

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
COMBINED MEETING
JULY 19, 2006**

Mayor O'Neil called the meeting to order at 7:28 P.M.

Mrs. Flannery made the following statement: As per requirement of P.L. 1975, Chapter 231, notice is hereby given that this is a Combined Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Courier, The Asbury Park Press and The Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

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

Late Arrival: Mrs. Little

Absent: None

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

EXECUTIVE SESSION RESOLUTION:

Mrs. Flannery read the following Resolution for approval:

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

**RESOLUTION
EXECUTIVE SESSION**

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

1. **Real Estate Matters: Rice Parking Lease**
2. **Contractual: Animal Control Services**
3. **Personnel: Murphy – Code Enforcement/Landlord Reg.**
4. **OEM Department Problems**
5. **Possible Litigation – Ordinance O-06-10**

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.
5. Deals with purchase, lease or acquisition of real property with public funds.
9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
10. Falls within the attorney-client privilege and confidentiality is required.

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

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

ROLL CALL:

AYES: Mr. Nolan, 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 Combined Meeting to order at 9:00 P.M.

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

ROLL CALL:

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

Absent: None

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

ORDINANCE O-06-10 – 2nd Reading, Public Hearing & Adoption

Mr. Manco explained that it is the desire of the Council that we take the Ordinance O-06-10 off the agenda this evening and stated that we will have a motion to table this matter.

Mayor O'Neil offered a motion to table Ordinance O-06-10 at this time, 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
ABSTAIN: None

Mr. Manco stated that there is no reschedule date.

MADD SPECIAL PRESENTATION:

Chief Blewett introduced Theresa Stephens from MADD and stated that she is here to present Officer Macri with an award for his achievements.

Theresa Stephens stated they have honored about 350 Officers throughout the State. Officer Macri has distinguished himself throughout the State. He has issued the second highest number of DWI's in the entire State in 2005 which she further explained. She then presented an award to Officer Macri and thanked him for mission.

RESOLUTIONS: Consent Agenda

Mrs. Flannery read the titles of the following resolutions for approval:

Mr. Urbanski suggested that the Council further discuss Resolution R-06-123.

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Resolution R-06-123 was removed from the Consent Agenda.

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

**R-06-121
RESOLUTION
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR LALE LAPITZKI FOR PROPERTY LOCATED
AT 226 NAVESINK AVENUE ALSO KNOWN AS
BLOCK 120 LOT 6.01**

WHEREAS, the applicant has requested the release of her Performance Guarantees in the amount of \$9,525.60 (90% Performance Bond Amount posted with a Bond) and \$1,058.40 (10% Cash Portion paid by check) for Block 120 Lot 6.01; and

WHEREAS, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates and they have authorized the release of said Performance Guarantees subject to the following conditions:

1. A maintenance guarantee be posted in the amount of \$1,587.60 for a two year period with an effective date of June 1, 2005.
 2. Payment of any outstanding inspection or other fees owed to the Borough;
- and

WHEREAS, the applicant has submitted a written request for a waiver of the requirement of posting a maintenance bond since the amount of time that has passed from the completion of said project; and

WHEREAS, the Don Norbut, P.E. of the Borough Engineers has verbally stated that he has no objection to waiving the requirement of posting a maintenance bond.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Borough Clerk is hereby authorized to release send Performance Bond in the amount of \$9,525.60 (90% Bond Amount) and the Chief Financial Officer is hereby directed to refund the \$1,058.40 (10% Cash Portion) plus any accrued interest **less any outstanding fees**.

