

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
COMBINED MEETING
AUGUST 16, 2006**

Mayor O'Neil called the Meeting to order at 7:37 P.M.

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

ROLL CALL:

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

Absent: None

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

EXECUTIVE SESSION RESOLUTION:

Mrs. Flannery read the following Resolution for approval:

Mr. Urbanski 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. **Contractual: Kerry Gowan & Humane Society**
2. **Real Estate: OLPH Lease, Rice Parking Lot**
3. **Personnel: Billy Little**
4. **Potential Litigation: RE: Zoning Ordinance**

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.

Seconded by Mr. Nolan and approved 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

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Combined Meeting back to order at 8:37 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
Dominick Manco, Esq., Borough Attorney
David Gilson, Borough Administrator
Stephen Pfeffer, CFO

RESOLUTION R-06-143:

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

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

R-06-143
RESOLUTION APPOINTING
KEVIN ROAKE AS
CAPTAIN OF POLICE, BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, Mayor Richard W. O'Neil has made a recommendation to the Chairman of the Police Committee of the Borough of Highlands that promotions within the Police Department be made; and

WHEREAS, the Chairman of the Police Committee, Mr. Nolan and Chief Joseph R. Blewett have made a recommendation to the Governing Body that Sgt. Kevin Roake be promoted to the position of Captain of the Police Department; and

WHEREAS, during the time when previous Chief's of Police had retired and the Borough was left without leadership, Sgt. Kevin Roake, being the senior man on the force, stepped up to the plate and took the leadership role within the Police Department; and

WHEREAS, the Governing Body of the Borough of Highlands is grateful for that cooperation from Sgt. Roake; and

WHEREAS, the State of New Jersey, Department of Personnel Examination is not required for promotional changes; and

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Deleted: - WHEREAS, the State of New Jersey, Department of Personnel Examination was administered and the results sent to the Borough Administrator; and -

- WHEREAS, Sergeant Joseph R. Blewett was ranked as number one on the examination; and -

- WHEREAS, the Borough of Highlands is in need of a Chief of Police and desires to make that appointment; and -

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Deleted: WHEREAS, the Mayor and Council of the Borough of Highlands is confident in placing their full faith and trust in the ability of Sergeant Joseph R. Blewett as leader of the Police Department of the Borough of Highlands;

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1. The firm of O'Neill and Lang is hereby retained to provide professional auditing services as described above for an amount not to exceed \$46,980 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 this 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 Mayor O'Neil and adopted on the following roll call vote:

ROLL CALL:

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

NAYES: Mr. Caizza

ABSENT: None

ABSTAIN: None

Mr. Nolan

offered the following Resolution and moved its adoption:

R-06-133

**RESOLUTION AUTHORIZING THE ADVERTISING FOR BIDS
TO PURCHASE CERTAIN LAND OWNED BY THE BOROUGH
OF HIGHLANDS**

WHEREAS, the Block 47, Lot 10 owned by the Borough of is not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough of to advertise for this property for public sale to the highest bidder;

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

1. The above property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law ([N.J.S.A. 40A:12-1 et seq.](#)) subject to the following conditions:

(a) Bids shall be received by the Borough Clerk on September, 6, 2006, at 8:00 P.M., at the Borough Clerk's Office, 171 Bay Avenue, Highlands, New Jersey, in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk.

(b) All bids shall be referred to the Borough *Council* for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Borough of reserves the right to accept the highest bid or to reject any and all bids submitted in accordance herewith, subject to the "as is" proviso described in (g) hereof, including the highest bid, and shall make its decision known by resolution within ten (10) days after bids are received.

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Bidding will begin at the valuation of \$35,900.00 and will continue in \$250 increments, until no further bids are received, at which time the bidding will be deemed closed.

(c) Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk, shall submit cash or certified check in the amount of 10% of his bid and shall immediately execute an offer to purchase at his bid price, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(d) The highest bidder shall pay an additional deposit as follows:

15% Cashiers or certified check within 10 days following the acceptance of the apparent highest bid by resolution of the governing body.
 Balance by Cashiers, certified or Attorney Trust check at a closing to be held within sixty days following adoption of resolution by the governing body awarding said bid.

