

**MAYOR AND COUNCIL
REGULAR MEETING
SEPTEMBER 20, 2006**

Mr. Urbanski called the meeting to order at 7:16 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 Regular Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Asbury Park Press, the Courier 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

Absent: None

Late Arrival: Mayor O'Neil

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

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. Request for officer for the police department
2. Retirement of Captain Roake
3. Litigation regarding D. McCauley
4. Memorandum of Agreement for the USCWU
5. Draft Ordinance Clarifying Retiree Health Benefits for Borough Employees

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:

1. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
2. Falls within the attorney-client privilege and confidentiality is required.
3. Deals with personnel matters of public employees and employee has not requested that the matter be made public.
4. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

Seconded by Mr. Caizza 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:

ABSENT:

ABSTAIN:

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Regular Meeting back to order at 8:25 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
Stephen Pfeffer, Chief Financial Officer
David Gilson, Borough Administrator

CONSENT AGENDA RESOLUTIONS:

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

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

R-06-154

AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals.

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

BLOCK	LOT	YEAR	AMOUNT	NAME
10	7.01	2005	\$2038.61	Brian Donahue
66	14.01	2005	831.71	Ronald Dowling

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

R-06-155

**RESOLUTION – REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION
OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY
RIDER FOR THE
ACCEPTANCE OF BEQUESTS, LEGACIES AND GIFTS**

WHEREAS, N.J.S.A. 40A:5-29 authorizes and empowers municipalities to accept bequests, legacies and gifts made to it and empowers municipalities to utilize such bequests, legacies and gifts in the manner set forth in the conditions of the bequest, legacy or gift; and

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 Governing Body hereby requests permission of the Director of the Division of Local Government Services to place such bequests, legacies and gifts in a specific trust fund and such trust fund shall be considered a “Dedication by Rider” to the budget of the local unit per N.J.S.A. 40A:4-39 for the sole purpose stated below:

Police Explorer Post #1900 Program

2. The Municipal Clerk of the Borough of Highlands is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

Mr. Caizza offered the following and moved its adoption:

R-06-156

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS WITHOUT PUBLIC
BIDDING PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6
VALLEY STREET SANITARY SEWER BREAK**

WHEREAS, there was an emergency condition as arisen with respect to the Valley Avenue Sanitary Sewer Line per the September 12, 2006 letter prepared by the Borough Engineer, Robert Bucco of T & M Associates ; and

WHEREAS, D & D Construction has been authorized to repair the Valley Avenue sanitary sewer line without public bidding pursuant to the provisions of N.J.S.A. 40A:11-6 and in compliance with N.J.S.A. 19:44A-20.12

WHEREAS, provisions of N.J.S.A. 40A:11-6 permit the Borough to award contracts without public bidding or quotes when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

WHEREAS, Robert Bucco, Borough Engineer, has declared this situation an emergency condition affecting the health and safety of the public;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that authorization be and is hereby given engage D & D Construction to repair the Valley Street sanitary sewer line without public bidding pursuant to the provisions of N.J.S.A.

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40A:11-6. Other goods and services as required are also authorized to repair the Valley Street sanitary sewer line pursuant to the provisions of N.J.S.A. 40A:11-6..

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

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

**R-06-157
RESOLUTION APPOINTING KERRY GOWAN
ANIMAL CONTROL OFFICER**

WHEREAS, the Governing Body of the Borough of Highlands has determined that a local Animal Control Officer would better suit the needs of the residents of the Borough of Highlands; and

WHEREAS, the Governing Body and members of the Administrative staff of the Borough of Highlands has discussed animal control measures and fees for services with Kerry Gowan, Ocean Ave., Highlands; and

WHEREAS, Ms. Gowan is a Certified Animal Control Officer as well as a concerned resident of the Borough of Highlands;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Kerry Gowan be and hereby is appointed Animal Control Officer at the Borough of Highlands; and

BE IT FURTHER RESOLVED that Ms. Gowan shall be compensated as an Officer contracted to the Borough of Highlands; and

BE IT FURTHER RESOLVED that said position be effective immediately upon adoption of this resolution.

