

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
COMBINED MEETING  
JUNE 7, 2006**

Mayor O'Neil called the meeting to order at 7:23 P.M.

Mrs. Flannery read the following statement: As per requirement of P.L. 1975, Chapter 231, notice is hereby given that this is a Workshop Meeting with Special Action of the Borough of Highlands Mayor and Council 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  
Dominic Manco., Esq., Borough Attorney

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**Executive Session Resolution:**

Mrs. Flannery read the following Resolution for approval:

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

**RESOLUTION  
EXECUTIVE SESSION**

**BE IT RESOLVED** that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

1. **Personnel: Edward O'Neil Rice Notice Served**
2. **Zoning Officer Hours**
3. **Litigation: Franklin, M. vs. Highlands First Aide Squad**
4. **Litigation: Grand Tour Flood Problem RE: 22 Grand Tour**
5. **Portland Road Issue**
6. **Brian Adams – Performance Bond for BI 97 Lt 4**
7. **Attorney for Henry Hudson Reg School present at Meeting**

**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:

8. Related to investigation of violations or possible violations of the law.
9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
10. Falls within the attorney-client privilege and confidentiality is required.

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

Seconded by Mr. 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

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Combined Meeting back to order at 8:43 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  
Dominic Manco, Esq., Borough Attorney

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**Resolution R-06-92:**

Mrs. Flannery read the title of Resolution R-06-92.

Mayor O'Neil opened up the meeting to discussions before acting on this resolution.

Armon McCumber of the law firm of McCumber & McCumber located in Red Bank, NJ stated that he represents the Henry Hudson Regional School Board. He thanked the Governing Body for meeting with him in Executive Session. The School Board is begging and pleading for the Schools budget and stated that they met with the Councils Finance Committee and they were satisfied that this was not a budget that was filled with a lot of fluff and so any cuts that are made are going to have to be made out of our curriculum. We are aware that the budget was voted down but we ask on behalf of the children that you please take into consideration what any cut from this budget would do. Its hard to cut teachers and increase class sizes, its hard to cut technology. We ask for no cuts and ask that you please keep the budget as close to what it stands at right now.

Mayor O'Neil explained that this budget was voted down by the voters and no action was taken by the Council and today we have to take some action on this budget. We did speak with Mr. McCumber and we came out with a number that we feel might be livable, \$25,000 in cuts. We were thinking of placing the cuts toward the energy costs.

Mrs. Little – suggested that inter-local agreements be looked into with Atlantic Highlands and Highlands rather than taking away from the children.

Armon McCumber stated that this board has worked hard within the bounds of the law to try to come up with regional ways to save money. We know have three shared positions with Atlantic Highlands and Highlands that we did not have previously.

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Mr. Nolan stated that both he and Councilman Urbanski looked at the budget and they did not see any that could be cut therefore he recommends that the budget be passed as is.

Mr. Caizza stated that if we cut the \$25,000 in energy costs that would be a lot better.

Mr. Urbanski stated that he believes that cutting the \$25,000 in heating would be a reasonable number.

Katherine Fedina , Superintendent of HHR thanked the Governing Body for all of their efforts but stated that they can barley pay the energy cost now. She does not see where they could get \$50,000 for energy cost if the Highlands and Atlantic Highlands each cuts the budget by \$25,000 each for energy. Fifty thousand dollars from our budget is a lot of money to cut.

Dawn \_\_\_\_\_ of Atlantic Highlands questioned if the Council received an extension from the State for filing the proposal to the State.

Mayor O'Neil stated that he spoke with the Commissioner of Schools and he said that more than likely we could.

Dawn \_\_\_\_\_ of Atlantic Highlands questioned if Highlands discussed the cuts with Atlantic Highlands and stated that she believes that Highlands should discuss this with Atlantic Highlands.

Mayor O'Neil – no he did not.

Mrs. Little – there is no requirement for us to meet with Atlantic Highlands and your complaint needs to be registered with them.

Dawn \_\_\_\_\_ of Atlantic Highlands

Kathy Salarno of Atlantic Highlands stated that Atlantic Highlands voted for the budget and our children are going to be effected.