(e) Title shall be conveyed by Bargain and Sale Deed with final payment to be made as described in (c) above at a closing to be arranged between the purchaser and the Borough of pursuant hereto.

(f) At closing of title purchaser shall submit an additional sum of money equal to the costs of all advertising of the sale and the Recording of the Borough's Deed.

(g) Bids shall be received for the property: as is, with no representation that the premises are buildable under any applicable federal, state or local law, ordinance or regulation, including but not limited to environmental or zoning laws, ordinances or regulations.

(h) Failure to comply with any of the above requirements or to close on or before shall entitle the Borough of to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

(i) The purchaser shall be responsible for terminating any and all existing tenancies.

(j) All lots are conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property.

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

ROLL CALL:

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

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

**R-06-134
RESOLUTION
RENEWING 2006-2007 LIQUOR LICENSE FOR
MARGOT KRIKORIAN & RANDOLPH S. TAKIAN
LIQUOR LICENSE #1317-33-030-006**

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WHEREAS, application was filed for the 2006-2007 Liquor License Renewal for license #1317-33-030-006 for Krikorian, Margot & Takian, Randolph S.; and

WHEREAS, no objections were filed against the renewal of said liquor license; and

WHEREAS, the licensee received a favorable Special Ruling from the State of New Jersey, Department of Law & Public Safety, Division of Alcoholic Beverage Control, dated July 18, 2006; and

WHEREAS, said Special Ruling is subject to a Special Condition requiring activation of the License by June 30, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that liquor license #1317-33-030-006, Krikorian, Margot & Takian, Randolph S. be renewed for the period of July 1, 2006 through June 30, 2007 subject to a Special Condition requiring activation by June 30, 2007.

Seconded Mayor O'Neil 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

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

**R-06-135
RESOLUTION
AUTHORIZING RELEASE OF MAINTENANCE BOND
FOR TWIN LIGHTS MARINA FOR PROPERTY KNOWN AS
BLOCK 50 LOTS 1, 1.02, 2, 2.01**

WHEREAS, the applicant Twin Lights Marina posted a Two Year Maintenance Bond in the amount of \$28,353.75 (Letter of Credit) for Block 50 Lots 1, 1.02, 2, 2.01 and Engineering Inspection Fees; and

WHEREAS, the Borough Engineer has made a final inspection and submitted a report dated July 21, 2006 which authorizes the release of the Maintenance Bond; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Maintenance Bond for Twin Lights Marina for Block 50 Lots 1, 1.02, 2, 2.01 is hereby released and the Borough Clerk is hereby directed to release the Maintenance Bond in the amount of \$28,353.75 (Letter of Credit) and the Chief Financial Officer is hereby directed to refund the remaining engineering inspection fees less any outstanding invoices.

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

ROLL CALL:

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

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

**R-06-136
RESOLUTION AUTHORIZING
PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE 1317-33-019-009
FROM DOCK OF THE BAY TO TRIPLE BETA, LLC
AT 1 ATLANTIC STREET**

WHEREAS, an application has been filed for a Person-to-Person transfer of Liquor License 1317-33-019-009 hereto issued to Dock of the Bay located at 1 Atlantic Street, Highlands NJ; and

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

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

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

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Highlands does hereby approve, effective August 16, 2006, the Person-to-Person transfer of the aforesaid Liquor License #1317-33-019-009 to Triple Beta, LLC, at 1 Atlantic Street. The Borough Clerk is hereby directed to endorse the license certificate to the new ownership and location.