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

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

**R-06-158
RESOLUTION AUTHORIZING THE ADVERTISING FOR SEALED BIDS
TO LEASE LAND OWNED BY THE BOROUGH OF HIGHLANDS**

WHEREAS, the Block 94, Lots 1 & 16 owned by the Borough of Highlands is not needed for public purposes; and

WHEREAS, it has been determined that the subject premises would be well suited for use for public parking; and

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WHEREAS, it is in the best interest of the Borough of Highlands to advertise for this property for lease to the highest bidder for the aforesaid purpose;

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

1. The above property shall be advertised for lease pursuant to all requirements and procedures set forth in the Local lands and Buildings Law (*N.J.S.A. 40A:12-14 et seq.*) subject to the following conditions:

- (a) Sealed Bids shall be received by the Borough Clerk on the Monday, October 4, 2006 at 10:00 a.m., at the Council Chambers of the Municipal Building, 171 Bay Avenue, Highlands, NJ, in accordance with procedures to be announced by the Borough Clerk. All bids must be sealed, submitted and clearly marked as: 'BID DOCUMENTS – LAND LEASE 9.27.06'.
- (b) All bids shall be referred to the Governing Body for review and final approval pursuant to *N.J.S.A. 40A:12-1 et seq.* The Borough 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)O hereof, including the highest bid, and shall make its decision known by resolution within ten (10) days after bids are received. The highest successful bidder shall enter into a lease with the Borough of Highlands within 10 days following the adoption of a resolution approving said lease, or shall be subject to loss of deposit paid herewith.
- (c) 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.
- (d) Failure to comply with any of the above requirements or to close on or before shall entitle the Borough of Highlands to rescinding prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.
- (e) The lease shall be 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 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

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

**R-06-159
RESOLUTION AUTHORIZING THE SALE OF AUCTIONED
PREMESIS – 126 BAY AVENUE, BOROUGH OF HIGHLANDS,
COUNTY OF MONMOUTH, NEW JERSEY**

WHEREAS, the Borough of Highlands, pursuant to N.J.S.A. 40a:12-13 et seq. held a public auction to receive bids for the purchase of the premises known as Block 47 Lot 10, and in compliance therewith, the highest bid received was from Anthony DeMarco, 126 Bay Avenue, LLC, for the sum of \$89,000.00; and

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WHEREAS, pursuant to the terms and conditions of Resolution R-06-133, and the duly published legal notice regarding said auction, the Borough Council does wish to accept said bid as being in the best interests of the Borough of Highlands;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands, in the County of Monmouth, State of New Jersey does hereby authorize the sale of the aforesaid premises to Anthony DeMarco, 126 Bay Ave, LLC, or a Limited Liability Company of which Anthony DeMarco is a member for the sum of \$89,000.00 in accordance with the terms and conditions of the aforesaid enabling resolution and legal notice.

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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**R-06-160
RESOLUTION STATE FISCAL YEAR 2007 EMERGENCY TEMPORARY
APPROPRIATIONS #2**

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

**RECAP OF PAYMENT OF BILLS
09/20/06**

CURRENT:		\$	513,923.71	
Payroll	(9/15/06)	\$	122,332.62	
	Manual Checks	\$	33,493.08	
	Voided Checks	\$		
SEWER ACCOUNT:		\$	78,013.16	
Payroll	(9/15/06)	\$	7,623.29	
Manual Checks		\$	568.11	
Voided Checks		\$		
CAPITAL/GENERAL		\$	189,627.73	
CAPITAL-MANUAL CHECKS		\$		
Voided Checks		\$		
TRUST FUND		\$	7,491.03	
Payroll	(9/15/06)	\$	1,320.00	
Manual Checks		\$		
Voided Checks		\$		
UNEMPLOYMENT ACCT-MANUALS		\$		
DOG FUND		\$	15.00	
GRANT FUND		\$		
Payroll	(9/15/06)	\$	318.60	Manual
Checks		\$		
Voided 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.**

Supplemental Bill List for September 20, 2006

Robert Burton	Social Security Overpayment	\$	1,157.81
M & R Mechanical	Firehouse Construction #16		48,583.62
T & M Associates	Twin Lights Marina		813.00
			<hr/>
Total Supplemental Bill List		\$	<u>50,554.43</u>

Seconded by Mr. Nolan 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

ORDINANCES: Second Reading, Public Heard and Adoption

Ordinance O-06-13

Mrs. Flannery read the title of Ordinance O-06-13 for the second reading and opening of the public hearing.

Mayor O'Neil opened the public hearing on Ordinance O-06-13.

There were no questions or comments from the public.