Mayor O'Neil – knowing that this is a Regional School the burden is also on the council of Atlantic Highlands to meet with us.

Mr. Hawley of Ocean Blvd, Atlantic Highlands questioned if the cuts are made tonight and Atlantic Highlands doesn't meet until after tomorrow then what happens.

Katherine McDonald-Ott of HHR stated that Atlantic Highlands passed the budget as is and they gave us the signed and sealed resolution and that was sent to the County and we need a Resolution from Highlands.

Mr. Hawley of Ocean Blvd stated that the problem with the property tax equation and the schools budgets. He suggested that Highlands take action perhaps a small cut on the budget in the amount of \$12,000 or \$15,000.

Darlene \_\_\_\_\_ of Atlantic Highlands stated that her child attends Henry Hudson Regional and stated that the school currently can't provide transportation for sports programs, so how much more do you want to take away from the children.

Mayor O'Neil explained that we are talking about \$.05 cents on the tax rate.

Bernadine Harford of 168 Highland Avenue – said there are people in Highlands that are barely keeping their heads above water and no matter how small the tax relief that they receive, it will be welcomed.

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Carla Cefalo-Braswell of Gravelly Pt Rd – suggested that perhaps the two communities get together and maybe raise the money.

Erin \_\_\_\_\_ of Atlantic Highlands – these kids have to be educated and unfortunately there are people that do not get out and vote and if people really new what happens when they don't vote maybe the next time it will get passed. There is a chance that the kids will loose their band and we have to keep the kids busy so that nothing happens to them.

\_\_\_\_\_ of Atlantic Highlands – it shouldn't be about us verses you, it should be about the children and the theater gives the children the confidence. Let's work together to find a resolution.

Valerie \_\_\_\_\_ of Atlantic Highlands – stated that her son plays sport for HHR and her daughter plays sports there two and we just got back from Canada with the Hudson Band. So we are not just a little school in the middle of now where, we are well known. Those things are so important so we need to find a happy medium so that nothing is cut from the children.

Art Gallagher of 158 Linden Avenue – how does the \$25,000 cut become a \$50,000 cut?

Mayor O'Neil – it's between the two towns. He then explained that there is a percentage for each town for the amount that is paid by the two towns.

Mr. McCumber explained that in order for this borough to get a \$25,000 reduction they have to put \$50,000 over both boroughs.

Katherine Ott explained that the total figure that is given tonight 51% of that will be reduced from Highlands and 49% will be reduced from Atlantic Highlands.

Art Gallagher – the voter doesn't really review the budget when they turn it down so you could interpret the voters vote as requesting the council to review the budget. If you have to cut something than he would recommend a smaller amount be reduced.

The Governing Body discussed the school budget with Mr. Gallagher.

Hanna Gallagher of Atlantic Highlands – stated that she is a student at Henry Hudson Regional and is also a band member and participates in sport there and without these activities she would have nothing to do after school and asked that the Council not make any cuts.

Kelsey Donohue – as a student of Henry Hudson she opposes budget cuts and any removal of school sports and activities.

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

**R-06-92  
RESOLUTION OF THE BOROUGH OF HIGHLANDS CONCERNING  
SETTING  
THE TAX LEVY FOR HENRY HUDSON REGIONAL SCHOOL**

**WHEREAS**, on April 18, 2006, the annual school budget for the 2006-2007 academic year, as prepared by the Henry Hudson Regional 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

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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 it’s 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

**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 Henry Hudson Regional 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>DESCRIPTION</u>	
<u>REDUCTION</u>		
11-000-262-620	Energy (Heat and Electricity)	\$50,000.000

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- 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 Henry Hudson Regional 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 Henry Hudson Regional School Board of Education was: \$~~6,655,873.00~~

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The total amount of the net reduction in the General Fund found by the Governing Body to be appropriated is: \$ ~~50,000.00~~

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Atlantic Highlands \$ 24,853.37  
Highlands \$ ~~25,146.63~~

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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 \$~~6,605,873.00~~

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Atlantic Highlands \$3,283,563.60  
Highlands \$~~3,322,309.40~~

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The Governing Body hereby certifies that the revised school budget for the Henry Hudson Regional 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 Henry Hudson Regional School for the 2006-2007 school year; and

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**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 Henry Hudson Regional School no later than June 8, 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 June 8, 2006.