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

ROLL CALL:

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

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

**R-06-137
RESOLUTION AMENDING RESOLUTION R-06-85
ENTITLED "RESOLUTION AUTHORIZING PERSON-TO-PERSON
TRANSFER OF LIQUOR LICENSE 1317-33-024-011
FROM BACK BAY ASSOCIATES (t/a ORLEANS) to STL, INC. (t/a ORLEANS)**

WHEREAS, the Borough of Highlands adopted Resolution R-06-85 on May 3, 2006 authorizing the Person-to-Person Transfer of Liquor License 1317-33-024-011 from Back Bay Associates to STL, Inc.; and

WHEREAS, Resolution R-06-85 refers to said license as being located at 297 Bay Avenue which is incorrect. The correct located for license 1317-33-024-011 is 128 Bay Avenue.

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NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Resolution R-06-85 is hereby amended to reflect the correct location of Liquor License 1317-33-024-011 for STL, INC. to be at 128 Bay Avenue, Highlands, NJ.

Seconded by Mayor O'Neil 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

HIGHLANDSNJ.COM

**BOROUGH OF HIGHLANDS
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R-06-138
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Mr. Nolan offered the following Resolution and moved on its adoption:

**R-06-140
RESOLUTION – CHANGE ORDER #2
M & R MECHANICAL CONTRACTORS, INC.
INCREASE OF \$8,039.41
CONSTRUCTION OF A NEW FIREHOUSE**

WHEREAS, a contract was awarded for M & R Mechanical Contractors, Inc as follows:

| | | |
|----------|--------------------|----------------|
| R-04-179 | September 15, 2004 | \$1,665,000.00 |
| R-06-34 | February 1, 2006 | \$ 60,306.16 |

WHEREAS, change order # 2 dated July 19, 2006 prepared by George Cooper Rudolph and reviewed by Tomaino, Tomaino, Iamello & Associates, professional architectures, sets forth reasons for said change order (additional retaining wall),

Certification of Funds

I hereby certify that funds are available from Bond Ordinance 0-98-11.

Stephen Pfeffer, CFO

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #2 increasing the original contract amount by \$8,039.41 is hereby authorized for Construction of a New Firehouse. The contract is hereby amended to \$1,733,345.57.

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

ROLL CALL:

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

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

**R-06-141
RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO
EXECUTE AN AGREEMENT FOR MUNICIPAL ALLIANCE FUNDING**

WHEREAS, for funding of the 2007 Municipal Drug Alliance Program, it is necessary to make application to the Monmouth County Board of Alcohol and Drug Abuse Services; and

WHEREAS, the Borough of Highlands has formed a joint Alliance with the Borough of Atlantic Highlands; and

WHEREAS, the Joint Alliance is requesting \$8,156.00. in funding from the Borough of Highlands; and

WHEREAS, the Borough of Highlands can and hereby does commit the sum of \$8,156.00 as their Municipal share in support of the program;

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Mayor and Clerk be and hereby are authorized to execute said agreement on behalf of the Borough of Highlands.

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

ROLL CALL:

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

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

**R-06-142
RESOLUTION APPOINTING INTERN
FOR POLICE DEPARTMENT**

WHEREAS, application has been made by Nicole M. McClintick to serve as an intern in the Police Department in conjunction with an accepted course of educational studies; and

WHEREAS, Chief Joseph Blewett has recommended that permission be granted to Nicole M. McClintick to serve as an intern in the Police Department performing such duties and functions as may be deemed appropriate by the Chief of Police; and

WHEREAS, the position does not require any remuneration, and the intern will execute all necessary and appropriate documents required by the Borough in connection with any requirements imposed by its insurance carrier; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that permission is hereby given for Nicole M. McClintick to serve as an intern in the Police Department.

BE IT FURTHER RESOLVED that the dates of service will be 15 weeks starting August 21, 2006 and the hours shall be 8 hours per week as assigned by the Chief of Police.

