

**BOROUGH OF HIGHLANDS
MAYOR & COUNCIL
REGULAR MEETING
MAY 17, 2006**

Mayor O'Neil called the Regular Meeting to order at 7:30 P.M.

Mrs. Cummins 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, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

Absent: Mrs. Little

Also Present: Carolyn Cummins, Deputy Clerk
David Gilson, Borough Administrator
Stephen Pfeffer, Chief Financial Officer
Dominick Manco, Esq., Borough Attorney

Executive Session Resolution:

Mrs. Cummins 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. **Highlands Port Holds – Anticipated Litigation**
2. **Animal Control Services - Contract Negotiations**
3. **Personnel Matters – Zoning Officer, & DPW**
4. **Engineering Matters**
5. **Municipal Court Mandated Repairs**
6. **Marina Agreement for Washington Avenue**

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:

4. Deals with collective bargaining, including negotiation positions.
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.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mrs. Little

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Regular Meeting back to order at 8:29 P.M.

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

ROLL CALL:

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

Absent: Mrs. Little

Also Present: Carolyn Cummins, Deputy Clerk
David Gilson, Borough Administrator
Stephen Pfeffer, CFO
Dominick Manco, Esq., Borough Attorney

**HIGHLANDS BUSINESS PARTNERSHIP 2006 BUDGET
PUBLIC HEARING & ADOPTION:**

Mrs. Cummins stated that the 2006 HBP Budget of \$92,000 is on for public hearing and adoption this evening and that it was advertised in the May 4th edition of the Courier.

Mayor O'Neil opened the public hearing up for the HBP Budget.

Carla Cefalo-Braswell, HBP stated that the budget is for \$92,000 plus Councilman Urbanski agreed to put the properties back in that were omitted from the budget.

Mr. Urbanski stated that he did not agree to put them back in, he agreed to forward it to Charlie Heck the Tax Assessor.

Mayor O'Neil stated that it was forwarded to the Tax Assessor but he is not aware of any results as of yet.

There were no further questions or comments from the public.

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

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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

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.....	 50,000.00
• Business Recruitment/Retention & Redevelopment	
• Water Taxi service	
 Administrative Budget	
Administration.....	20,000.00
Miscellaneous	10,000.00
• Legal	
• Audit	
• Insurance	
• Supplies	
 TOTAL Expenses	 \$163,000

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

COMMERCIAL DISTRICT
PROGRAM BUDGET

2006

Income

VIC Clean Communities Reimbursement.....	0
VIC Street Banner Income.....	2,000.00

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

Special Events Income.....	57,000.00
• 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	\$71,000.00

TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE -\$92,000.00

*** Special Note: Councilman Urbanski has committed to the HBP Board in a special meeting held on Friday, April 21, 2006 that he would assist HBP in getting the property list corrected to include properties omitted from roster.**

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

Mr. Caizza questioned Mrs. Braswell about the properties that were removed from the bid.

ROLL CALL:

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

=====

=

CONSENT AGENDA: RESOLUTIONS

Mrs. Cummins read the titles of the following Resolutions for approval:

Mayor O’Neil offered the following Resolution and moved for its adoption:

R-06-87

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**RESOLUTION - SPECIAL ITEM OF REVENUE
STATE OF NEW JERSEY
CLEAN COMMUNITIES PROGRAM**

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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

to approve the insertion of a special item of revenue in the budget for the state fiscal year 2006 in the amount of \$5,971.25 which is now available from the State of New Jersey Department of Environmental Protection.

BE IT FURTHER RESOLVED that a like sum of \$5,971.25 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

Clean Communities Program	\$5,971.25
---------------------------	------------

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 Mayor O'Neil and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mrs. Little

ABSTAIN: None

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

**INSERT
R-06-88 HERE**

HIGHLANDSNJ.COM

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

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

**R-06-89
RESOLUTION
APPROVING COMPENSATION
IN LIEU OF PAID MEDICAL BENEFITS
FOR JORGI CRAIG**

WHEREAS, the Governing Body adopted Resolution R-06-59 on April 19, 2006 appointing Jorgi Craig as full-time permanent Cashier/Sewer Clerk; and

WHEREAS, Jorgi Craig's current salary is \$21,804.77; and

WHEREAS, as of April 19, 2006 Jorgi Craig is entitled to receive medical benefits which are paid for by the Borough; and