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

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

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

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**O-06-03 Amendment to the Zoning/Land Use Ordinance  
Resident Letter, Petition, Resolution from Planning Board**

Mrs. Flannery read the title of Ordinance O-06-03 “ An Ordinance of the Borough of Highlands, County of Monmouth, State of New Jersey, Amending Chapter 21, Zoning and Land Use Regulations of the Borough of Highlands Code To Implement the Recommendation of the 2004 Master Plan” and stated that it is on for second reading and to open the public hearing. She advised the Governing Body that in their meeting packet are correspondences from the Monmouth County Parks System which pertain to this matter.

Mayor O’Neil opened the public portion up for Ordinance O-06-03.

William Eaton, Esq., requested a copy of the memo’s from the Monmouth County Parks Systems. He stated that he feels that this is an important communication and they believe that this is an owner of property in excess of 20% of the adjacent property. It’s also a really stunning expression of concern from the Monmouth County Park System. He then asked the Mayor to read the Monmouth County Parks System letters into the record.

Mayor O’Neil read the Monmouth County Park System Letter dated 7/7/06 which is marked as exhibit P-1.

Mr. Eaton – suggested that this letter also qualify as a protest on the ordinance under NJSA40: 55D-63.

Mayor O’Neil stated that the letter sounds like it protested what is going on down there now.

Mr. Eaton – what is going on down there now is work and activity that was done by the prior owner and the current owner of the property. This is not the fault or problem of the residents of the mobile park. The residents of the park are tenants of the pads and where they put their homes on the pads is really a function of how the park operates. My clients as you know have asserted the right of First Refusal in the purchase of this property and they are pursuing that in court. He would hope that his client’s rights would be protected by the Borough Council and by those elected to represent them. This Zoning Ordinance robbed his clients of their rights.

Loretta Dibble of 32 Paradise Park, President of Paradise Park Homeowners Association stated that they delivered petitions several weeks ago and they are filing a protest against the proposed Zoning Ordinance which she then read to the Governing Body which opposes the rezoning of the Paradise Mobile Park. She then stated that the Borough Clerk called her and certified the petition.

Mrs. Flannery stated that it appears on the surface that the petition appears to be acceptable and that there is the required 20% of signatures.

Mr. Manco explained that what the Borough Clerk has stated is that she has reviewed and assuming that all of the facts on it are correct it would then qualify for a super majority vote but she has not independently had a chance to verify every signature. So, it appears to qualify and if that is being the case then 4 votes would be required to adopt the ordinance.

Loretta Dibble discussed the nature of the character of the people who live in the Paradise Park and she stated that in 2006 there were 2,939 phone calls for Police Service in Highlands and only 5 were for Paradise Park. In the year 2005 there were 7,673 phone calls and 8 were for

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Paradise Park. She then submitted a letter from the Chief of Police which indicates those facts.

Mr. Manco marked the following documents into evidence:

- P-1: Letter from the Monmouth County Park System dated 7/7/06;
- P-2a-t: Petition entitled "Petition To Oppose Ordinance O-06-02 Rezoning Paradise Mobile Home Park"
- P-3: Letter from the Highlands Police Department dated 7/7/06 signed by Dian Alvator RE: number of Police Calls for Service
- P-4: Letter from Patricia Boyce & Timothy Tuohy, of 34 Paradise Park.
- P-5a: Written statement from Joseph Hoag of Paradise Park.
- P-6a: Written statement form Dawn Wolzein of Paradise Park.
- P-7: Written statement from Ken Fallender of Paradise Park
- P-8a: Written statement from Bruce Fallader.
- P-8b: Photograph attached to Exhibit P-8a.
- P-9a: Written Statement from John Morr of Paradise Park
- P-9b: Photo attached to P-9a
- P-9c: Photo attached to P-9d
- P-9d: Written Statement form John Moore & Debbie Smith
- P-10: Written Statement from Richard Rieger
- P-11b: Written Statement from Jason Engel of 37 Paradise Park
- P-12a: Written Statement from Raymond Scriber of 29 Paradise Park
- P-13: Letter from William Eaton, Esq., dated 4/7/06
- P-14: Master Plan Public Presentation #2 documents prepared by T & Assoc.

