpey of 365 Shore Drive - he understands that the Seastreak Ferry is behind this water taxi and wanted to know if Seastreak picks up people at Sandy Hook.

Mr. Koenig - no, they do not.

Don Tarpey - what are you going to do to get the people at Sandy Hook to know that there is a water taxi to Highlands.

Carla Cefalo-Braswell explained that Seastreak is going to be marketing this to their passengers as well as Sandy Hook and other advertisements.

Katherine Lustig of Bay Avenue stated that as a business owner in town, when they mention the water taxi to their clients they are very excited about it.

Roberta McEntee of Fifth Street stated that she was told by Mrs. Braswell that the water taxi will be a money making proposition in a couple of years and now John Koenig just explained that its not a money making proposition.

Carla Cefalo explained this is a tool to help the businesses.

Mayor O'Neil spoke favorably about the BID.

Mr. Urbanski expressed his unfavorable opinion of the proposed BID budget increase.

Mrs. Little expressed her support for the BID and BID Budget and the water taxi.

Mr. Caizza stated that the BID events are good but he does not support the proposed increase in the BID budget.

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Mrs. Cefalo explained that they produce quality events and they need things. The reason for the proposed increase is because they need so many things such as picnic tables, garbage pales, tents and many other items.

Harry Cefalo of Gravelly Point wanted to explain that his daughter Carla Cefalo does not get paid for her work or the space that the BID uses in her office.

Carol Bucco of 330 Shore Drive stated that it's their money, so why don't you give it to them.

Nancy Thomas of In the Garden stated that the BID membership already voted yes to increase the budget.

Connor Jennings of 27 Ralph Street stated that he is a resident of Highlands and he supports of the BID.

Marsha Shaya of Portland Road stated that Mr. Urbanski should be voting as a Councilman tonight not as a business owner.

Mr. Urbanski explained his position on this budget and he feels that there is room to cut this budget.

Carla Cefalo-Braswell explained that it is not for the governing body to decide if we cut the budget. A majority of the business owners voted to approve this budget increase.

Mayor O'Neil closed the public portion on this matter.

Mayor O'Neil offered the following 2006 BID Budget and moved for its adoption:

**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

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Economic Development.....60,000.00  
Business Recruitment/Retention & Redevelopment  
Water Taxi service

Administrative Budget

Administration..... 20,000.00  
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 **NOT** adopted on the following roll call vote:

ROLL CALL:

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

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**CONSENT AGENDA RESOLUTIONS:**

Mrs. Flannery read the titles of the following resolutions for approval:  
Mr. Nolan offered the following Resolution and moved its adoption:

**R-06-58**

**RESOLUTION AUTHORIZING TONNAGE GRANT APPLICATION**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102 has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, recycling regulations imposed on municipalities certain requirements as conditions for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycle and to indicate the assent of the Borough of Highlands to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Borough of Highlands hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Reggie Robertson to ensure that the application is properly filed;

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

Seconded by Mrs. Little 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

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

**R-06-59**  
**RESOLUTION APPOINTING FULL-TIME PERMANENT**  
**CASHIER/SEWER CLERK**

**BOROUGH OF HIGHLANDS**  
**MAYOR AND COUNCIL**  
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**WHEREAS**, the Governing Body has determined that it would be appropriate and cost effective to combine the positions of Cashier/Sewer Clerk; and

**WHEREAS**, on August 18, 2005, Jorgi Craig was appointed Provisional Cashier/Sewer Clerk (full-time); and

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

**WHEREAS**, it has been recommended that Jorgi Craig be appointed as Cashier/Sewer Clerk full-time; 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;

**NOW, THEREFORE, BE IT RESOLVED** that Jorgi Craig is appointed permanent Cashier/Sewer Clerk; and

**BE IT FURTHER RESOLVED** that said appointment is made pending State of NJ Department of Personnel approval; and

**BE IT FURTHER RESOLVED** that said position be effective April 19, 2006 and be compensated at a salary as provided in the current Salary Ordinance of the Borough of Highlands; and