Seconded by Mr. Caizza 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 the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOTH**

**R-06-122
RESOLUTION PERMITTING PRE-PAYMENT
OF CERTAIN ITEMS**

WHEREAS, the Governing Body of the Borough of Highlands budgets funds for payment of such items as utilities, payroll, contractual agreements previously approved and authorized by the Governing Body, debt service, governmental fees and other

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statutory payments, insurance, employer paid employee benefits, and for the advertising, printing and mailing costs of the Borough; and

WHEREAS, the payment of these items frequently arrives out of time for placement on the next available bill list, and in several months of the year the Governing Body meets only once a month, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings; and

WHEREAS, the Governing Body wishes to designate one person who may approve claims between meetings of the Governing Body. The Governing Body of the Borough of Highlands wishes to provide for the pre-payment of certain items, so that they may be paid in a timely manner;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Chief Financial Officer be and is hereby authorized to make pre-payment of the following fixed items prior to the same appearing on the meeting bill list, such funds to be taken from the pre-budgeted amount for each such expense:

1. Utilities (electric, gas, water, sewer, telephone, cellular telephone, gasoline, diesel fuel, internet providers, etc.). The Chief Financial Officer is hereby authorized, if desirable, to establish an electronic payment plan (sometimes referred to as zip check) with the various utilities. This resolution would authorize said utilities to debit the appropriate Borough bank accounts as required.
2. Payroll and various payroll agencies.
3. Contractual agreements previously authorized and approved by the Governing Body.
4. Debt service.
5. Governmental fees and other statutory payments (school, county, special district taxes, regional sewage authority and County of Monmouth Reclamation fees).
6. Insurance.
7. Employer paid employee and retired employee benefits.
8. Bills pertaining to the advertising, printing and mailing costs of the Borough.
9. Bills where vendor discounts are granted for timely payments. Example: 2% discount for payments made within 10 days. Maximum dollar amount allowed is \$10,000.
10. Payment of any other item deemed necessary by the Chief Financial Officer that does not exceed \$10,000.
11. Third Party Tax Lien and Premium Redemptions.

Seconded by Mr. Caizza 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 the following Resolution and moved its adoption:

**R-06-124
RESOLUTION AMENDING RESOLUTION R-06-105
APPOINTING TEMPORARY SUMMER EMPLOYEES**

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WHEREAS, the Recreation Department has the need for temporary summer employees to work with the Summer Recreation Program; and

WHEREAS, not all positions were filled and the position of Food Prep Aide filled but not accepted by the appointee; and

WHEREAS, Timothy Hill, Director of Recreation has made the following recommendations for appointments to the Governing Body;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following temporary appointments be and hereby are approved:

2006	Position	From/To	Hourly
SFSP	Cook	(to be hired) (up to \$10.00) Sara Callinan	up to 25 hr./w \$8.50 25 hr./wk
July 5 to	Food Prep	Pete Lutchko to Trevor Silakowski	\$7.00 25 hr./wk \$7.00 25 hr./wk
8/18/2006	Janitor	(to be hired) delete position	\$6.50 33 tot hrs

These positions are listed within the Community Center Budget*, Beach Budget and the 2006 Summer Food Service Program Sponsor Management Plan Budget. (*Due to use of school facility for this years' program: changed 1 programmer position to sec/Monitor, and add 1 Rec Aide for =\$ amount)

Seconded by Mr. Caizza 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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**INSERT
RESOLUTION R-06-125**

HIGHLANDSNJ.COM

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

**R-06-126
RESOLUTION
RENEWING 2006-2007 LIQUOR LICENSE
FOR DOCK OF THE BAY, LLC
LICENSE #1317-33-019-009**

WHEREAS, a Liquor License Renewal Application was filed for the year 2006-2007 for Dock of the Bay, LLC, License #1317-33-019-009; and

WHEREAS, no objections were filed against the renewals of licenses listed below:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following liquor license be renewed for the period of July 1, 2006 to June 30, 2007:

1317-33-019-009	Dock of the Bay, LLC t/a The Clam Hut	1 Atlantic Avenue
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Seconded by Mr. Caizza and adopted on the following Roll Call Vote:

ROLL CALL:

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

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

**R-06-127
RESOLUTION AUTHORIZING
THE CANCELLATIONS/DISCHARGE OF MORTGAGES**

WHEREAS, the six year terms of Mortgages Note for the following have expired and same are to be canceled pursuant to the terms of the Mortgage in accordance with requirements of the Regional Contribution Agreements as established in the rules and regulations of the Council of Affordable Housing and the Department of Community Affairs Housing Rehabilitation Program; and