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

ROLL CALL:

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

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

**R-06-144
RESOLUTION AUTHORIZING THE BOROUGH OF HIGHLANDS TO
ACCEPT THE DONATION OF A MOTOR VEHICLE**

WHEREAS, Unlimited Autos, Inc., has notified the Chief of Police that it wishes to donate a Chevy Van, having VIN# 31GBGG35K4J7167545 to the Borough of Highlands Police Department, at no cost to the Township; and

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WHEREAS, the Borough Council, having considered this proposal, has determined that it would be in the best interests of the Borough of Highlands to authorize the donation and accept same.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Highlands that the Chief of Police may formally request the aforesaid vehicle from Unlimited Autos, Inc., and does hereby authorize the Chief of Police, or his designee to execute all documents necessary to effectuate the transfer of title of said vehicle to the Borough of Highlands, and to arrange to insure same.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. The Chief of Police
- b. Borough Business Administrator
- c. Borough Chief Financial Officer

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

ROLL CALL:

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

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

**RECAP OF PAYMENT OF BILLS
08/16/06**

| | | |
|----------------------------------|----|------------|
| CURRENT: | \$ | 593,675.00 |
| Payroll (8/15/06) | \$ | 146,049.02 |
| Manual Checks | \$ | 110,441.90 |
| Voided Checks | \$ | |
| SEWER ACCOUNT: | \$ | 75,531.60 |
| Payroll (8/15/06) | \$ | 7,520.20 |
| Manual Checks | \$ | 2,887.56 |
| Voided Checks | \$ | |
| CAPITAL/GENERAL | \$ | 35,701.65 |
| CAPITAL-MANUAL CHECKS | \$ | |
| Voided Checks | \$ | |
| TRUST FUND | \$ | 44,443.86 |
| Payroll (8/15/06) | \$ | 1,736.00 |
| Manual Checks | \$ | 2,717.29 |
| Voided Checks | \$ | |
| UNEMPLOYMENT ACCT-MANUALS | \$ | |
| DOG FUND | \$ | 853.80 |
| Voided Checks | \$ | |

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| | | |
|------------------------------|--------|--------------|
| GRANT FUND | \$ | 16,561.06 |
| Payroll (8/15/06) | \$ | 705.11 |
| Manual Checks | \$ | |
| DEVELOPER'S TRUST | \$ | 4,527.64 |
| Manual Checks | \$ | 1,259.00 |
| Voided Checks | \$ | |

BOROUGH OF HIGHLANDS
Supplemental Bill List for August 16, 2006

General Capital:

| | | |
|--------------|---------------------------------|--------------|
| A.B. Designs | Renovations to Community Center | \$146,216.00 |
|--------------|---------------------------------|--------------|

Trust Fund:

| | | |
|------------------------------|--------------------------------|--------------|
| T & M Associates | Klecha – Chestnut St. 19/24-25 | \$ 441.00 |
| T & M Associates | Klecha – Chestnut St. 19/24-25 | \$ 1,778.25 |
| Total Trust Fund | | \$ 2,219.25 |
| Total Supplemental Bill List | | \$148,435.25 |

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

Seconded by Mayor O'Neil 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

ORDINANCES: 2nd Reading, Public Hearing, Adoption

Ordinance O-06-11

Mrs. Flannery read the title of Ordinance O-06-11 for the second reading and public hearing and stated that it was published in its entirety in the July 27th Issue of the Courier.

Mayor O'Neil opened the public hearing up for Ordinance O-06-11.

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

Mrs. Flannery read the title of Ordinance O-06-11 for the third and final reading and adoption:

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

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**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 thereof "\$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.

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

Ordinance O-06-12

Mrs. Flannery read the title of Ordinance O-06-12 for the second reading and public hearing and stated that it was published in its entirety in the July 27th Issue of the Courier.

Mayor O'Neil opened the public hearing up on Ordinance O-06-12.

Bernadine Harford of 168 Highland Avenue questioned what the phrase "Reserved until future action is taken".

Mr. Manco explained that the section numbers are reserved for future reference.

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There were no further questions or comments from the public; therefore the public hearing on Ordinance O-06-12 was closed.

Mrs. Flannery read the title of Ordinance O-06-12 for final reading and adoption.