Mrs. Flannery read the title of Ordinance O-06-13 for the third and final reading and adoption.

Mayor O'Neil offered the Ordinance pass third and final reading and adoption:

O-06-13

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 OR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$427,500 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 \$600,000, such sum includes the sum of (a) \$150,000 expected to be received from the New Jersey Department of Transportation and (b) \$22,500 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

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 \$427,500 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 \$427,500 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

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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
Reconstruction of Washington Street from Marine Place to Cheerful Place, Recreation Place from Washington Avenue to Sea Drift Avenue, and Miller Street from Shore Drive to State Highway Route 36, which include drainage, installation of curbs, sidewalks and handicap accessible ramps including all work or materials necessary therefore 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.	\$600,000	\$427,500	20 Year

(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 \$427,500.

(c) The estimated cost of the Improvements is \$600,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements over the grant expected to be received and the estimated maximum amount of Bonds or Notes authorized to be issued therefore as stated above is the amount of the Down Payment.

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 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:

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(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 20 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 \$427,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 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.

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 therefore 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 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 \$427,500.

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:

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ROLL CALL:

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

ORDINANCE: Introduce and Set Public Hearing Date for October 18, 2006

Ordinance O-06-14

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

Mayor O'Neil offered the following Ordinance be introduced and that a public hearing date be set for October 18, 2006:

O-06-14

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

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

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

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

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

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

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

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

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

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

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

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

Seconded by Mr. Caizza 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-06-15

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

Mayor O'Neil offered the following Ordinance be introduced and that a public hearing date be set for October 18, 2006:

**O-06-15
STATE FISCAL YEAR 2007
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Governing Body of the Borough of Highlands in the County of Monmouth finds it advisable and necessary to increase its SFY 2007 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$58,188.01 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the SFY 2007 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$203,658.04, and that the

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SFY 2007 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of the ordinance upon adoption, with the recorded vote included thereon, be filed with said Director with 5 days after such adoption.

Seconded by Mr. Urbanski 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

OTHER BUSINESS:

Memo from Planning Board RE:

Requirement for Ferry Service to Provide Traffic Police

Mrs. Flannery stated that on August 10th, 2006 the Borough Planning Board reviewed the condition previously imposed on the ferry companies requiring them to provide a police officer directing traffic at the intersection of Waterwich Avenue and Shore Drive in the Borough. The Board determined that the need for a police officer was due to the fact that there are two ferry services operating in the Borough which resulted in increased traffic requiring control of the intersection by a police officer. Currently there is only one ferry service in operation and automobile traffic has diminished to a point where a police officer is no longer required. The Board voted unanimously in favor of a recommendation for the governing body to temporarily remove this condition. Therefore it is respectfully recommended by the Borough Planning Board that the Mayor and Council consider temporarily relieving the ferry service provider from the obligation to provide a police officer at the intersection of Waterwich Avenue and Shore Drive at this time. Should conditions change in the future, the Planning Board stands ready to reconsider the matter and make further recommendations to the governing body.

Mayor O'Neil offered a motion to remove the condition, 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

Engineers Report

Dale Leubner P.E. of T & M Associates stated the following:

1. Community Center Improvements - the work is on-going, the roofing and siding has been completed, windows are being replaced, and it's scheduled to be done in

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November, and so far we are on schedule. The playground, sports courts improvements, we did submit the Phase 1 environmental site assessment to the Borough and the County and we are nearing completion on the plans and specs and the project is well under way.

2. Fire House - the site work and the over-head doors are to be completed by the end of September and the contractor is making the building waterproof and is beginning to paint the interior.

3. NJDOT Route 36 Bridge - DOT stated that the construction portion has been funded and the cost of the project is estimated at \$106 million.

Mayor O'Neil asked if the firehouse was on schedule. Mr. Leubner stated that it is not on schedule.

Mr. Ciazza stated that they still have to put temporary windows in the project should be complete by the end of October.

Mr. Leubner stated that the contractor has not been showing up and that a letter has been sent today putting him on notice that he is behind schedule and that the project has to be completed in the time stated in the contract, and if not the Borough will take the necessary steps.

4. NJDEP Stormwater Management Regulations - no changes, the project is on-going.

5. Valley Street Pump Station Rehabilitation Project - the pump has been ordered and should be in within 11 weeks and is on schedule.