WHEREAS, the Mayor and Council of the Borough of Highlands hereby authorize the Borough Attorney to prepare cancellations/discharges of mortgages execution on the following Mortgage Notes.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Mayor and the Borough Clerk be and are hereby authorized to execute cancellation/discharge of Mortgages in accordance with the recommendation of the Borough Attorney, Dominick Manco, Esq., for the following mortgages:

NAME:	Property Location:	Block	Lot	Amount
Hanley, Linda	25 Jackson Street	44	10	\$8,000.00
Patterson, J. & M	20 Cornwall St	52	19	\$13,900.00
Johnson, Alice	21 Barberie Ave	76	11	\$15,930.00

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BE IT FURTHER RESOLVED that the Borough Attorney is hereby authorized to prepare Discharge Forms for execution.

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

**R-06-128
RESOLUTION
AUTHORIZING RELEASE OF MAINTENANCE BOND
FOR HARTEN & TIERNAN ASSOCIATES, LLC FOR PROPERTY LOCATED
AT 297 BAY AVENUE ALSO KNOWN AS
BLOCK 82 LOTS 5 & 6**

WHEREAS, the applicant Harten Tiernan Associates, LLC posted a Two Year Maintenance Bond in the amount of \$410.40 (Cash) which went into effect on October 16, 2006 for 297 Bay Avenue (Block 82 Lots 5 & 6): and Engineering Inspection Fees; and

WHEREAS, the Borough Engineer has made a final inspection and submitted a report dated December 15, 2005 which list two items that need to be repaired; and

WHEREAS, on May 17, 2006 the Governing Body reviewed the report with the Borough Engineer and it was determined that the two repair items in the December 15, 2005 letter were very minor in nature and should hold up the release of said maintenance bond.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Chief Financial Officer is hereby directed to release and refund the Maintenance Guarantees for Harten & Tiernan Associates, LLC for Block 82 Lots 5 & 6 in the amount of \$410.40 plus any accrued interest and engineering inspection fees less any outstanding invoices.

Seconded by Mr. Caizza 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 offered the following resolution and moved its adoption:

**R-06-129
RESOLUTION SETTING OFF-DUTY PBA RATES**

WHEREAS, the Borough of Highlands and Sandy Hook PBA Local 48 have agreed to increase the rate of pay for off-duty police officers;

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that it hereby approves and agrees to the hourly rate of \$50.00 to be paid for off-duty police officers broken down at \$40.00 for the officer and \$10.00 to the Borough of Highlands; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to sign any and all contracts, agreements or amendments to same in order to finalize this increase; and

BE IT FURTHER RESOLVED that this increase is effective immediately upon adoption of this resolution and will be in force for all future off duty assignments but will not affect any existing agreements with contractors or vendors which were made based upon the prior rate unless a pre-existing agreement specified in its terms that it was subject to any and all future increases in the off-duty rate of pay.

Seconded by Mr. Caizza 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 the following resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-06-130

**RESOLUTION AMENDING RESOLUTION 05-156
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LABOR RELATIONS COUNSEL
APRUZZESE, McDERMOTT, MASTRO & MURPHY**

WHEREAS, the Borough of Highlands adopted Resolution R-05-156 at a meeting held on September 7, 2005 awarding the above contract to Apruzzese, McDermott, Mastro & Murphy, 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938 for an amount not to exceed \$30,000 plus reimbursable expenses for professional labor relations counsel; and

WHEREAS, ongoing labor negotiations and litigation necessitate that this contract be amended for an amount not to exceed an additional \$19,000 for professional labor relations counsel for a total contract not to exceed \$49,000 plus reimbursable expenses; and