Mr. Caizza offered the following Ordinance pass third and final reading and adoption and be published according to law:

**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 Mayor O'Neil 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

=====

COMMITTEE REPORTS:

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
COMBINED MEETING
AUGUST 16, 2006**

Engineer's Report

Dale Leubner of T & M Associates stated the following:

1. Community Center Improvements – the contract was awarded to AB Designs. The Sheathing on the north side of the building was found to be rotted and in some places along the beach front it's not existent. Sub flooring in the Directors Office is rotted away. These are two issues that need to be addressed and were not considered during the actual process, so these will result in an additional change order. This project should be completed by November 2006.

2. Community Center Playground/Sports Courts Improvements – they have submitted a Phase One Environmental Site Assessment to the Borough and the County. They have started the plans and specifications and they should have those plans submitted to the Borough within the next month.

3. Firehouse – Things are moving slow and they are looking at a delay. They have held off on the contractor's next payment until they start seeing some progress. The Contractor has backed out of the completion date of September 25th, which he further explained to the Council.

4. NJDOT Route 36 Bridge – The project is currently scheduled to be awarded in March 2007 with a construction schedule of possibly two years. The project is still estimated at \$106 million.

Steve Pfeffer explained that the State reimbursed the borough in the amount of \$4,700 for T & M Associates time on the utility relocation for the bridge project.

5. NJDEP Stormwater Management Regulations – the Borough has been moving along with this and making good progress with the DEP. They need to reinspect a couple of outlets which he further explained.

6. Valley Street Pump Station – the project has been awarded to EDC Electrical Contractors. They had a pre-construction meeting on August 9, 2006 and contracts are being executed by the borough. The pump has a lead time of approximately fourteen weeks.

7. 2006 Road Program – we have a design proposal in for consideration. They had a meeting on Washington to discuss repairs and once they are authorized to do these roads they are prepared to start immediately with surveys and design and have it awarded in the fall.

Mr. Pfeffer explained that with regard to a bond ordinance he was waiting for an answer to the issue of the Marina Owner. He will talk to the Borough Attorney about this and then he will move to have an ordinance drawn up for the next meeting.

8. Basin Eight Sanitary Sewer Project – they have their proposal in and are waiting for authorization.

Mr. Pfeffer explained that the funding is in place for this project and that the borough is waiting for some paperwork from T & M Associates and hopefully this can be awarded to T & M at the next meeting.

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Finance

Mr. Urbanski stated that the union contracts were just finalized which he further explained.

Mr. Pfeffer stated that on August 8, 2006 he sold a Bond Anticipation Note for Shore Drive for \$340,000 and the winning bidder was Two Rivers Community Bank at 4.1% and this note is coming due on 1/15/2007 and this will be rolled into permanent financing with the Monmouth County Improvement Authority.

| | | | | |
|--|-------------------------|-----------|-----------|--------------|
| Subject: | Bond Anticipation Notes | Amount | Day O/S: | |
| | Shore Drive | | | |
| Issue Date: | 8/8/2006 | \$340,000 | 160 | |
| Due: | 1/15/2007 | | | |
| | Rate | Interest: | Rate Base | Net |
| | | Int | Premium | Interest NIC |
| Commerce Bank Late Bid | 4.24% | 6,567.29 | 360 | 6,567.29 |
| NOTE: Commerce Calculated Interest on 164 Days. | | | | |
| Commerce Representative on Vacation, So I was unable to Resolve Issue. | | | | |
| Valley Nat. | 4.40% | 6,648.89 | 360 | 6,648.89 |
| Two Rivers | 4.10% | 6,195.56 | 360 | 6,195.56 |

Awarded To: Two River Community Bank

Public Safety

Mr. Nolan stated the following:

1. The Police Explorers Program is up and running and they were at the Clam Fest.
2. The Police Department also has an Intern that will be starting in two weeks.
3. There will be a Blue Mass honoring first responders at St. Agnes Church in Atlantic Highlands on Oct. 18, 2006 at 7:30 P.M.