Loretta Dibble then read the following statements into the record which are marked Exhibits P-4 and P-5a which were in opposition to the zoning ordinance amendments.

Dawn Wolzein of 30 Paradise Park read her statement into the record which was marked as P-6a. This statement spoke in opposition to the proposed zoning amendments.

Jim Fillip of Shore Drive explained that this Master Plan process started in 2002 which was fifteen months before the marina was purchased by Mr. Bollerman. He believes that when Mr. Bollerman purchased the Paradise Park property it became his choice to do what he wants to with the property. Ratables fund school budgets and he understands the feelings of the residents of the Mobile Park. The community is changing and every piece of property that can be built on is being developed and he believes that the Governing body has an obligation to increase the ratables so that we do have a school system that can function which he further described. He spoke favorably of the proposed zoning ordinance amendments.

Maria \_\_\_\_\_, Deputy Director of Ocean/Monmouth Legal Services stated that she is also a member of the Fair Housing Board in Monmouth County. She has watched and represented many tenants in Asbury Park and Long Branch, thousands of indigent and low income people have been displaced and are forced out of Monmouth County. Zoning is being used here to displace the residents and they are representing a number of residents in Paradise Mobile Park and they are urging the Governing Body to let Mr. Bollerman seek a variance, let him do this the right way. Don't bypass her client's right to receive relocation assistance and all the things that would come if this were done appropriately.

Colleen Malaney of Highlands – stated that she is a property owner and can't relocate and she wants to see our town advance. She thinks that we have an obligation to our taxpayers to take care of our children. She feels that this is an opportunity to generate



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revenues. So as a property owner she asked the Governing Body to consider the zoning changes.

Bruce Fallader of 46 Paradise Park read written statements in to the record which were marked as Exhibits P8a, P-9a, P-10. The statements were not in support of the proposed zone changes.

John Moore, Representing Debbie Smith read Exhibits P-9a which opposes the zoning changes.

Mayor O'Neil explained the Master Plan Process and stated that nobody came out to object to the recommended changes during that process.

George \_\_\_\_\_ of Paradise Park spoke unfavorably about the proposed zoning changes.

Gabrielle Tarpy of 365 Shore Drive read her statement opposing the zoning changes at the Paradise Mobile Park.

Steve Yarolli, resident of Highlands stated that Mr. Bollerman is the owner of the property and should have every right to do what he wants with the property and he supports the zone changes.

Jason Engel of 37 Paradise Park read his written statement marked as Exhibit P-11b which spoke in opposition to the proposed zone change.

Dolores Francy of 36 Fifth Street expressed her opposition to the zone change of the Mobile Park.

Jackie Jones, resident of Atlantic Highlands expressed her opposition to the proposed zone change and asked the Governing Body to reconsider the proposed zone change to the Mobile Park.

Jim Bollerman stated that some of the statements about him are not true. He stated that what ever happens at the Paradise Mobile Park the public will have access to the waterfront which is mandated by federal regulations. He has reached out to the residents of the mobile park and they declined.

Ray Scribner of 29 Paradise Park expressed his opposition to the proposed mobile park zone change.

Bernadine Harford stated that access to the water at the site may not be of friendly access.

Frank Wolzein of Paradise Park –advised the Governing Body of the Planning Board Members comments on this matter and how their vote for the review of this ordinance went. He then spoke unfavorably about the proposed zone change to the Paradise Mobile Park.