Seconded by Mrs. Little 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

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

**R-06-63**  
**RESOLUTION**  
**AUTHORIZING PURCHASE UNDER STATE CONTRACT**

**WHEREAS**, various departments/divisions utilize open-end contracts for routine, recurring items which may, in the aggregate, exceed \$29,000.00 per annum; and

**WHEREAS**, these purchases are permitted under 40A:11-12, the New Jersey State Cooperative Purchasing Program; and

**WHEREAS**, these purchases are made on a unit price basis with the certification of availability of funds being provided by the Chief Financial Officer on each Purchase Order/Voucher for such items,

**NOW, THEREFORE BE IT HEREBY RESOLVED** that the Governing Body authorizes purchasing under valid 2005 and 2006 State Contracts and subsequent renewals or extensions of the following companies:

<b>CONTRACT</b>	<b>VENDOR</b>	<b>NUMBER</b>
Automotive Lubricants, Engine Oils, Gear Greases 8/17/04 – 8/16/07	Total Lubrication Services	59993

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Automotive Parts & Accessories 1/1/04-12/31/07	Air Brake & Equipment Beyer Bros. F & C Automotive International Trucks of Central Jersey National Parts & Supplies Naylors Rittenhouse-Kerr Ford Shrewsbury Auto/Naylors	57727 57735 57816  57750 57789 57821 57804 57819
Lawn & Grounds Maintenance Equipment 8/1/01 – 3/31/06	Storr Tractor	47713
Minicomputer/Microcomputers & Associated Products 7/1/97 – 6/30/06	Bits & Bytes Dell Gateway	81213 81247 81239
Parts Only for Heavy Duty Equip. 6/1/03 – 5/31/06	Allied Diesel Beyer Brothers Cambria F & C Automotive Johnson & Towers	55119 55099 55083 55126 55121

<b>CONTRACT</b>	<b>VENDOR</b>	<b>NUMBER</b>
Parts & Repairs for Highway & Construction Equipment 10/1/99 – 9/30/06	Air Brake & Equipment Harter Equipment Jet-Vac Old Dominion Brush Pumping Services	40948 40901 41382 41325 41445
Parts & Repairs for Lawn & Grounds Equipment 3/1/04 – 2/28/06	Seely Equipment Storr Tractor Trico Equipment Van Sant Equipment	58291 58309 58303 58297
Police & Homeland Security Equipment & Supplies 10/7/04 – 10/06/06	General Sales Administration t/a Major Police Supply Lanigans Lawmen Supply Co. Ray's Sport Shop	60538 60534 60529 60531
Power Tools & Accessories 8/1/04 – 7/31/06	Snap-On Tools	59255
Sporting Goods 7/1/99 – 5/31/06	Leisure Unlimited	89613
Stationery & Office Supplies	Staples Business Adv.	49012



9/1/04 – 8/31/06

Telecommunications Equip.-Wired  
2/1/00 – 4/30/06

Avaya

42283

Tires & Tubes  
3/1/05 – 2/29/08

Edwards Tire Co.  
Goodyear Service Store

61418, 61419 & 61420  
61419

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Seconded by Mrs. Little 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

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-06-64**

**RESOLUTION - SPECIAL ITEM OF REVENUE  
N.J. DEPARTMENT OF LAW AND PUBLIC SAFETY  
BODY ARMOR REPLACEMENT FUND**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the state fiscal year 2006 in the amount of \$1,296.45 which is now available from State of New Jersey Department of Law and Public Safety.

**BE IT FURTHER RESOLVED** that a like sum of \$1,296.45 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Body Armor Replacement Fund \$1,296.45

**BE IT FURTHER RESOLVED** that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

Seconded by Mrs. Little 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

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

**R-06-65**  
**RESOLUTION**  
**APPROVING THE RENEWAL OF TWO FERRY LICENSES**  
**FOR HIGHLANDS LANDING CORP**  
**d.b.a. Seastreak America, Inc.**

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**WHEREAS**, Seastreak America, Inc. has submitted the required fees for the renewal of the Ferry Licenses to operate at both 326 Shore Drive and Willow Street; and

**WHEREAS**, Seastreak America, Inc has also submitted a copy of the Certificate of Liability Insurance for both sites to the Borough Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Ferry Licenses for Seastreak America, Inc. are hereby renewed for the calendar year 2006 for two sites located at 326 Shore Drive and Willow Street and the Borough Clerk is hereby authorized to issue the proper licenses.