WHEREAS, Jorgi Craig submitted a letter dated March 21, 2006 stating that she is waiving her right to receive medical benefits and opting to receive monetary compensation in lieu of the medical benefits; and

WHEREAS, past practice with in the borough has been established that compensation in lieu of receiving medical benefits has been paid in the amount of \$5,500.00 annually.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands hereby authorizes compensation to Jorgi Craig for an annual amount of \$5,500.00 in lieu of medical benefits to be paid in addition to her annual salary of \$21,804.77 effective April 19, 2006.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mrs. Little

ABSTAIN: None

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

**R-06-90
RESOLUTION APPOINTING MEMBER OF THE ZONING BOARD OF
ADJUSTMENT**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following appointments be and are hereby confirmed to the Zoning Board of Adjustment:

- | | |
|--------------------------|--|
| 1. Joseph Anthony | Alternate #2 Member Unexpired
Term for to expire
December 31, 2007 |
|--------------------------|--|

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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

ROLL CALL:

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

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

**R-06-93
RESOLUTION SETTING SALARY FOR MUNICIPAL JUDGE, MUNICIPAL
PROSECUTOR, AND PUBLIC DEFENDER**

WHEREAS, it has become increasingly obvious that the volume of cases to be heard in the Highlands Municipal Court has increased and will continue to increase in the summer months; and

WHEREAS, for that reason it has become necessary for the Governing Body to approve an additional Court Session for the months of June, July, August, September, and October 2006; and

WHEREAS, the Honorable Peter Locasio, Municipal Magistrate, James Butler, Esq., Municipal Prosecutor and Thomas J. Smith, III, Public Defender have agreed to be present at compensation equal to that of currently scheduled sessions;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following salaries be adjusted at the rates set forth below only when additional sessions are held during the months of June, July, August, September, and October 2006:

Municipal Court Magistrate	
The Honorable Peter Locasio.....	\$650.00/per additional session
Municipal Prosecutor	
James Butler, Esq.....	\$607.90/per additional session
Public Defender	
Thomas J. Smith, III.....	\$ 95.83/per additional session

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

ROLL CALL:

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-06-94

**RESOLUTION - AUTHORIZING TRANSFERS BETWEEN BUDGET
APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58**

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that transfers between SFY 2006 Budget Appropriations be made as follows:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
Snow Removal:		
Salaries & Wages	\$10,000	
Other Expenses	5,000	
Streets:		
Other Expenses	5,000	
Utilities:		
Gasoline & Diesel	3,000	
Street Lighting	1,000	
Legal:		
Other Expenses		\$10,000
Public Buildings & Grounds:		
Other Expenses		10,000
Municipal Court:		
Other Expenses		1,000
Zoning Board:		
Other Expenses		1,000
Utilities:		
Telephone		2,000
	-----	-----
	\$ 24,000	\$ 24,000

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

ROLL CALL:

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

NAYES: None

ABSENT: Mrs. Little

ABSTAIN: None

OTHER RESOLUTIONS:

R-06-91 Resolution Setting the Tax Levy for the Highlands Elementary School

Mrs. Cummins read the title of Resolution R-06-91 and stated that it calls for a reduction of \$ 76,995.

Mayor O'Neil asked if there are any questions from the public on this matter.

Tara Ryan, President of the Board of Education for the Highlands Elementary School – stated that they did get the message from the public and the budget was defeated. Mrs. Little and Mayor O'Neil came and met with them and they came up with ways to cut \$76,000 which she further explained. She asked the Governing Body to pass this resolution this evening.

Carol Bucco of 330 Shore Drive stated that she is happy with the cuts but questioned a rumor that there is two sixth grade classes with ten students each and stated that if that is true then maybe the Governing Body should have another look before they pass this.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

Ms. Ryan stated that this was not true.

Nancy Macino of the Board of Education explained that there are 13 children in each class and there are special education children and that is the reason.

Donna Conrad of Washington Avenue wanted to know if the Library is being cut.

Ms. Ryan explained that the Librarian is being cut one day a week so she will be there 4-days a week and explained that this is a budget cut.

Patty Parker of 59 Snug Harbor Ave – stated that the school budget really needs to be reviewed for several reasons. The enrollment in the Fifth Grade is ten in each class and the State average is twenty three children per class. That is \$45,000 per teacher for ten students, there should only be one Sixth Grade Class next year. She also stated that all of the children are not even in the class room all day because they go to the Resource Room and other extra help classes. She asked that they reconsider the reduced library days and the closing of school in February because she does not feel that there is a big savings. She also stated that the Board of Education is not truth full and does not answer there question's about the gas bill savings due to the closing of the School in February.