WHEREAS, the Borough's Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, Apruzzese, McDermott, Mastro & Murphy has completed and submitted a Business Entity Disclosure Certification which certifies that Apruzzese, McDermott, Mastro & Murphy has not made any reportable contributions to a political candidate, local party committee or candidate committee in the Borough of Highlands in the previous year and that the contract will prohibit Apruzzese, McDermott, Mastro & Murphy from making any reportable contributions through the term of the contract; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

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Appropriation Reserve:
Legal 1070-R3755 \$19,000

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

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

1. Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide professional labor relations counsel as described above for an additional amount not to exceed \$19,000 for a total contract not to exceed \$49,000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Caizza 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 the following resolution and moved its adoption:

R-06-131

**RESOLUTION APPROVING PRELIMINARY MUNICIPAL TAX LEVY FOR
THE CALENDAR YEAR 2006**

WHEREAS, the New Jersey Division of Local Government Services has revised the method of calculating the Local Municipal Tax Rate for Municipalities operating on a fiscal year basis ending June 30th; and

WHEREAS, The revised procedure provides for the calculation of a preliminary Municipal Tax Levy on the basis of a calendar year requirement as per the attached form hereto.

NOW, TEHREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the attached certificate of preliminary fiscal year levies is hereby approved reflecting a preliminary levy of \$4,844,397.13 for the calendar year 2006.

BE IT FURTHER RESOLVED, that certified copies of this resolution be filed with the New Jersey Division of Local Government Services and with the Monmouth County Board of Taxation.

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

**R-06-132
RESOLUTION AUTHORIZING AN EXTENSION OF TIME
FOR PAYMENT OF MUNICIPAL TAXES WITHOUT
INTEREST TO September 1, 2006**

WHEREAS, the Borough of Highlands will mail Municipal tax bills in August, 2006 to all property owners; and

WHEREAS, the delay of the mailing of the Municipal tax bills, due to late budget approval, will result in the imposition of interest payments if a further extension of time for the payment of the bills is not granted to the residents of the Borough of Highlands;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, County of Monmouth, State of New Jersey, as follows:

1. That the Mayor and Council hereby authorize the extension of time for payment of the Municipal tax bills to September 1, 2006.
2. In the event that the tax bills are not paid by a resident on September 1, 2006, then interest shall be retroactive to the August 1, 2006 due date.
3. That the Borough Clerk shall forward certified copies of this resolution to the following:
 - A. Director
Division of Local Government Services
Department of Community Affairs
 - B. Tax Collector

Seconded by Mr. Caizza 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 the following Payment of Bills and moved its approval for payment:

**RECAP OF PAYMENT OF BILLS
07/19/06**

CURRENT:		\$ 1,273,847.58
Payroll	(7/15/06)	\$ 121,118.28

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Manual Checks	\$ 770,668.62
Voided Checks	\$
SEWER ACCOUNT:	\$ 148,347.51
Payroll (7/15/06)	\$ 5,167.83
Manual Checks	\$ 3,665.21
Voided Checks	\$
CAPITAL/GENERAL	\$ 104,160.77
CAPITAL-MANUAL CHECKS	\$
Voided Checks	\$
TRUST FUND	\$ 59,752.34
Payroll (7/15/06)	\$ 6,306.71
Manual Checks	\$
Voided Checks	\$
UNEMPLOYMENT ACCT-MANUALS	\$
DOG FUND	\$ 37.60
Voided Checks	\$
GRANT FUND	\$ 1,369.00
Payroll (7/15/06)	\$ 1,609.56
Manual Checks	\$
DEVELOPER'S TRUST	\$
Manual Checks	\$
Voided Checks	\$

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

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

ROLL CALL:

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

ORDINANCE: 2nd Reading, Public Hearing, Adoption

Ordinance O-06-09

Mrs. Flannery read the title of the following Ordinance O-06-09 for the second reading and public hearing as follows:

O-06-09

**AN ORDINANCE AMENDING ORDINANCE O-06-08 ENTITLED 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.
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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 Borough Engineer and by Commerce Risk Control, so as to permit parking on the South side of said right-of-way, while continuing to prohibit parking on the North 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

Replace with:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Shore Drive Extension	North 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.