William Eaton, Esq. spoke in opposition to the proposed zone change to the Paradise Mobile Park and stated that if Mr. Bollerman doesn't have to go for a variance then he avoids the statute that requires relocation rights. He then read his written statement opposing the zone change to the Paradise Mobile Park. He commented on the Master Plan Process and discussions that occurred and read a Stakeholders Statement on the Master Plan which was written by Councilwoman Anna Little. He then discussed the contract between Mr. Aragon and Mr. Bollerman about the purchase of property. He then asked the Governing Body to defeat this ordinance and to protect the rights of the residents of Paradise Park.

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There were no further comments or questions from the public; therefore the public portion was closed.

Mr. Manco advised the Governing Body that due to the fact that petitions were filed any action taken to adopt this ordinance would have to take four votes. If there were to be action taken it would require a Resolution to adopt the ordinance because the ordinance does not technically meet everything in the Master Plan and the resolution would have to specify the reasons for the deviation.

Mayor O'Neil offered a motion to move the ordinance as written, seconded by Mayor O'Neil.

Mr. Manco read the following resolution for approval:

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

**R-06-98  
RESOLUTION ADOPTING ORDINANCE NO. O-06-03**

**WHEREAS**, on March 15, 2006 the governing body of the Borough of Highlands introduced Ordinance No. O-06-03 amending and supplementing Chapter 21 of the Revised Ordinances of the Borough of Highlands, (Zoning and Land Use Regulations), including a proposed Zoning Map, the purpose of which was to implement substantially the recommendations of the 2004 Highlands Borough Master Plan, adopted by the Highlands Borough Planning Board in November, 2004; and

**WHEREAS**, pursuant to *NJSA 40:55D-26*, Ordinance No. O-06-03 was referred to the Highlands Borough Planning Board for review for consistency with said Borough Master Plan; and

**WHEREAS**, the Planning Board issued a report dated, 2/9/2006, making an affirmative finding of fact that the proposed zoning ordinance amendment was in fact consistent with the 2004 Borough Master Plan, and further making recommendations for changes to certain fees, as set forth in a supplemental report dated, 3/11/2006.

**WHEREAS**, the Borough Council of the Borough of Highlands is of the opinion that although the MXD zone boundary has been modified that set forth in the 2004 Master Plan, that this deviation is minor and still consistent with the purpose and intent of the Master Plan, as interpreted by the Planning Board during the Section 26 Master Plan consistency review; for the following reasons:

1. The lots adjacent to Locust Street contain existing homes which would be rendered non conforming if included in the MXD zone, and are not likely to be developed individually accordance with MXD standards.
2. The inclusion of an irregularly shaped, land-locked parcel on the easterly boundary of the proposed MXD zone maximizes the use of available vacant properties which were otherwise not included in the MXD zone as described in the 2004 Master Plan.
3. The clarification of permitted multi-family uses to include the similar residential condominium and townhouse uses is reasonable.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Highlands, that Ordinance No. O-06-03 be and hereby is adopted by a majority of its voting membership, for the aforesaid reasons.

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**BE IT FURTHER RESOLVED**, that a certified true copy of the within Resolution shall be forwarded to the Highlands Planning Board, and all other interested parties upon request.

Seconded by Mr. Nolan and **NOT adopted** on the following roll call vote:

**ROLL CALL:**

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

**Mrs. Flannery stated that the motion to does not carry on that vote.**

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

**Ordinance O-06-06**

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

Mayor O'Neil opened the public hearing up on Bond Ordinance O-06-06.

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

Mrs. Flannery read the title of the following ordinance for the third and final reading and adoption:

Mayor O'Neil offered the following Bond Ordinance pass third and final reading and adoption and authorized its publication according to law:

**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**

**BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

**SECTION 1:**

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$650,000, such sum includes the sum of (a) \$149,000 from the Sewer Capital Fund Surplus, and (b) \$101,000 from the Sewer Capital Fund Reserve for Capital Outlay. No down payment is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey

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Statutes, as amended and supplemented (the "Local Bond Law") as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$400,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$400,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

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

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Rehabilitation of the sanitary sewer system, including the reconstruction of various roads in connection therewith, including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$650,000	\$400,000	40

- (b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$400,000.