6. 2006 Road Program - the design has been approved by Mayor and Council and is underway. Project to be awarded before the DOT deadline but will not start until the spring.

7. Basin Eight Sanitary Sewer Rehabilitation Project - authorized and is currently in design phase.

8. Valley Street Emergency Sewer Repair - once sewer is in place, a slope stabilization is recommended to be included in the reconstruction of the sewer line so as to protect the integrity of the sheeting. Project should be completed within two weeks.

Route 36 Bridge

Mrs. Little asked about movement of the WWI doughboy monument and it has been suggested that it be temporarily located at Vet's Park along the Bay Avenue side in front of the basketball court fencing. DOT is responsible for moving and are looking for specifics or other information detailing its' construction to be sure that the integrity of the monument is maintained.

The Governing Body discussed the movement of the monument.

Mrs. Little also discussed the placement of a bronze or other type item in the base of the bridge pylons as you enter Highlands (and Sea Bright will also do the same). Camera ready artwork is needed of the Highlands Borough Seal or a logo prior to approximately October 19th.

Mrs. Little reads open letter to the residents of Highlands regarding her departure:

It is with deep regret that I announce my departure from the Council of the Borough of Highlands. I will tender my resignation effective September 30th, 2006.

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I am eternally grateful for the opportunity you have given me to serve you. I have sincerely enjoyed listening to your concerns and your suggestions, while working with the Governing Body, Borough employees and professionals to maintain the character of Highlands, while improving the quality of life here. I will cherish the memories of this time.

I am very proud of our accomplishments as a Governing Body since 2003 when I first became your Councilwoman. I am especially please that the firehouse is finally under construction. How exciting it is that the Community Center is being rehabilitated, and that the playground at Snug Harbor Park will be improved. We can also enjoy the improvements at Miller Beach. I am proud and grateful to have been a part of these important projects.

I am asking others on the Highlands Council to continue my efforts to establish recreational programs for the various age groups or citizens here in highlands. Mr. Hill has completed a significant amount of work on this programming. I am satisfied that it is ready for discussion and implementation by the Council

I am also asking the Council to establish a committee for the purpose of creating a library system in highlands. Facilities at Henry Hudson Regional School are now available to us for community use if we enter into an agreement with the School Board and cooperate with shared funding. I hope the Committee would also consider a downtown location as an extension for the elementary school children who might not have the means to get up to the Henry Hudson location. I am certain this library system can now be accomplished in a reasonable time if it is given serious attention.

I will continue to work with the Route 36 Bridge project as a community partner on the steering committee, as that project may be near completion. I will always be available whenever I am needed as a citizen and former councilwoman to lend historical information and past experience to any Highlands project for the future.

As you know, I as appointed to the Monmouth County Board of Chosen Freeholders on February 25th, 2006. I have been working for you in Freehold in addition to my local responsibilities since that date. My job as Freeholder has been equally challenging as it is rewarding. After almost seven months on the Board, I am convinced that I can best serve the people of Highlands and the people of Monmouth County together through my work as your Freeholder.

Our biggest threat to quality of life in Highlands is our tax bill. I am working with professionals in Freehold to streamline the county budget and create efficiencies to help hold the line on spending. With the help of the Freeholder Board, especially Deputy Director Robert Clifton, we are working to encourage shared services between municipalities. I am hoping that the State and County might consider sharing services with each other and with municipalities as well.

This work in Freehold to produce a sharing plan for services is the best way to lower your tax bill in the short term. From Freehold I am also working on an Economic Development Plan that will hopefully create more jobs in Monmouth County. This too can only help you here in Highlands.

My heart and my home are here in the Borough of Highlands. This is where I am raising and educating my children. This is where I return to at the end of a busy day to relax and find comfort. I will carry Highlands with me everywhere I go and I will consider Highlands in everything that I do. You can take the girl out of Highlands by you can't take the Highlands out of this girl.

Police Department Computer System

Officer Bruce - Speaking on behalf of Chief Blewett, who could not attend this meeting, he relayed concerns that the police department is in need of a new server with regard to the computer system. During a lightening storm in August the system went down and

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that a lot of money was spent fixing the damaged items and getting it up and running. They did not get any response from the technician at Serpicos Office System and so they turned to United Computer Sales and Services and they came out and fixed the problems but these are just band-aids compared to the overall problem. They have a quote from United Computer Sales and Service for \$17,602.00 to up-date system.