Seconded by Mrs. Little 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

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

**R-06-66**  
**RESOLUTION**  
**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES**  
**FOR ROBERT OAKLEY FOR PROPERTY LOCATED**  
**AT 45 FIFTH STREET ALSO KNOWN AS**  
**BLOCK 65 LOT 9**

**WHEREAS**, the applicant Robert Oakley posted the following bond and fee amounts for 45 Fifth Street (Block 65 Lot 9): \$4885.92 (90% Performance Bond Amount paid by check) and \$542.88 (10% Cash Portion paid by check), \$500.00 (Engineering Inspection Fees) and \$500.00 (Legal Fees – Preparation of Developers Agreement); and

**WHEREAS**, Mr. Oakley has informed the Borough that he sold subject property to Tina Franco in March of 2006; and

**WHEREAS**, on March 14, 2006 Tina Franco posted said bond amounts in placement of Mr. Oakley's for Block 65 Lot 9;

**WHEREAS**, the Borough Engineer has been informed of this matter.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highland that the Chief Financial Officer is hereby directed to release and refund the Performance Guarantees for Robert Oakley for Block 65 Lot 9 in the amount of \$4,885.92 (90% Bond Amount), \$542.88 (10% Cash Portion) plus any accrued interest and remaining legal fees and engineering inspection fees.

Seconded by Mrs. Little 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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Mr. Nolan offered the following Resolution and moved on its adoption:

**R-06-67  
RESOLUTION AUTHORIZING REFUND  
OF OVERPAYMENT OF ZONING BOARD APPLICATION FEES  
TO DUANE REALTY  
FOR ZB#2006-1  
RE: BLOCK 94 LOTS 1 & 16**

**WHEREAS**, Duane Realty, LLC submitted an application to the Highlands Zoning Board of Adjustment and overpaid the application fees by \$600.00; and

**WHEREAS**, Margot Krikoran of Duane Realty, LLC has submitted a letter dated March 15, 2006 requesting that the overpayment be refunded.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that \$600.00 be refunded to Duane Realty, LLC for the overpayment of zoning board application fees for application ZB#2006-1 for Block 94 Lot 1 and the Chief Financial Officer is hereby directed to refund the applicant \$600.00.

Seconded by Mrs. Little 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

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

**R-06- 69  
RESOLUTION AUTHORIZING CANCELLATION OF TAX LIEN**

**WHEREAS**, the Borough of Highlands Tax Collector has sold to the Borough of Highlands a Tax Sale Certificate dated March 19, 1997 and recorded at MB 6169-159 on April 11, 1997 in the Monmouth County Clerk's Office; and

**WHEREAS**, following request by Jerry Feliciano to purchase said Tax Sale Certificate at private sale from the Borough of Highlands for all taxes actually due on said Certificate regarding Block 35, in Lot 12 in the Borough of Highlands, the Borough of Highlands authorized said assignment by resolution.

**WHEREAS**, *subsequent to the assignment of said lien, information was presented to the Borough demonstrating that the original tax lien was invalid following receipt of a bona fide title search disclosing record ownership of the subject property to be vested in the Borough of Highlands;*

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Highlands that in accordance with *N.J.S.A. 54:5-13*, the Municipal Tax Collector is hereby authorized to CANCEL Tax Lien Certificate dated March 19, 1997 and recorded at MB 6169-159 on April 11, 1997 in the Monmouth County Clerk's Office, and any subsequent assignment of same to Jerry Feliciano, refunding the principal sum of \$6,628.79, plus all allowable statutory interests and costs.

**BE IT FURTHER RESOLVED** that a duly certified copy of this resolution be forwarded to the Borough Tax Collector, Jerry Feliciano and any other interested parties,

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upon request.