Tara Ryan explained that they are trying to answer the questions and responded to the issues about the reduced Librarian hours.

Ken Braswell of 62 Gravelly Point Road stated that he does not understand how closing the school in February saves money.

Mayor O'Neil stated that he does not agree with the closing of the school in February.

Tara Ryan stated that its not a full week closing in February, it's only for three days.

Ken Braswell stated that he did not understand how the school saves money by closing the school in February and stated that it's not a very creative way to save money.

Nancy O'Neil of 224 Navesink Avenue expressed her opposition to the closing of the school in February and was disappointed that they voted on the closing of the school in February before they had the answers about the gas bill.

Tara Ryan stated that she understands everyone's frustration and she will take it back to revisit it.

Nancy O'Neil stated they should imagine from an image standpoint to a child when you say to them "reading is the success to life" and then you cut back on the library.

Tara Ryan stated that they are reducing the Librarians hours not reducing the library hours. Teachers will have access to take their children to the library anytime.

Mayor O'Neil explained that this meeting was opened up to hear some comments but these discussions should be taken up at the Board of Education Meeting on the third Monday of each month.

Mr. Manco explained that there is a deadline for action and if there isn't a reduction that is agreed upon then the levy will be instated and the next step is the County Commissioner.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

The Governing Body had a discussion about the Highlands Elementary School budget and the process for action by the Governing Body.

Mr. Pfeffer explained that the Board of Education is not obligated to make the agreed budget cuts in the chosen line items, they are only obligated to reduce by the dollar amount.

Mrs. Ryan stated that she will stipulate that they will stick with the agreed budget cuts.

Mr. Manco explained the process to the Governing Body.

Nancy Macino of the Highlands Board of Education stated that without a budget there are no teacher contracts and they are very nervous.

Larry Colby stated that the Board of Education has stated that the reason they need two classes is because of the learning disabled students perhaps they should re-allocate the money for those students.

Mr. Manco recommended that action be taken this evening which he further explained.

Mr. Urbanski offered the following resolution and moved its adoption:

**R-06-91
RESOLUTION OF THE BOROUGH OF HIGHLANDS CONCERNING
SETTING
THE TAX LEVY FOR HIGHLANDS ELEMENTARY SCHOOL**

WHEREAS, on April 18, 2006, the annual school budget for the 2006-2007 academic year, as prepared by the Highlands Elementary School Board of Education (hereinafter referred to as "BOARD") was defeated by the voters; and

WHEREAS, pursuant to the provisions of N.J.S.A. 18a:22-37, The General Fund Budget for the year 2006-2007 has been presented to the Finance Committee (hereinafter referred to as "the Committee") of the Governing Body of the Borough of Highlands for its determination of the amount necessary to be appropriated for each item appearing in the General Fund Budget; and

WHEREAS, New Jersey State Statute requires the Governing Body to certify the amount of local tax revenue to support a thorough and efficient system of education where a tax levy referendum of the BOARD was defeated by the voters of a municipality; and

WHEREAS, in the course of reviewing the defeated school budget, the Committee conducted a meeting; and

WHEREAS, in fulfilling its obligations, the Committee and the Governing Body have discussed, in detail, the budget and its supporting documents; and

WHEREAS, the Governing Body finds that (1) the provision of a thorough and efficient system of quality education to the children of Highlands is of the highest priority and utmost importance to the Governing Body, the BOARD, the parents, children and all

citizens of the Borough of Highlands and that (2) the provision of such land educational system is essential to the continued development of the community and the future of our children; and

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

WHEREAS, the Governing Body further finds that (1) the provision of educational services to our children, as the provision of all governmental services, should be rendered in a cost effective manner; that all reasonable and necessary administrative efforts should be made to realize economies in the provision of education services so as to avoid unnecessary expenditure of public funds which do not relate directly to the quality of education provided to our children; and (2) the BOARD is mindful of the fact that the ever increasing tax burden upon our taxpayers must not be unnecessarily increased; and

WHEREAS, the Governing Body has determined that certain line items in the annual school budget for the 2006-2007 school year may be reduced without any adverse effect upon the quality of education provided; and