- (c) The estimated cost of the Improvements is \$650,000 which amount represents the initial appropriation made by the Borough.

SECTION 4.

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

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Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$400,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$130,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7:

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

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of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$400,000.

SECTION 10:

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

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

**ROLL CALL:**

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

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Mrs. Flannery stated that both bond ordinances were advertised in the full on May 18, 2006.

**Ordinance O-06-07**

Mrs. Flannery read the title of Bond Ordinance O-06-07 for the second reading and public hearing.

Mayor O'Neil opened the public hearing up on this matter but there were no questions or comments; therefore the public hearing was closed for Bond Ordinance O-06-07.

Mrs. Flannery read the title of Bond Ordinance O-06-07 for the final reading and adoption.

Mayor O'Neil offered the following Bond Ordinance pass final reading and be adopted and published 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**

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**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 thereof "\$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 thereof "\$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 thereof "\$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.

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. Nolan and adopted on the following roll call vote:

**ROLL CALL:**

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

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**RESOLUTIONS:**

**R-06-96**

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

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

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**R-06-96  
RESOLUTION AUTHORIZING  
GRANT AGREEMENT BETWEEN  
THE BOROUGH OF HIGHLANDS AND  
THE STATE OF NEW JERSEY  
BY AND FOR  
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GRANT IDENTIFER: WQ05-354**

The Governing Body of the Borough of Highlands desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$16,936.00 to fund stormwater activities as described in the Scope of Services.

Therefore, the governing body resolves that DAVE GILSON or successor to the office of Borough Administrator is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State and (c) to execute (X) any amendments thereto (X) any amendments thereto which do not increase the Grantee's obligations.

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Introduced and passed: June 7, 2006

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

**ROLL CALL:**

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

**R-06-97**

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

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

**R-06-97  
RESOLUTION AUTHORIZING  
BOROUGH ADMINISTRATOR TO RESUME  
PRE-APPLICATION PROCESS**

**WHEREAS**, the Borough has concluded negotiations with NJDOT and DEPT for mitigation measures to enhance the remainder of the Bay Avenue Park and to supplement the Green Acres inventory;

**WHEREAS**, it is necessary to resume the Pre-Application Process which was started in December 2005 with Green Acres;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Borough Administrator be and hereby is authorized to resume Pre-application with Green Acres.

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



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**ROLL CALL:**

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

**Payment of Bills**

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

**RECAP OF PAYMENT OF BILLS  
06/07/06**

<b>CURRENT:</b>		\$	43,282.32
Payroll	(05/30/06)	\$	208,572.81
Manual Checks		\$	88,874.48
Voided Checks		\$	
<b>SEWER ACCOUNT:</b>		\$	975.71
Payroll	(05/30/06)	\$	10,212.30
Manual Checks		\$	5,245.06
Voided Checks		\$	- 1,648.66
<b>CAPITAL/GENERAL</b>		\$	39,337.35
<b>CAPITAL-MANUAL CHECKS</b>		\$	97,804.20
Voided Checks		\$	
<b>TRUST FUND</b>		\$	25,829.05
Payroll	(05/30/06)	\$	1,824.00
Manual Checks		\$	
Voided Checks		\$	
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$	
<b>DOG FUND</b>		\$	10.80
Voided Checks		\$	- 150.60
<b>GRANT FUND</b>		\$	55,084.81
Payroll		\$	2,859.46
Manual Checks		\$	
<b>DEVELOPER'S TRUST</b>		\$	
Manual Checks		\$	
Voided Checks		\$	

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

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

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**ROLL CALL:**

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

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**COMMITTEE REPORTS:**

The Governing Body dispensed with Committee Reports.

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**OTHER BUSINESS:**

**Code Enforcement : Request for Ordinance**

Mrs. Flannery stated that the Code Enforcement Officer provided the Governing Body with a sample ordinance for the International Code Council Property Maintenance Code.

Paul Murphy explained that the current ordinance still referenced the BOCA 1993 code which was replaced by the ICC in approximately 1999.