Seconded by Mrs. Little 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

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

**R-06-61  
RESOLUTION AUTHORIZING AWARD OF CONTRACT  
FOR  
GASOLINE AND DIESEL FUEL**

**WHEREAS**, bids were received on March 21, 2006; and

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

**Responsive Bid was received as follows:**

**VENDOR**

**1. J. SWANTON FUEL OIL CO., INC.  
214 SLEEPY HOLLOW ROAD  
RED BANK, N.J. 07701**

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

**J. SWANTON FUEL OIL CO., INC. 214 SLEEPY HOLLOW ROAD, RED BANK, NJ 07701. shall furnish and deliver the following as per Bid Proposal & Specifications & Covenants thereof dated March 21, 2006. said bidder being the Lowest Responsible Bidder.**

**DESCRIPTION**

**VENDOR**

**PROVIDE GASOLINE AND DIESEL  
FUEL FOR A TWENTY FOUR (24)  
MONTH PERIOD**

**J. SWANTON FUEL OIL CO., INC  
214 SLEEPY HOLLOW ROAD  
RED BANK, NJ 07701**

**WHEREAS**, bids have been reviewed by the Purchasing Agent and it is his recommendation that the contract be awarded to **J. SWANTON FUEL OIL CO., INC. 214 SLEEPY HOLLOW ROAD, RED BANK, NJ 07701.**

**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. 1285. 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. 3515. A copy of the within resolution and certification shall be certified by the Borough Clerk. The Borough Attorney is satisfied that the certification of 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.

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**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

1. This contract hereby awards the contract for "Gasoline and Diesel Fuel" to J. Swanton Fuel Oil Co., Inc., 214 Sleepy Hollow Road, Red Bank, N.J. 07701.
2. This contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20.5 et. seq.
3. This contract is open –ended pursuant to N.J.A.C. 5:34-5-2(B) with no firm quantities being guaranteed.
4. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:
  - A) Purchasing Agent
  - B) CFO
  - C) All of the above bidders

Seconded by Mrs. Little 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

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

**R-06-73**

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**RESOLUTION - SPECIAL ITEM OF REVENUE  
N.J. DEPARTMENT OF LAW AND PUBLIC SAFETY  
CLICK IT OR TICKET ENFORCEMENT GRANT**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the state fiscal year

2006 in the amount of \$4,000.00 which is now available from State of New Jersey Department of Law and Public Safety.

**BE IT FURTHER RESOLVED** that a like sum of \$4,000.00 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:  
Click It or Ticket Enforcement Grant \$4,000.00

**BOROUGH OF HIGHLANDS  
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**BE IT FURTHER RESOLVED** that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

Seconded by Mrs. Little 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

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-06-74**

**RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND  
THE EQUIPMENT LIST FOR THE PURCHASE AGREEMENT WITH THE  
MONMOUTH COUNTY IMPROVEMENT AUTHORITY**

**WHEREAS**, the Mayor and Council have determined that it is in the best interest of the Borough of Highlands to acquire the following equipment including accessories (if applicable) for use by various Borough Departments; and

Police Radio Upgrade including Console Equipment and Furniture, Radio Equipment and Installation

**WHEREAS**, the Mayor and Council have also determined that it is in the best interest of the Borough of Highlands to delete the following equipment including accessories (if applicable); and

Alcohol Breath Testing System  
Street Sweeper

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer Stephen Pfeffer is hereby authorized and directed to amend the Equipment List for the 2005 Lease Purchase Agreement with the Monmouth County Improvement Authority to include the above equipment including accessories (if applicable) and to execute all documents necessary to make such amendments.

Seconded by Mrs. Little 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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Mr. Nolan offered the following Resolution and moved its adoption:

**R-06-75  
RESOLUTION – CHANGE ORDER #1 FINAL  
SOUTH BAY AVENUE PUMP STATION IMPROVEMENTS  
Electrical Design & Construction Corporation  
DECREASE OF \$1,900.00**

**WHEREAS**, a contract was awarded for Electrical Design & Construction Corporation per Resolution 05-151 on August 17, 2005 for \$48,700.00; and

**WHEREAS**, change order # 1 Final dated February 3, 2006 prepared by T & M Associates sets forth reasons for said change order ,

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that change order #1 Final decreasing the original contract amount by \$1,900.00 is hereby authorized for South Bay Avenue Pump Station Improvements. The final contract price is amended to \$46,800.00.