BE IT FURTHER ORDAINED THAT this ordinance repeals ordinance O-06-08.

Mr. Nolan requested that this Ordinance be tabled because a few people have discussed this and want to keep the parking on the same side as it is know because of safety concerns which he further described.

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Mr. Nolan offered a motion to carry this matter to the next meeting on August 16, 2006 without further public notice, seconded by Mrs. Little and approved on the following roll vote:

ROLL CALL:

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

NAYES: None

ABSTAIN: None

ORDINANCE: Introduction, Set Public Hearing Date

Ordinance O-06-11

Mrs. Flannery read the title of the following Ordinance for introduction and setting of a public hearing date for August 16, 2006

Mayor O'Neil offered the following Ordinance for Introduction and that a public hearing date be set for Wednesday, August 16, 2006 at 8:00 p.m.

O-06-11

**BOND ORDINANCE AMENDING BOND
ORDINANCE NUMBER 0-01-1 FINALLY ADOPTED
BY THE BOROUGH COUNCIL OF THE BOROUGH
OF HIGHLANDS, NEW JERSEY ON APRIL 18, 2001,
AS AMENDED**

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 \$953,000 for Various Improvements for and by the Borough of Highlands in the County of Monmouth, New Jersey and, Authorizing the Issuance of \$535,172 Bonds or Notes of the Borough for Financing Part of the Appropriation," finally adopted on April 18, 2001, as amended by ordinance number 0-02-15 on July 17, 2002, and as amended by ordinance number 0-02-20 on October 16, 2002 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. The Ordinance is hereby amended by deleting the reference of "\$200,000" for expenses permitted under Section 20 of the Local Bond Law and substituting in lieu therefor "\$300,000".

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. All other provisions of the Ordinance shall remain unchanged.

Section 5. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

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Seconded by Mrs. Little and introduced 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

Ordinance O-06-12

Mrs. Flannery read the title of the following Ordinance for introduction and setting of a public hearing date for August 16, 2006.

Mr. Nolan offered the following Ordinance be introduced and be published according to law and that a public hearing date be set for August 16, 2006 at 8:00 PM:

O-06-12

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XII OF
THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
HIGHLANDS, ENTITLED: "BEACHES", SO AS TO DELETE REGISTRATION
REQUIREMENTS AND OTHER RELATED REGULATIONS.**

WHEREAS, the Borough Council of the opinion that Chapter XIII of the Revised General Ordinances of the Borough of Highlands, Entitled: "Beaches", and more particular sections 13-2 through 13-5 thereof, no longer serve the purposes for which they were enacted, and as such should be repealed;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Highlands, that Chapter XIII of the Revised General Ordinances of the Borough of Highlands, Entitled: "Beaches," be and hereby shall be revised as follows:

Section 13-2 , entitled, "**REGISTRATION**," and each subsection thereof, shall be repealed in its entirety, and Section 13-2 shall thereafter be noted as "**RESERVED**", until future action is taken.

Section 13-3 , entitled, "**BOROUGH AUTHORIZATION**," shall be repealed in its entirety, and Section 13-3 shall thereafter be noted as "**RESERVED**", until future action is taken.

Section 13-4, entitled, "**TRANSFERABILITY OF BADGES**," shall be repealed in its entirety, and Section 13-4 shall thereafter be noted as "**RESERVED**", until future action is taken.

Section 13-5 , entitled, "**COMPLIANCE WITH RULES**," shall be repealed in its entirety, and Section 13-5 shall thereafter be noted as "**RESERVED**", until future action is taken.

BE IT FURTHER THEREFORE ORDAINED, that all other provisions of Chapter XIII of the Revised General Ordinances of the Borough of Highlands, not expressly amended hereby, shall remain in full force and effect to the extent not inconsistent herewith.