WHEREAS, the reasons for each such reduction in the annual school budget has been considered and addressed by the Governing Body and is set forth in detail below; and

WHEREAS, the Governing Body has been both reasonable and conservative in its review of the recommended reductions in the line item specified;

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

- The Committee, after due consideration and consultation with the full Governing Body, hereby finds and determines that the following line item contained in the annual school budget for Highlands Elementary School for the academic year 2006-2007 can be reduced without negative effect upon the thorough and efficient provision of public education in the Borough of Highlands:

<u>LINE ITEM</u> <u>REDUCTION</u>	<u>DESCRIPTION</u>	
11-000-218-104	Oth. Prof. staff - salaries	\$45,210.00
11-000-262-100	Oper. Plant – salaries	\$27,785.00
11-000-291-270	Health Benefits	\$ 4,000.00

- The Governing Body hereby certifies to the Monmouth County Board of Taxation and to the Monmouth County Superintendent of Schools, the following amount relating to the General Fund to be raised by local taxation for the Highlands Elementary School District in the 2006-2007 school year is as follows:

The original tax levy for General Fund contained on the ballot pertaining to the 2006-2007 annual school budget for Highlands Elementary School Board of Education was: \$2,865,384.00

The total amount of the net reduction in the General Fund found by the Governing Body to be appropriated is: -\$ 76,995.00

The amount of the tax levy hereby certified by the Governing Body Of the Borough of Highlands to the Monmouth County Board of

Taxation and to the Monmouth County Superintendent of Schools
For the 2006-2007 General Fund is \$2,788,389.00

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

The Governing Body hereby certifies that the revised school budget for the Highlands Elementary School for the year 2006-2007 containing the line item reductions as noted above, in accordance with the reasons for such reductions as expresses here, is sufficient to provide a thorough and efficient system of education in the Highlands Elementary School for the 2006-2007 school year; and

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Highlands, as follows:

1. The Municipal Clerk be and hereby is authorized and directed to file a certified copy of this Resolution with the Board of Education of the Highlands Elementary School no later than May 19, 2006.
2. The Municipal Clerk be and hereby is further authorized and directed to file two (2) certified copies of this Resolution with the Monmouth County Superintendent of Schools and with the Monmouth County Board of Taxation no later than May 19, 2006.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mrs. Little

ABSTAIN: None

RESOLUTION R-06-92 – Setting Tax Levy for Henry Hudson Regional School

Joan Wicklund, School Board President explained that Atlantic Highlands approved their budget and they are hopeful that Highlands will follow their approval.

Mrs. McDonald-Ott, Business Administrator, HHR explained that a public hearing was held and booklets were sent out and that they met with Councilman Nolan and Urbanski and they feel that they have provided every bit of information and they felt that we had a sound budget.

Mr. Urbanski explained that he has reviewed the budget and the increases are for very obvious reasons since there is a bigger building the cost of running the building doubled. The only other increase that we could find was for \$42,000 for books which they need.

Mrs. McDonald-Ott explained the text book costs and described some consolidations that are being made for services between the schools.

Mr. Nolan stated that he has reviewed the budget and there were a lot of questions and the school board answered all of their questions.

The Governing Body discussed the Henry Hudson budget and the big increase in the heating bills and maintenance bills for the school due to the increased size of the building.

Mayor O'Neil offered that the Governing Body does not except the budget as written and not adopt Resolution R-06-92A, seconded by Mr. Caizza and approved on the following roll call vote:

ROLL CALL:

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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

Mr. Manco – motion carries to defeat the resolution. Now if you are going to reduce the budget then you would have to pick an amount to reduce it by.

There were no motions for any other action on the Henry Hudson Regional School budget.

Resolution R-06-95

Mr. Pfeffer read the following resolution for approval;

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

**R-06-95
RESOLUTION – CHANGE ORDER #1
B & W CONSTRUCTION CO. OF N.J., INC.
INCREASE OF \$14,121.33
NORTH STREET DRAINAGE PROJECT**

WHEREAS, a contract was awarded for B & W Construction Co. of N.J., Inc. as follows:

R-05-152 August 17, 2005 \$94,550.00

WHEREAS, change order # 1 dated May 11, 2006 prepared by T & M Associates, professional engineers, 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 increasing the original contract amount by \$14,121.33 is hereby authorized for the North Street Drainage Project. The contract is hereby amended to \$108,671.33.