Seconded by Mrs. Little 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

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

**R-06-76  
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>
14	8.02	2006	\$1554.49	Richard Leichter

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

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
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**ROLL CALL:**

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

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

**R-06-77  
RESOLUTION APPOINTING MEMBERS OF THE ZONING BOARD OF  
ADJUSTMENT**

**WHEREAS,** Joan Wicklund has resigned her position on the Zoning Board of Adjustment; and

**WHEREAS,** due to the heavy Board agenda, the Board Attorney, Mr. Baxter, Esq. has urged the Governing Body to act expeditiously on the replacement of Mrs. Wicklund;

**NOW, THEREFORE, BE IT RESOLVED,** by the Governing Body of the Borough of Highlands that it is with regret that they accept the resignation of Mrs. Wicklund; and

**BE IT FURTHER RESOLVED** that the following appointments to the Zoning Board of Adjustment be and hereby are made:

1. James Fox for the unexpired term of Joan Wicklund which expires on December 31, 2006.
- 2.

Seconded by Mrs. Little 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**

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

**R-06-78  
RESOLUTION AUTHORIZING  
PERSON-TO-PERSON  
TRANSFER OF LIQUOR LICENSE 1317-33-010-005  
THAI ELEPHANT, INC. TO J. WALKER BLACK, LLC AT 409 BAY AVENUE**

**WHEREAS**, an application has been filed for a Person-to-Person transfer of Liquor License 1317-33-010-005, hereto issued to Melissa Long (t/a RICE) located at 409 Bay Avenue, Highlands, NJ; and

**BOROUGH OF HIGHLANDS  
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**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 20, 2006, the Person-to-Person transfer of the aforesaid Liquor License #1317-33-010-005 to J. Walker Black, LLC, 409 Bay Avenue. The Borough Clerk is hereby directed to endorse the license certificate to the new ownership and location.

Seconded by Mrs. Little 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**

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

**R-06-79  
RESOLUTION AUTHORIZING  
PERSON TO PERSON TRANSFER OF LICQUOR LICENSE 1317-33-003-005  
FROM HARTEN ASSOCIATES, LLC (t/a The Claddagh) TO CLADDAGH OF  
HIGHLANDS, LLC (t/a The Claddagh)**

**WHEREAS**, an application has been filed for a Person to Person transfer of Liquor License 1317-33-003-005, heretofore issued to Harten Associates LLC located at 297 Bay Avenue, Highlands, NJ; 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 20, 2006, the Person to Person transfer of the aforesaid Liquor License #1317-33-003-005 from Harten Associates, LLC to Claddagh of Highlands LLC, 297 Bay Avenue. The Borough Council hereby directs the Municipal Clerk to endorse the license certificate to the new ownership and location.

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

**BOROUGH OF HIGHLANDS  
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**ROLL CALL:**

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

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-06-80**

**RESOLUTION CANCELING UNEXPENDED BALANCES OF THE  
GENERAL CAPITAL FUND**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

**NOW THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

**AMOUNTS TO BE  
CANCELED**

<b>ORDINANCE NUMBER</b>	<b>PROJECT DESCRIPTION</b>	<b>CAPITAL IMPROVEMENT</b>	
-----	-----	<b>FUND</b>	<b>UNFUNDED</b>
-----	-----	-----	-----
O-04-03	Acq. of Ambulance	\$ 6,000.00	\$119,000.00
O-02-23	Various Road and Drainage Improvements		500.00
		-----	-----
		\$ 6,000.00	\$119,500.00

Seconded by Mrs. Little 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

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

**RECAP OF PAYMENT OF BILLS**  
**04/19/06**

<b>CURRENT:</b>		\$ 23,033.12
Payroll	(04/15/06)	\$ 104,586.21
Manual Checks		\$ 19,273.39
Voided Checks		\$ 11.31

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<b>SEWER ACCOUNT:</b>		\$ 26,093.97
Payroll	(04/15/06)	\$ 5,044.48
Manual Checks		\$ 8.01
Voided Checks		\$

<b>CAPITAL/GENERAL</b>		\$ 50,532.18
<b>CAPITAL-MANUAL CHECKS</b>		\$
Voided Checks		\$