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

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ROLL CALL:

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

COMMITTEE REPORTS:

Finance

Mr. Pfeffer, CFO stated the following:

1. He has a report on the close out the fiscal year of the borough and it is his opinion that the borough had a very good year. We had a current tax collection rate of 95.61 and a delinquent tax collection rate of 96.51 and we closed the year with a surplus of \$1,488,000 which is \$125,000 higher than we had in the prior year. This should help us in moving forward with the SFY 2007 Budget.
2. We've paid some debt down and he has submitted a non-binding application on behalf of the borough with the County for pooled bonding on three items.
3. A couple of weeks ago he received the Supplemental Community Development Block Grant money from the County and that went in to lower the debt service for the Fire House and it was approximately \$78,000.

Building & Housing

Paul Murphy, Code/Landlord Enforcement Officer stated the following:

1. 444 Certificates of Occupancies were done in 2005 and as of yesterday we are up to 225 Certificates of Occupancies for this year.
2. This year we have collected \$49,075 and the total number of registered rental units is 371.
3. The Housing Authority reports that there are 128 low income housing units. Section Eight Vouchers Issued from the State is 7.
4. So far this year 50 summonses have been issued.

Public Safety

Mr. Nolan stated the following:

1. The Police are targeting a few areas that we will be able to use the Landlord Registration to write people for other offenses which he further explained and the schools are going to be requesting copies of the Landlord Registrations before they will register students for school.

Parks & Recreation

Mrs. Little stated the following:

1. She believes that construction has begun down at the Community Center and she has a meeting scheduled for Monday with Mr. Hill to discuss development.

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2. She did discuss the possibility of reviewing the Summer Recreation Program with Mr. Hill based on a request from a Resident who wanted us to look at the age level for the programs and she will be sitting with Mr. Hill on Monday and then she will have more information on this.

3. We are into the construction phase of discussions with regard to the Route 36 Bridge and she thinks that it is very important that we get a Task Force together here in the borough with regard to the various impacts of the bridge project which she further explained.

4. There has been some movement with regard to the Portland Road issue and she has a memo from Joe _____ that outlines exactly what will be done. There is a commitment on the part of the Board of Chosen Freeholders to have work done up there. The road will be paved by the County and the guardrail will be replaced.

DPW

Mr. Urbanski stated the following:

1. With regard to Washington Street, the issue is the tie backs in the street and we as a Council have to decide if we go to design for this street, we have to have it in by December and we have to apply for more funding for our Road Program. We need to get this resolved but the issues are the tie backs and they are in the street and if he wants to do the replacement or if he doesn't want to replace them, he will have to replace them now and restore it back to the way it is now or we can say that we are going to move forward with the design without it.

Mr. Manco stated that we should have an agreement with the property owner as to whether we do the work and he reimburses us.

Mayor O'Neil stated that we should have T & M do a design for us and tell us what needs to be done.

The Governing Body discussed this matter with Mr. Manco and the Borough Engineer.

Mr. Manco stated that the borough should specify what the property needs to do.

Chris Francy – does he have an easement?

Mr. Urbanski – no, he does not.

The Governing Body decided to just move forward with the design phase.

Mr. Pfeffer – I will have a bond ordinance in place for the next meeting so that we have funds in place to award T & M with a contract to do the design.

The Governing Body discussed the possibility to doing the tie backs and placing a lien for the cost to the property owner.

Jackie Flor, P.E. – if you do decide to have the property owner do the work then she recommends that you require the property owner to get an engineer and have their engineer design it and you have us review it and have them post an escrow for us to review it.

Mr. Manco – I will see if we can do it as a special benefit assessment ordinance.

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Mr. Pfeffer explained that if you do a Special Assessment Ordinance than you won't be able to get this out to bid in time because that is a whole complicated process where a Committee is formed and it take time. He could make a Capital Contribution which is an easier way to do this which he further explained.

The Governing Body discussed it further and requested that Mr. Manco contact the property owner to discuss the tie back costs with the property to see if he is interested.

