

**MAYOR AND COUNCIL
COMBINED MEETING
NOVEMBER 1, 2006**

Mayor O'Neil 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 Special Action 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, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

Absent: None

Late Arrival: None

**Also Present: Nina Light Flannery, Borough Clerk
Dominick Manco, Esq., Borough Attorney
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. Valley Avenue Emergency Sewer Repair**
- 2. Sanitation Vehicle Purchase and Repair**

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:

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:

ROLL CALL:

AYES: Mr. Nolan, 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.

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

ROLL CALL:

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

Absent: None

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

INTRODUCTION - SFY 2007 MUNICIPAL BUDGET

Mr. Pfeffer read into the record the Municipal Budget.

The Municipal Budget of the Borough of Highlands, County of Monmouth, Fiscal Year 2007:

BE IT RESOLVED that the following statements of revenues and appropriations that constitute the Municipal Budget for the fiscal year 2007;

BE IT FURTHER RESOLVED that said budget be published in the Courier in the issue of November 9th, 2006. The notice is hereby given that the budget and tax resolutions was approved by the governing body of the Borough of Highlands, County of Monmouth on November 1st, 2006. The hearing on the budget and the tax resolution will be held at the Municipal Complex on December 6th, 2006 at 8:00 p.m., at which time and place, objections to said budget and the tax resolution for the year 2007 may be presented by tax payers or other interested parties.

The Governing Body of the Borough of Highlands does hereby approve the following as the budget for fiscal year 2007.

Offered by Mayor O'Neil.

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

ROLL CALL:

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

NAYES:

ABSENT:

ABSTAIN:

Mr. Pfeffer - This is the introduction for the budget for fiscal year 2007. Our budget year is July 1st through June 30th. This budget has a 2% tax increase in it, that's 1.75 cents. The average residential property valued at \$211,071.00, the municipal increase will be \$37 a year, as it stands in the introduced budget, unless there is an amendment.

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**INSERT BUDGET SUMMARY
HERE**

HIGHLANDSNJ.COM

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CONSENT AGENDA - RESOLUTIONS:

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

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

**R-06-174
RESOLUTION SUPPORTING APPLICATION FOR JOINT MUNICIPALITY
AUTOMATED FLOOD WARNING SYSTEM**

WHEREAS, the National Weather Service has issued a request for proposal for Automated Flood Warning Systems the objective being to reduce the loss of life and property damage in communities with flood and flash flood problems; and

WHEREAS, the program will provide 100% grant money to institute the program in these communities; and

WHEREAS, the Borough Highlands, Office of Emergency Management, feels that this program would be extremely beneficial to the residents of the Borough; and

WHEREAS, the City of Long Branch, Borough of Monmouth Beach, Borough of Sea Bright, Borough of Oceanport, Township of Middletown, Borough of Rumson, Borough of Fair Haven and Little Silver and the County of Monmouth will join with the Borough of Highlands in supporting this program for the betterment of all the communities;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that they declare their support for an application for grant funding for the Automated Flood Warning Systems through the National Weather Service.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-06-175
RESOLUTION AUTHORIZING REFUND OF
PLANNING BOARD APPLICATION FEES AND
PLANNING BOARD ESCROW FEES FOR
TWO RIVERS CONSTRUCTION, LLC
FOR 74 BAY AVENUE
(BLOCK 42 LOT 14)**

WHEREAS, on September 22, 2006 the Planning Board received a Site Plan and Variance application (PB#2006-5) from Two Rivers Construction, LLC for property located at 74 Bay Avenue (Block 42 Lot 14); and

WHEREAS, Two Rivers Construction, LLC paid an application fee of \$1,190.00 for the Site Plan and Variance Application and posted a Planning Board Escrow in the amount of \$2,380.00 for a total of \$3,570.00; and

WHEREAS, the Planning Board received a letter withdrawing said application PB#2006-5 from Two Rivers Construction, LLC on October 13, 2006..

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized to issue a refund payment to Two Rivers Construction, LLC in the amount of \$3,570.00.