Bldg/Housing

Mr. Caizza stated the following:

1. In the month of July there were 23 Certificate of Occupancies issued, they reinspected 20 of them, 28 violations were issued, 3 fence permits and 9 Zoning Applications.
We brought in \$1,285.00 in fees for the month of July.

Parks & Recreation

Mrs. Little stated the following:

1. She is very satisfied with what is going on at the Community Center and stated that the project is moving along.
2. The Borough had a very successful Summer Recreation Program up at the School.

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3. We are working on the After Care situation, there has been a loss of State Funding for the After School Child Care Program. There have been some private contractors contacted and she believes that the School Board has been discussing taking it over. There may be a fee involved for the use of that service but there will be opportunities for families to apply for assistance. Parents need to be aware of this and they should be speaking to Representatives at the Elementary School about the After Care Program.
4. We are working on Drop In Programming for down town but we are not ready for a presentation tonight but we should have a report on this matter for the next meeting for the Council to review. It will be over various age groups, it will be a drop in program not a day care program.
5. Next Thursday, Charlie and the Chocolate Factory is going to be shown in Veterans Park starting at 8:00 PM.

HBP

Carla Cefalo-Braswell of the HBP stated the following:

1. She advised the Governing Body that HBP the Administrator, Lori Nolan has been ill and under the doctors orders can no longer work at this time. She then thanked Ms. Nolan for her services and thanked all of the Volunteers and Borough Officials and Employees for their help with the Clam Fest.
2. Clam Fest Report – they took in \$29,903 and there is one outstanding vendor who owes them \$400.00. The expenses were \$27,322.76 so the HBP made a few thousand dollars in profit.
3. On September 3rd the Antique Car Show will be held.
4. On September 30th the Twin Lights Bike Ride will be held.
5. On October 7th the October Fest will be held at Veterans Park
6. On October 22nd, The Break Cancer Walk will be held at 1:00 pm at Sandy Hook
7. Volunteers are always needed for the events and can call 291-4713.
8. The Bank Opening has been delayed because of the repairs that are needed for the drive through.
9. The HBP received the NJ Travel and Tourism Grant in the amount of \$15,000.

Mr. Pfeffer left the meeting for the evening.

OTHER BUSINESS:

Bulk Pick-Up Schedule & Regulations

Mr. Urbanski stated that he has revised the items on the bulk pick-up schedule and stated that he would like to bring back the four times a year bulk pick-up which he further explained. He also stated that he wanted to add a leaf and brush pick-up schedule.

The Governing Body discussed the Bulk Pick-up schedule and the Enforcement for abuse of bulk pick-up.

Mayor O'Neil and Mr. Caizza suggested that the Borough give the proposed schedule a try for a while and track out the costs.

Discussion of Zoning Amendments and Referral to Planning Board

Mayor O'Neil – were are going to put this discussion off because we are not ready for this at this time.

**BOROUGH OF HIGHLANDS
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Correspondence from St. Agnes RE: Blue Mass

Mayor O'Neil stated that Mr. Nolan already spoke about this mass during his Committee Report.

Letter from Ms. Donna Conrad

Mrs. Little stated that she received a letter from Ms. Conrad dated 6/14/06 and the some of it is there was some discussion between Ms. Conrad of 13 Washington Avenue, Highlands and Tim Hill, Recreation Director. There was a misunderstanding, Ms. Conrad states that she was told that only children over the age of 10-years old would be able to be dropped off at the Community Center. Mrs. Little spoke to Mr. Hill and he has a broad range of programming that he will be presenting in a formal sense for review by the Council before it's disclosed to the public. He does not want the public to be aware of what he is proposing before the Council reviews it. She can assure the public tonight that it will not be age restricted to 10 and above. There will be will be programming over a broad range of age groups. They will probably recommend certain age restricted activities for certain times of the day. She advised the public to speak to Mr. Hill if they have any opinion on this matter.

Middletown Zoning Amendment to R-O Zone

Mrs. Flannery advised the Council that this is a standard notice advising of proposed zone changes in Middletown.