<b>TRUST FUND</b>		\$ 3,201.82
Payroll	(04/15/06)	\$ 912.00
Manual Checks		\$
Voided Checks		\$

**UNEMPLOYMENT ACCT-MANUALS** \$

**DOG FUND** \$

<b>GRANT FUND</b>		\$ 10,522.73
Payroll	(04/15/06)	\$ 1,069.37
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 Mrs. Little 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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**ORDINANCES: Introduce, Set Public Hearing Date**

**Ordinance O-06-05**

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

Mayor O'Neil offered the following ordinance pass introduction and that a public hearing date be set for May 17, 2006 at 8:00 p.m. at this place, after publication according to law:

**O-06-05**

**AN ORDINANCE VACATING PORTION OF HILLSIDE AVENUE, LOCATED BETWEEN LOT 1 IN BLOCK 8 and LOT 1 IN BLOCK 7, IN THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

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WHEREAS, request has been made to vacate a portion of Hillside Avenue in the Borough of Highlands; and

WHEREAS, upon review and consideration of this request by the Governing Body and Borough Professionals, it has been determined that said Right of Way is not needed for public purposes.

BE IT ORDAINED by the Borough Council of the Borough of Highlands, in the County of Monmouth and State of New Jersey as follows:

1. That portion of Hillside Avenue, located adjacent to Lot 1 in Block 8 and Lot 1 in Block 7 is not needed for public purposes and, accordingly, all public right, title and interest therein is hereby released, vacated and extinguished.

2. This street vacation is further subject to any other covenants, restrictions and easements of record, in any, except those that have expired by their own limitations.

3. That, independent of, and in addition to any requirements which may be imposed by N.J.S.A. 40:67-1 et. seq, or any other relevant statute or regulation, the provisions of this Ordinance shall not be deemed to vacate any rights and privileges which may be possessed by any public utility company, as defined in R.S. 48:2-13, or by any cable television company, as defined in N.J.S.A. 48:5A-1, et seq., to maintain, repair and replace any existing facilities in, adjacent to, over or under the said vacated area.

4. That vacation be conditioned upon an express reservation of rights by the Borough of Highlands, its successors and assigns to repair, replace, maintain drainage installation within the area to be vacated.

5. That, after passage, a copy of this Ordinance published in accordance with law and shall be recorded in the Office of the Monmouth County Clerk in the Book of "Vacations" in accordance with N.J.S.A. 40:67-21.

6. That the owner of the subject premises shall reimburse the Borough of Highlands for any cost incurred in the introduction and adoption of said ordinance, including but not limited to document preparation fees, and publication and recording costs associated.

7. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

BE IT FURTHER ORDAINED THAT all other provisions of the aforesaid ordinances which are not expressly amended herein shall remain in full force and effect, except to the extent modified hereby.

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**

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**OTHER BUSINESS:**

**Engineers Report**

Jaclyn Flor, P.E. of T & M Associates stated the following:

1. Community Center Improvements - they anticipate receiving bids on 5/16/06.
2. Firehouse – The project remains on schedule with a completion date of 9/25/06.
3. NJDOT Bridge Project – An archeological dig is underway near the northern base of the bridge ramp.
4. NDEP Stormwater Regulations – The final report will be submitted within the next two weeks.
5. Amendments to the Zoning & Land Development Ordinance – we have submitted draft ordinance and is pending a consistency report from the Planning Board.

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6. Valley Street Pumpstation Project – The plan is currently advertised for bidding and bids will be received 5/2/06.
7. Washington Ave/Miller Street/Recreation Place – we will be submitting proposals by the end of the month.
8. South Bay Sanitary Pump Station – the contractor has complied with all outstanding issues and final payment is being processed.
9. North Street Box Culvert Replacement – The project has been awarded to B & W Construction.
10. Basin Eight Sanitary Sewer – we have submitted a design proposal for consideration by the Governing Body. We are prepared to start on this as soon as we are authorized.

Steve Pfeffer – we can do a Bond Ordinance introduction for May 3, 2006 and possibly adopt on May 17, 2006. We can do a professional services contract contingent upon adoption of the Bond Ordinance.