Certification of Funds:

I hereby certify that funds are available for this contract from Ordinance 05-11.

Stephen Pfeffer
Chief Financial Officer

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

ROLL CALL:

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

Payment of Bills

Mr. Pfeffer stated that in addition to the items listed for the payment of bills there is an addition for a payment to B & W Construction for \$97, 804.20.

Mayor O’Neil offered the following Payment of Bills List and moved for its approval for payment:

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

**RECAP OF PAYMENT OF BILLS
05/17/06**

CURRENT:	\$	633,195.25
Payroll	\$	
Manual Checks	\$	10,562.14
<hr/>		
Voided Checks	\$	-483.39
<hr/>		
SEWER ACCOUNT:	\$	98,407.66
Payroll	\$	
Manual Checks	\$	8.01
Voided Checks	\$	
CAPITAL/GENERAL	\$	8,527.50
CAPITAL-MANUAL CHECKS	\$	150,096.44
Voided Checks	\$	
TRUST FUND	\$	5,985.15
Payroll	\$	
Manual Checks	\$	
Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	
Voided Checks	\$	-150.00
GRANT FUND	\$	
Payroll	\$	811.40
Manual Checks	\$	
Voided Checks	\$	
DEVELOPER’S TRUST	\$	
Manual Checks	\$	
<hr/>		
Voided Checks	\$	

ADDENDUM

B & W Construction	\$97,804.20
RE: North Street Drainage Improvements	

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

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

ROLL CALL:

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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

ORDINANCES: Introduce, Set Public Hearing Date:

Ordinance O-06-07

Mrs. Cummins read the title of Ordinance O-06-07 for introduction and setting of a public hearing date and stated that the Supplemental Debt Statement has been filed:

Mayor O'Neil offered the following Bond Ordinance pass introduction, that a public hearing date be set for Wednesday, June 7, 2006 at 8:00 PM and authorized its publication according to law:

**O-06-07
BOND ORDINANCE AMENDING BOND
ORDINANCE NUMBER 06-02 FINALLY ADOPTED
BY THE BOROUGH COUNCIL OF THE BOROUGH
OF HIGHLANDS, NEW JERSEY ON MARCH 15,
2006**

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 the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") entitled "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," finally adopted on March 15, 2006 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. The Ordinance is hereby amended by (a) deleting the reference of "\$378,000" for the appropriation and estimated cost and "\$359,100" for the estimated maximum amount of bonds or notes and substituting in lieu therefor "\$478,000" and "\$454,100;" (b) deleting the reference of "\$18,900" for the down payment required by the Local Bond Law and substituting in lieu therefor "\$23,900;" and by (c) deleting the reference to "\$100,000" for expenses permitted under Section 20 of the Local Bond Law and substituting in lieu therefor "\$125,000".

Section 3. 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 resolutions 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 of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 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 the 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 \$454,100.

Section 5. All other provisions of the Ordinance shall remain unchanged.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mrs. Little

ABSTAIN: None

Ordinance O-06-08

Mrs. Cummins 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, that a public hearing date be set for Wednesday, June 21, 2006 at 8:00 PM and authorized its publication according to law:

O-06-08

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII OF THE
REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED
"TRAFFIC", AMENDING AND SUPPLEMENTING SECTION 7-3.4 AND
SCHEDULE I THEREOF ENTITLED, "NO PARKING" TO INCLUDE A 100
FOOT PORTION OF SHORE DRIVE.**

WHEREAS, there has been a request to revise the "No Parking" restrictions on Shore Drive Extension between South Street and Bay Avenue, which has been reviewed by the Police Department, the Borough Engineer, by Commerce Risk Control, so as to permit parking on the North side of said right-of-way, while continuing to prohibit parking on the South side of said roadway; and

WHEREAS, the recommendation requires compliance with Part 9 of the Manual on Uniform Traffic Control Devices., "Traffic Controls for Bicycling Facilities" ;

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Highlands that Chapter VII of the Revised General Code of the Borough of Highlands, entitled "Traffic" and more particularly Section 7-3.1 and Schedule I thereof entitled "No Parking", be and hereby is amended and supplemented with respect to Shore Drive Extension in the following part **only**:

SCHEDULE I

NO PARKING

Delete from existing text:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Shore Drive Extension	Both sides	From South Street to Bay Avenue

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

Replace with:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Shore Drive Extension	South Side only	From South Street to Bay Avenue

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.