PUBLIC PORTION:

Lori Dibble discussed concerns regarding computer system and PayPak.

Carol - expressed concern regarding the police officer, paid for by the ferry service, directing traffic on Shore Drive and why is it being stopped because the ferry service still continues and there is still traffic even though there is only one ferry service in operation at this time.

Mayor O'Neil stated that there has been a decrease in the amount of riders for the ferry service due to increased ticket prices.

Carol believes that since the ferry service pays for the officer, there should be an officer there all the time.

Mayor O'Neil stated that there doesn't seem to be a problem due to the decrease in riders and therefore a decrease in traffic.

Carol Custer - Central Avenue - expressed a concern regarding the cleaning of the creek down by the VFW.

Mayor O'Neil stated that the Borough is cleaning the creek and is hoping for help from the County.

Carol Custer - inquired if there is an active First Aid Squad and how many members are there.

Mayor O'Neil stated that there is an active First Aid Squad and that there are approximately 22 members.

Mrs. Custer asked if the Borough gave the First Aid Squad any money to cover expenses.

Mayor O'Neil said they do, for supplies. That the First Aid Squad was strictly volunteer.

Mrs. Custer expressed concerns that on several occasions, when first aid was required at her home for her husband, no one from the Borough of Highlands First Aid Squad responded. The Highlands Police responded and paramedics from Sea Bright.

Mayor O'Neil expressed that he understood her distress and that the First Aid Squad was strictly voluntary, and that maybe there is a need to go to a paid First Aid Squad.

Mrs. Custer requested that the Mayor and Council look into how the First Aid is run.

Mayor O'Neil stated that it is a separate entity and that is why they do not get involved.

Tara Ryan - questioning what is going on with the library situation. She feels that having the library in the high school makes it harder for some of the residents to access. She feels that the library should be located on Bay Avenue. Mrs. Ryan would like to be considered for any library committee.

Maureen Kraemer - would like to see the police department updated with computers and that when calls come into the police department that they have the capability to record

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them. She believes that Chief Blewett and the department are doing a great job, and that whatever they need, they should be given.

Don Manrodt - 268 Bayside Drive stated that the platform for statue is shot and that there should be some kind of code for building the platform. He also wanted to know when the community center would be completed.

Mr. Bucco – stated that it should be completed on November 1, 2006.

Mayor O’Neil advised Mr. Manrodt that the Governing Body will be asking B & B to smoke the sewer line going to Monmouth Hills. He then advised Mr. Manrodt of the AHHRSA that the borough will need a letter from the AHHRSA to send to the state.

Roberta McEntee of the AHHRSA stated that the letter was already sent.

There was a brief discussion between the Mayor and Mr. Manrodt and Ms. McEntee regarding the sewer lines and the letter.

Mr. Bucco stated that he will talk to Joe Donnell to straighten this out.

Roberta - Would like to see some publicity regarding Tim Hill and his idea for the Community Center and having a place for children 13 years and older to go - the crime in Highlands is highest between the ages of 13 and 18.

Mark VanSevern - Someone from the Long Branch Housing Authority - looking at several houses going up for auction. He is concerned with the fact that a lot of the “slum-lords” that target these properties actually get money from the State to fix them up - in addition to that we are getting a lot of undesirable elements from neighboring towns migrating into here which are driving down the property values. Would like to see some pressure put on “slum-lords” with code enforcement.

Mr. Ciazza suggested that the properties be inspected weekly for violations.

Joseph Dorin - Same question as last month - is there a recommendation regarding small right-of-way, Lot 12 on Valley Avenue.

Mr. Leubner stated that this is being looked into and that this small piece of property has no value to the Borough. He has no problem with vacating that small right-of-way, he has no objection from an engineering standpoint.

Mr. Dorin is concerned that someone can build on this piece of property.

Mr. Leubner stated that he would take a closer look, but that the topography would not allow for any type of development without an enormous amount of variances.

Art Gallagher- Regarding Resolution R-06-158, Block 91, Lots 1 and 16, he would like to know where this property is located.

Mrs. Flannery stated that it is a parking lot behind the VFW.

Mr. Gallagher also wanted to personally thank Mrs. Little for her services in Highlands and in Freehold and that she will be missed.

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

The Meeting adjourned at 9:17 P.M.

NINA LIGHT FLANENRY, BOROUGH CLERK

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