OTHER BUSINESS:

Borough Engineers Report

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

1. Community Center Improvements – yes, the demolition work has been started and the contract has been awarded to A & B Design, Inc. The project is scheduled to be completed by November of 2006.
2. Community Center Playground Improvements – we have started a phase one environmental assessment and the project plans and specifications. We anticipate providing copies to the borough within the next couple of weeks.
3. Fire House Project – the fire house, the annex group, the retaining wall between the firehouse and the sewerage authority are set to begin within the next two weeks. The project remains on scheduled for September 25th.
4. NJ DOT Route 36 Bridge – a meeting was held on June 15th to discuss the drainage right-of-way issues. The project is currently scheduled to be awarded in March of 2007 with a construction schedule of possibly two years.
5. NJDOT Storm Water Management Regulations – no change to draft outfall inspection that was submitted to the borough for review and we are waiting for the Governing Body. We plan to go back out and recheck the dry weather flow and we plan to discuss our findings with the borough.
6. Valley Street Pump Station – the project has been awarded to EDC Electrical Contractors and we have sent the notice of award to the Contractor along with contracts for execution.
7. 2006 Road Program – consists of Washington Avenue, Recreation Place and Miller Street. We have submitted our design proposal to the Governing Body and they are waiting to see if they need to revise it for the tie backs.
8. Basin Eight Sanitary Sewer Project – we have submitted a design proposal for consideration to the Governing Body and once authorized they are ready to begin the design.

Highlands Business Partnership Report

Carla Cefalo Braswell of the HBP stated the following:

1. The Economic Development Committee wanted to report that other than some staffing issues on certain days the water taxi has been packed.
2. She wanted to report that it was Seastreak that broke down last week and not the Highlands Water Taxi.
3. The Visual Improvement Committee wanted to thank Mr. Gilson for the water of Cornwell Square.
4. The containers do look beautiful but we need more watering.
5. Events Committee – we had our second concert and the Concert Series was extended through July and August on every Tuesday Night at 7:00 PM at Veterans Park.

6. Clam Fest – is in the process and they have nine food tents filled with all Highlands establishments.

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7. We have applied for a grant to the New Jersey Traveling Tourism back in May and we were just awarded a \$15,000 Marketing Grant which she further explained.

8. We are looking into submitting a new grant which the deadline is the end of August for our Concert Series.

9. She discussed the possibility of serving alcohol at the Concert Series with the Council and stated that she will look into this.

VFW Social Affairs Permit for Clam Fest

Mrs. Flannery stated that Highlands VFW has submitted a Social Affairs Permit for August 3,4,5,6 but it has not been approved by the Police Department which she further explained.

Mr. Manrodt of the VFW – stated that the Police did approve it for the back yard.

Carla Cefalo-Braswell, HBP – with regard to this VFW arrangement, basically George Patterson of the VFW came in requesting that we outline the arrangement that a beer garden would not be approved unless it were in the rear yard so that the BID could use the front of the lot which she further explained.

Mr. Caizza offered a motion to approve the VFW Social Affairs Permit for the Clam Fest subject to Police Approval, seconded by Mr. Urbanski and all were in favor.

Mrs. Little expressed her frustration with differences between the HBP and the VFW.

Raffle License for the Highlands Business Partnership

Mrs. Flannery stated that the HBP submitted two Raffle Licenses for Sept 3rd and 4th for the Car Show and the other is for the Clam Fest.

Mayor O’Neil offered a motion to approve the two Raffle Licenses for the HBP, seconded by Mrs. Little and all were in favor.

Old Planning Board Case – Parmesan

Mrs. Flannery stated that this application has to start from the beginning again based on the Zoning Officers decision.

Request for a Street Light Removal

Mrs. Flannery stated that the Borough received a written request for the removal of a street light on S. Linden Avenue.

The Governing Body discussed this matter and denied the request.

Miller Street Parking

Mayor O’Neil – I have to work some things out on this so he would like to pass on that this evening.