BE IT FURTHER ORDAINED THAT this ordinance shall not take effect until:

1. Approval by NJDOT, if required by law.
2. Posting of proper signs as required by *NJSA 39:1-1 et seq.*
3. Publication upon adoption.

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

ROLL CALL:

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

Ordinance O-06-06

Mrs. Cummins read the following title of Bond Ordinance O-06-06 and stated that the public notice was not sufficient and that the borough needed to re-advertise and set a public hearing date for June 7, 2006:

**O-06-06
BOND ORDINANCE PROVIDING AN
APPROPRIATION OF \$650,000 FOR
REHABILITATION OF SANITARY SEWER
SYSTEM FOR AND BY THE BOROUGH OF
HIGHLANDS IN THE COUNTY OF
MONMOUTH, NEW JERSEY AND,
AUTHORIZING THE ISSUANCE OF \$400,000
BONDS OR NOTES OF THE BOROUGH FOR
FINANCING PART OF THE APPROPRIATION**

Mayor O'Neil offered a motion to change the public hearing date for Bond Ordinance O-06-06 to June 7, 2006, seconded by the Mr. Caizza and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mrs. Little

ABSTAIN: None

ORDINANCES: Second Reading, Public Hearing and Adoption

**BOROUG OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

Ordinance O-06-05

Mrs. Cummins read the title of the following Ordinance for the third reading and public hearing and stated that it was advertised on April 27, 2006:

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

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.

Mayor O'Neil opened the public hearing up for Ordinance O-06-05.

Sean Fitzgerald of Fourth Street questioned the location of this property.

Mayor O'Neil explained that it's at the very bottom of the hillside on S. Bay Avenue.

There were no further questions from the public therefore the public hearing was closed.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

Mr. Urbanski stated that New Jersey American Water would need an easement for the water line.

Mr. Gilson explained the proposed water lines.

Mr. Manco stated that we can amend the ordinance and re-advertise and adopt at the next meeting.

Larry Colby stated that on behalf of his brother-in-law Gary Badrick they do not have any problem granting an easement to the water company.

Mr. Manco stated that he will amend the ordinance and we will have to re-introduce it.

Mayor O'Neil offered a motion to table this matter, seconded by Mr. Caizza and all were in favor.

OTHER BUSINESS:

Borough Engineers Report

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

1. Community Center Improvements – the contract documents are currently under review by the Sub-Code Officials. The BID opening was held on May 16, 2006 and the bids came in under budget.
2. Firehouse - the contractor has continued to show progress and the project remains on schedule with a completion date of September 25, 2006.
3. NJDOT Route 36 Bridge – An archeological dig was just completed at the northern base of the ramp.
4. NJDEP Stormwater Management Regulations – the final outfall inspection report will be submitted shortly.
5. Amendments to the Zoning & Land Use Ordinance – the Planning Board found that the Zoning Ordinance was in accordance with the Master Plan and recommended approval by the Governing Body.
6. Valley Street Pumpstation Rehabilitation Project – bids were received on May 2, 2006 with the apparent low bidder being Electrical Design and Construction Corp and the low bid is approximately 10% higher than anticipated and is in the amount of \$332,000. The governing body has introduced an amendment to the current bond ordinance to cover the increased costs.
7. Washington Ave Reconstruction Project – we will have a proposal prepared for the governing body.

8. South Bay Sanitary Pump Station – the pumpstation has suffered damage from an apparent lightning strike but it remains operational. The borough is assessing the damage to confirm the actual cause.
9. North Street Box Culvert Replacement – the project has been completed. Final quantities and punch list items are currently under review.
10. Basin Eight Sanitary Sewer Rehabilitation Project – we submitted a proposal for consideration by the Governing Body.

Highlands Housing Authority – Request for Waiver of Building Dept Fees

Mrs. Cummins stated that the Housing Authority has submitted a written request for a waiver of building permit fees for their contractors.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

Mayor O’Neil offered a motion to approve the waiver of municipal fees only in accordance with State Laws, seconded by Mr. Urbanski and approved on the following roll call vote:

Paul Murphy – Membership Application to the Fire Department

Mr. Caizza offered a motion to approve the Membership Application to the Fire Department from Paul Murphy, seconded by Mr. Nolan and all were in favor.