Dale Leubner – regarding the Valley Street Pump Station, I gave Mr. Gilson two sets of plans and specs tonight.

**Borough of Sea Bright – Interested in Interlocal Services**

Mrs. Flannery stated that Sea Bright is interested in interlocal services for municipal solid waste and recycling pick-up.

The Governing Body briefly discussed this matter and they were not interested in going back into an agreement with Sea Bright.

**Parking on Shore Drive**

Mr. Nolan explained that a few of the businesses wanted to get the parking back on Shore Drive on the Extension from dusk to dawn on the opposite side of the street as the bike path which he further explained.

Mr. Caizza stated that by doing this from dusk to dawn only a few businesses will be able to take advantage of the parking.

Mr. Nolan suggested that maybe parking should be allowed all day too.

Mr. Caizza – it's a safety hazard.

The Governing Body had a discussion on this matter.

Mrs. Little expressed her support of this request to allow for parking.

Mr. Urbanski stated he is not in support of dusk to dawn and stated that there should be something for emergency egress.

The Governing Body directed the Borough Attorney to prepare an Ordinance to allow for parking on the Shore Drive extension with no time restraints.

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**PUBLIC PORTION:**

Rebecca Kane – is the borough willing to run the events.

Mayor O’Neil – no

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Nancy Thomas of In the Garden – wanted to know if Mr. Urbanski is eligible to vote on the BID budget because he is in the BID.

Mr. Manco explained that Mr. Urbanski is eligible to vote.

Nancy Thomas expressed her support of the Highlands Business Partnership.

Carol Bucco of 330 Shore Drive stated that it does not seem right to have Mr. Urbanski vote on this matter.

Chris Francy of Fifth Street stated that the Governing Body should be able to work out the details with Sea Bright for an interlocal agreement.

Mayor O’Neil explained that an interlocal agreement with Sea Bright did not work in the past.

Ann Parmelee of 1 Scenic Drive – if the voters of Highlands approved the school budget would Mr. Urbanski deny the schools their money.

Mr. Urbanski explained that he would vote in the voting booth and people really don’t want tax increases.

Don Tarpey of 365 Shore Drive if you push the bike trail then you would get more people in this town rather than the water taxi. Please have the garbage emptied down at the end of Shore Drive

Mayor O’Neil directed the Borough Administrator to send DPW down tomorrow to empty the garbage.

Gabriel Tarpey of 365 Shore Drive – parking by her house on Shore Drive is permit parking and she wanted to know once the County Park in done will the permit parking continue.

Mayor O’Neil explained that the parking permits ordinance is still in effect.

Maureen Kraemer of 200 Portland Road wanted to know if the ownership of the portion of Portland Road between Wyndmoor and the County Park was ever resolved.

Mr. Manco explained that Middletown was supposed to do a title search but that never happened but they did find a map that shows that portion of Portland Road is owned by

the County and they are supposed to provide us with that map and if that does not happen I have been authorized to get the title of Portland Road myself.

Maureen Kraemer stated she has spent a lot of time on this issue and she is insulted that nothing has been done which she further explained.

Mr. Manco explained that it has been represented to him that we will have the map any day.

Maureen Kraemer questioned why the Borough of Highlands picks up the garbage on Mountain Street which is in Middletown..

Don Manrodt of 268 Bayside Drive stated that this section of Portland Road was paved in the 70's by Middletown because they own it. The Borough of Highlands is getting \$140,000 grant money from the Sewerage Authority. Bayside Drive is collapsing over by Al Emery's property because the trucks are going up.

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Marsha Shaya of Portland Road – concerning this Portland Road issue, there really is a safety hazard.

Carla Braswell of HBP stated Mr. Urbanski previously stated that we would hold the bid budget to \$90,000 until the revaluation is completed well the revaluation has been completed. She stated that maybe if the Borough is willing to buy the new garbage pales then they can reduce the proposed budget by \$8,000.

There were no more comments from the public there fore the public portion was closed.

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

The Meeting adjourned at 10:11 P.M.

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**CAROLYN CUMMINS, DEPUTY CLERK**