Clean Communities Trash Barrels

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Nancy Thomas, HBP – stated that she submitted a proposal to the Governing Body for new trash receptacles along Bay Avenue and also to include Marine Place and the entrances to our public beaches. She then requested that the Council approve them this evening. The Clean Community has already approved funding for this in the amount of \$5,101.25 and the total cost is \$23,760.00 for sixty garbage cans.

The Governing Body discussed this request with Ms. Thomas.

Mr. Caizza offered a motion to approve the purchase of 40 barrels and the purchase should go through the Borough's Purchasing Agent, 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

MINUTES:

Mayor O'Neil offered a motion to approve the April 25, 2006 Meeting Minutes, seconded by Mr. Caizza and all were in favor except Mr. Nolan who abstained.

PUBLIC PORTION:

Carol Bucco of 330 Shore Drive – she wanted to know what the problem was with the Land Use Ordinance and expressed her frustration with the length of time it is taking to adopt the ordinance.

Mr. Manco explained that it was not appropriate for this ordinance to be considered to tonight and he made a recommendation that it be tabled. It will be revisited at some other time which has not been determined yet.

Donna Conrad of Washington Avenue questioned if the Council had received her letter regarding the Recreation Center.

Mrs. Little stated that she is meeting with Mr. Hill on Monday regarding Ms. Conrad's concerns.

Chris Francy of 36 Fifth Street - relative to the trash bins the issue is the commitment to empty the trash bins. He then questioned the easement for Washington Avenue with regard to the tie backs for the bulkhead.

Mayor O'Neil – with regard to Washington Avenue, it will all be corrected and he has faith in the Borough Attorney to see to it.

Don Manrodt of 268 Bayside Drive questioned the Landlord Registration Certificates.

Mr. Nolan stated that the Police were looking into a couple of places where there was drug activity and it was a question of catching them in the act, so the other tool that we have at our disposal if the people who are living there are not suppose to be living there

then we can use the Landlord Registration to give out tickets. The schools are also going to be requiring copies of the Landlord Registration to verify student's residency.

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Pauline Peterson – when is something going to be done about the person that lives next door to me. The Code Enforcement Officer of the town is doing nothing and this situation is preventing me from doing construction. The gutters are still not fixed.

Mr. Murphy – the last that I heard the house was for sale and suggested that she come and see him. He then described the situation to the Council and stated that he will not issue a C/O on this property until the gutters are fixed.

Pauline Peterson continued to express her concerns with the neighbor's gutters.

Mayor O'Neil stated that Councilman Caizza will speak to Mr. Murphy about this situation.

Bernadine Harford of Highland Avenue with regard to the beach ordinance she suggested that a sunset clause be added to the ordinance. Secondly, when the HHR school extension was built there were discussions about the library facility being made available to Highlands Residents and she wants to know if that ever materialized.

Mrs. Little stated that with regard to the use of the library there is no schedule right now but it has materialized. The Superintendent of HHR has been in touch with the borough, there is a budget issue that has to be worked out between the school and the borough and once the issues have been worked out then a schedule will be in place.

Maureen Kramer of Portland Road thanked the Council with regard to a resolution to the Portland Road repairs.

Mrs. Little stated that repairs to Portland Road have been approved by the County and it could be started prior to Labor Day based on the letter from the County.

Maureen Kraemer expressed her concerns with traffic during the bridge construction and volunteered to be on the Bridge Committee.

Nancy Thomas asked that the Council please consider lighting on Shore Drive where they are allowing parking.

Abe Vergio of 10 Waterwitch Avenue asked if the council would consider allowing for bulk pick up again. The other concern is the traffic situation during beach hours at the jug handle on the highway and it would be great if there were a Police Officer there. Also on Marine Place there is the situation of the disrepair of the lighting on the bulkhead.

Maureen Kraemer of Portland Road expressed her concern with the Sandy Hook traffic.

There were no further questions or comments from the public.

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

The meeting adjourned at 10:36 P.M.

CAROLYN CUMMINS, DEPUTY CLERK

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