American Legion – Request for Social Affairs Permit

Mr. Nolan – this is the same event that they have had in the past and they want to block off the End of South Second Street down to Spring Street.

Mrs. Flannery stated that the application is for September 9th from 3-8 PM.

The Governing Body was all in favor of approving the Social Affairs Permit for the American Legion.

Request for Use of Veterans Park

James Fox, Vice President of the Memoria Project, Inc. spoke about the request for the use of Veterans Park on September 11th from 3:00 PM – 8:00 PM to mark the fifth anniversary of the catastrophic events that took place on 9/11. He then described the details of the event.

The Governing Body had no objections to the use of Veterans Park.

PUBLIC PORTION

Chris Francy of 36 Fifth Street commented on the bulk pick up schedule and the need to control the landlord's abuse of bulk pick-up. He feels that there should be some limit to the amount of bulk pick up that can be picked up.

The Governing Body had a discussion with Mr. Francy about the bulk pick-up.

Roberta McEntee of Fifth Street stated that in the Clam Plant Parking Lot there is a big dumpster on the corner of Cedar and Fifth Street and there is all garbage in the back and they should be fined for that. She also wanted to know who owned that dumpster.

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Mr. Caizza – we are going to look into finding out who owns that dumpster.

Carol Bucco of 330 Shore Drive – questioned the new bulk pick-up schedule.

Mr. Urbanski explained that it will be four times a year.

Carol Bucco questioned if we have a First Aide in town and wanted to know if they respond to calls.

The Governing Body discussed the problems with the First Aide and that every time a new Captain takes over they lose half of the squad.

Nancy Thomas of 45 Second Street commented on the brush pick up and stated that there should be a size limit on the tree stumps. She also questioned if any improvements are going to be made to the Snug Harbor Creek and asked if there were any environmental studies being done.

Mrs. Little explained that basically the permits are in place through the Mosquito Commission in order to dig out the sand and put that creek back in proper condition. Her suggestion has been that the County look into the location at Pompamora Park as a possible location to which it could be trucked and dried out which she further explained. She is working as hard as she can to have the County resolve this matter.

Joseph Dorin of 102 Valley Avenue wanted an update with regard to Block 35 Lot 12.

Mr. Manco explained that it is his recommendation to vacate the alley way portion of the road because that would open it up to more bidders.

Mayor O'Neil stated that there are two adjoining lots and three adjoining neighbors and he would like to subdivide the one property that has two adjoining houses among the two neighbors and then divide the back one among the three neighbors.

Mr. Manco stated that he will look into that and he suggested that the engineer look at the property and decide how to best address this situation.

The Governing Body continued to discuss the issue of Block 35 lot 12 with Mr. Dorin.

Mayor O'Neil advised Mr. Dorin that the Borough will have a final answer for Mr. Dorin at the next meeting.

Donald Manrodt of 268 Bayside Drive commented on the bulk pick-up and stated that it should be put in the ordinance that anyone that has a building permit should be required to turn in where they dump their waste. In other towns the Code Enforcement Officer issues tickets for putting out kitchen cabinets, etc. One other item is on Highway 36, if we could get the DPW to smoke out the line to see where that storm drain for Monmouth Hills is tied into our sewer.

The Governing Body discussed the Monmouth Hills sewer line with Mr. Manrodt.

Mr. Leubner suggested that we TV the sewer line.

Mayor O'Neil suggested that that this be discussed with the AHHRSA.

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Roberta McEntee of Fifth Street – the AHHRSA said that Monmouth Hills sent a letter saying that they did camera work and they did find a couple of leaks but they feel that the major problem is that one on Highway 36 and there suggesting that Highlands take the initiative to either put another camera in there or smoke and definitely form the opinion that it is a States problem.

Mayor O'Neil directed the Borough Engineer to go up and look at this and advise the Borough of what needs to be done.

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

The meeting adjourned at 10:09 P.M.

CAROLYN CUMMINS, DEPUTY CLERK

HIGHLANDSNJ.COM