Mr. Nolan offered a motion directing that an ordinance be drafted on this matter, seconded by Mrs. Little and all were in favor.

**Shade Tree Ordinance**

Mr. Urbanski stated that the current fees for tree removal are inappropriately low and the borough should look into amending the fee schedule and tightening up the ordinance itself because people are cutting down trees on steep slopes.

The Governing Body stated that they will review of the current tree ordinance at the next meeting.

**Request to Conduct Benefit Event and 50/50 at Veterans Park**

Mrs. Flannery read the written request from Nancy O'Neil dated June 5, 2006 which request for the use of Veterans Park on June 29, 2006 to host a benefit for Sue Hartsgrove Brown from 5:00pm until 9:00 pm.

Mayor O'Neil offered a motion to approve the use of Veteran Park for the Benefit, seconded by Mr. Urbanski and all were in favor.

**Raffle License Request for the Highlands Business Partnership for a 50/50 at the Concert Series.**

Mayor O'Neil offered a motion to approve the Raffle License for HBP for the Concert Series, seconded by Mr. Nolan and all were in favor.

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**PUBLIC PORTION:**

Roberta McEntee of Fifth Street – stated that the AHHRSA is just about at capacity and when she hears all of this talk about the rezoning of Paradise Park and she wonders if the borough is taking into consideration that AHHRSA may not be able to service them or it will cost the town a lot of money to make stronger lines.

Mayor O'Neil – yes

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Mr. Urbanski stated that the Planning Board discussed this issue during the Master Plan process.

Roberta McEntee - have you done anything about Seastreak putting sewer caps on their lines on their property because it is costing us a lot of money.

The Governing Body stated that it was taken care of.

Mary \_\_\_\_\_ of 125 Highland Avenue – we have a water situation on the corner there and it has been 12-years and you still have not done anything about it. What are your intentions because it is getting worse.

Mayor O'Neil – the Borough Administrator sent the Freehold Soil Commission up there to try and straighten it out. He is not sure what to do because it is quite a job.

The Governing Body discussed the water problems with this woman.

Mayor O'Neil – we can send someone up to look at this situation and perhaps put a catch basin in further up the street to divert the water.

Brian O'Keefe of 25 Grand Tour – stated that he has been trying to get the town to make 22 Grand Tour put a silt fence around that construction and it hasn't worked until today which he further described. He described that every time it rains it's like a mud slide.

Mayor O'Neil directed the Borough Clerk to pull the original subdivision plans for this site and directed the Code Enforcement Officer to look into this and also the Engineers Office.

Mr. Gilson expressed his knowledge of this situation and stated that the engineer was going to look at the site plan.

Joseph Dorin of 102 Valley Avenue asked Mr. Manco if he has looked further in to the property lot 5.

Mr. Manco stated that he has not had time and he expects to have a recommendation on that by the next meeting.

There were no further questions or comments therefore the public portion was closed.

Mr. Manco stated that we need to add Resolution R-06-99 to the agenda tonight.

Mr. Manco read the following Resolution for approval:

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

**R-06-99  
RESOLUTION  
AWARDING CONTRACT FOR THE COMMUNITY CENTER PROJECT  
TO AB DESIGN CONTRACTING GROUP**

**WHEREAS**, the Borough of Highlands has advertised for bids for the renovation project at the Community Center in accordance with the Local Public Contracts Law; and

**WHEREAS**, the lowest responsible bid appears to be from AB Design Contracting Group in the sum of \$573,300; and

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**WHEREAS**, the Monmouth County Community Development Program has issued a letter of no objection in giving contractor clearance for this CDBG project by letter dated 5/24/2006; and

**WHEREAS**, funds are available in municipal bond ordinance adopted for said purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the contract is hereby awarded to AB Design Contracting Group in the sum of \$573,300 subject to final certification of fund by the Borough of Highlands Chief Financial Officer.

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

**ROLL CALL:**

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

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

The meeting adjourned at 11:41 P.M.

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**CAROLYN CUMMINS, DEPUTY CLERK**