Request For Confirmatory Deeds for Block 97 Lots 7 & 8

Mrs. Cummins stated that the borough received a written request for confirmatory deeds for block 97 lots 7 & 8.

Mr. Manco advised the governing body to refer this matter to him to review and make a recommendation.

The Governing Body referred this matter to the Borough Attorney for review and recommendations.

Request to Purchase Borough Property located at 124 Bay Avenue (Bl 47 Lt 10)

Mrs. Cummins stated that the borough received a written request from James Goldstein to purchase borough owned property located at 124 Bay Avenue.

Mr. Manco stated that this can go out for bid.

The governing body authorized the Borough Attorney to get the bidding process underway for the sale of this property.

American Legion – Request for a Social Affairs Permit & Street Closing on 6/3/06

Mrs. Cummins stated that an approval would have to be subject to the approval of the Chief of Police.

Mr. Caizza offered a motion to approve the Social Affairs Permit Application for the American Legion, seconded Mayor O’Neil and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O’Neil
NAYES: None

ABSENT: Mrs. Little

ABSTAIN: None

APPROVAL OF MINUTES:

March 15, 2006 Minutes

Mayor O'Neil offered a motion to approve the March 15, 2006 minutes, seconded by Mr. Nolan and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mrs. Little

ABSTAIN: None

**BOROUGH OF HIGHLANDS
MAYOR & COUNCIL
REGULAR MEETING
MAY 17, 2006**

PUBLIC PORTION:

Pauline Peterson of Ocean Street stated that she had some pictures that she wanted to show the borough regarding her neighbor's drains which she described.

Mayor O'Neil referred this to the Code Enforcement Officer, Paul Murphy.

Mr. Murphy took the pictures from Mrs. Peterson.

Mr. Pfeffer left the meeting at 9:51 P.M.

Patty Parker of 59 Snug Harbor Ave – suggested for next year that the school budget assign a committee as soon as the budget is defeated.

Maureen Kraemer of Portland Road questioned the ownership of a portion of Portland Road.

Mr. Manco explained that the County owns part of the road on one side and the borough is going to make a request to the county to repair the road based on the report that he has.

Maureen Kraemer stated that there seems to be a lot of construction going on during the weekends on Portland Road and is concerned that it's all going on during the weekends.

Mayor O'Neil advised her to call the Police Department and then they can contact the Code Enforcement Officer but in the mean time the Borough Administrator will direct the Code Enforcement Officer to look into this.

Sean Fitzgerald of 8 Fourth Street described the VFW storm drain problems with the gravel from Middletown and requested that the Borough Engineer look into this problem. He then asked if anything was being done with regard to the Cat problems.

Mayor O'Neil stated that the Governing Body spoke about this in Executive Session.

Sean Fitzgerald questioned the public input with regard to the School budgets.

Mayor O'Neil explained the Highlands Elementary School budget cuts.

Donna Conrad of Washington Avenue questioned why her seven year old daughter will not be able to attend the community center programs. She believes that the community center should be open to all school aged children.

Tim Hill, Recreation Director explained some of the changes to the programs. He then described the proposed youth programs that he would like to offer through the community center.

Mayor O'Neil stated that it should be an equal opportunity for the children.

Laura Dibble of 32 Paradise Park questioned the public hearing for the Land Use Amendment Ordinance that is scheduled for June 7th and complained about not receiving notice when the hearing on this matter is postponed and wants to be noticed when a postponement is going to take place.

Mr. Manco stated that should a postponement occur again on this matter that he would call her attorney right away.

Donald Manrodt of 268 Bayside Drive - on Bayside Drive they have an oil

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MAY 17, 2006**

spill back again and the Coast Guard has no jurisdiction on this and he suggested that the borough turn this matter over to our Environmental Commission.

Art Gallagher of 158 Linden Avenue and member of the Highlands Environmental Commission explained that we don't have an Environmental Commission established yet which he further explained and stated that they are in the process of establishing it but they don't have a budget to operate yet either.

Roberta McEntee of Fifth Street stated that it's very important that the Community Center start these new programs for the older children.

Maureen Kraemmer complimented the newly changed highlands website.

Lori Dibble of 32 Paradise Park stated that a Seastreak boat was going very fast recently and wanted to know who is responsible to observe safe boating conditions.

The Governing Body directed her to the Marine Police.

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

The Meeting adjourned at 10:19 P.M.

CAROLYN CUMMINS, DEPUTY CLERK