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

ROLL CALL:

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

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

**R-06-176
RESOLUTION AUTHORIZING ADVANCE
FOR EXPENSES FOR BOROUGH OFFICIALS**

WHEREAS, NJSA 40A:5-16.1 provides for the lawful advancement of funds to officials and employees of the Borough for their expenses for authorized travel and incidents thereto; and

WHEREAS, the following officials of the Borough of Highlands will be traveling to the New Jersey League of Municipalities Convention during the week of November 13, 2006.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following officials and employees be given an advance in the amount set forth next to their names and positions and said officials are required to submit there receipts for expenses and/or return any unused moneys:

Richard O'Neil – Mayor	\$400.00
Frank Nolan – Councilman	\$400.00

BE IT FURTHER RESOVLED that other Borough Official and Employees will be reimbursed for such expenses up to \$100.00 a day with a maximum of 4 –days \$400.00 for the convention upon submission of receipts to the Borough.

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

ROLL CALL:

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

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

**R-06-177
RESOLUTION
SETTING SALARY FOR FULL TIME PAYROLL CLERK**

WHEREAS, R-05-149 adopted August 18, 2005 appointed Debby Dailey payroll clerk (provisional) and set her compensation at an annual rate of \$29,000; and

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WHEREAS, R-06-114 adopted June 28, 2006 authorized the Mayor and Council President to execute the collective bargaining agreement with CWA Local 1032. The term of the agreement is July 1, 2004 to June 30, 2008.

WHEREAS, the Mayor and the Chief Financial Officer have determined that the salary of the payroll clerk needs to be clarified as said title did not exist in the prior collective bargaining agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the salary is hereby set for the respective years for the title of payroll clerk and that Debby Dailey's rate of compensation shall be based on the following:

SFY 2006	\$31,366 (August 18, 2005 through June 30, 2006)
SFY 2007	\$32,778 (July 1, 2006 through June 30, 2007)
SFY 2008	\$34,253 (July 1, 2007 through June 30, 2008)

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

ROLL CALL:

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

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

**R-06-178
RESOLUTION AMENDING R-98-42
AUTHORIZING CASH MANAGEMENT PLAN**

WHEREAS, R-98-42 Authorizing Cash Management Plan was adopted by the Governing Body of the Borough of Highlands on February 18, 1998, and

WHEREAS, the adopted Cash Management Plan included a list of designated depositories of the Borough of Highlands, and

WHEREAS, the Chief Financial Officer has requested that the list of designated depositories be amended as follows:

Bank of America
Commerce Bank
Two River Community Bank

WHEREAS, the banks listed above have filed Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

In addition, all banks protected by the State of New Jersey Governmental Unit Protection Act after filing Chapter 271 Political Contribution Disclosure Forms pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005 c.271, s2).

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that Resolution R-98-42 be amended as stated above.

BE IT FURTHER RESOLVED that said banks are hereby authorized to honor checks drawn upon said banks, signed by the Mayor, Chief Financial Officer, Administrator and/or the Borough Clerk. All checks require two signatures, one of which maybe a facsimile signature. The payroll account checks may utilize two facsimile signatures.

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

ROLL CALL:

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

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

**R-06-179
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
WASHINGTON AVENUE, RECREATION PLACE
AND MILLER STREET RECONSTRUCTION
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional engineering services for the Washington Avenue, Recreation Place and Miller Street Reconstruction as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$75,200 plus reimbursable expenses per T & M Associates proposal dated June 5, 2006 for Professional Engineering Services for the Washington Avenue, Recreation Place and Miller Street Reconstruction provided to the Borough of Highlands for the period of one year; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year (reportable contributions made prior to January 1, 2006 are not considered for the purposes of determining whether a contractor is prohibited from being awarded a contract), and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify funds are available from Bond Ordinance 06-13.

Stephen Pfeffer, Chief Financial Officer

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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. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$75,200 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. Nolan and adopted on the following roll call vote:

ROLL CALL:

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

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

R-06-180

RESOLUTION – FIXING SALARIES FOR CERTAIN BOROUGH OFFICIALS

WHEREAS, it is the intention of the Governing Body to fix salaries of certain Borough Officials listed below; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Borough of Highlands that the salaries of the Borough Officials listed below are hereby determined and fixed effective November 1, 2006 in accordance with the following schedule:

Municipal Attorney	\$51,778
Judge of Municipal Court	\$16,302
Municipal Prosecutor	\$15,246
Municipal Public Defender	\$ 3,500

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

ROLL CALL:

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

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

RECAP OF PAYMENT OF BILLS

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11/01/06

CURRENT:		\$	22,919.06
Payroll	(10/15/06)	\$	117,921.11
Manual Checks		\$	151,062.35
Voided Checks		\$	
SEWER ACCOUNT:		\$	650.95
Payroll	(10/15/06)	\$	5,909.94
Manual Checks		\$	3,601.02
Voided Checks		\$	
CAPITAL/GENERAL		\$	9,954.47
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
TRUST FUND		\$	465.00
Payroll		\$	
Manual Checks	(10/15/06)	\$	1,040.00
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	6,102.98
Payroll		\$	1,141.44
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	1,195.25
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 November 1, 2006

T & M Associates	Washington/Miller/Recreation St. Reconstruction	13,251.00

Total Supplemental Bill List		<u>\$ 13,251.00</u>

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

ROLL CALL:

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

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OTHER RESOLUTIONS

Mr. Manco read the title of the following Resolution for approval:

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

**R-06-181
RESOLUTION AUTHORIZING EMERGENCY REPAIR
OF SANITATION TRUCK PURSUANT TO
LOCAL PUBLIC CONSTRUCT LAW**

WHEREAS, Local Public Contracts Law provides for the letting of an emergency contract where the emergency affects the public health, safety and welfare; and

WHEREAS, the Sanitation Truck is inoperable and requires immediate repair to service the public welfare.

BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Purchasing Agent be and hereby is authorized to issue a purchase order for the immediate repair of the Sanitation Truck in accordance with NJSA40A:11-6.

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

ROLL CALL:

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

ORDINANCES: Second Reading, Public Hearing and Adoption:

Ordinance O-06-18

Mrs. Flannery read the title of Ordinance O-06-18 for the second reading and opening of the public hearing.

Mayor O'Neil opened the public hearing on Ordinance O-06-18.

Matt Chesek, President, Local 48 - on the advice of our attorney, he just wanted us to clarify a couple of things. He wanted us to clear up, anyone from the police department serving the Borough for under 25 years if they are going to be affected by this.

Mr. Nolan read a portion of the ordinance into the record. The Governing Body discussed the ordinance and its meaning.

Mr. Nolan expressed concern regarding the reimbursement of Medicare for Borough retirees.

Mayor O'Neil stated that he would check into his concerns.

Matt asked whether their contract would supersede the ordinance.

Mayor O'Neil stated that the collective bargaining agreement would supersede.

Mrs. Flannery read the title of Ordinance O-06-18 for the third and final reading.

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

**O-06-18
ORDINANCE**

**AN ORDINANCE CLARIFYING RETIREE HEALTH
BENEFITS FOR BOROUGH EMPLOYEES**

WHEREAS, the Borough of Highlands has heretofore had a practice of providing lifetime health benefits to employees who retire from employment with the Borough at age 65; with 25 or more years of service; or in accordance with the express terms of a Collective Bargaining Agreement or personal services contract; and

WHEREAS, the Borough of Highlands has determined that there exists a need to clarify and specify the policy of the Borough as it pertains to the provision of retiree health benefits by adoption of a written statement with respect to the same, so that both the Borough and its employees know precisely who is eligible for such benefit and what standards and procedures are applicable to the same; and

WHEREAS, this ordinance is intended to provide such clarification and specification consistent with the provisions of N.J.S.A. 40A:10-23;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Highlands that the following terms be used as the guide for the purpose of clarifying and specifying the standards and procedures applicable to health care benefits for those Borough employees who retire from the Borough.

Section I **Eligibility**

To receive lifetime health benefits paid for by the Borough, an employee must meet the following criteria (unless otherwise expressly provided by Collective Bargaining Agreements, personal service contract, or by law):

1. The employee has twenty-five (25) years or more of service credit in a state or locally administered retirement system and a period of service of at least twenty-five (25) years with the Borough of Highlands at the time of retirement; or
2. The employee is sixty-five (65) years or older with twenty-five (25) years or more of service credit in a state or locally administered retirement system and a period of service at least fifteen (15) years with the Borough at the time of retirement; or
3. The employee is sixty-five (65) years or older with at least twenty (20) years of service with the Borough; and
4. The employee was eligible for employee medical coverage during the last five years of their employment with the Borough; and
5. The employee retires from an employment position with the Borough of Highlands under a Service Retirement as defined by the Public Employee's Retirement System ("PERS"), the Police and Firemen's Retirement System ("PFRS") or under the express terms of any Collective Bargaining Agreement or personal services agreement.

Employees previously eligible for retiree benefits under the express terms of a collective bargaining agreement will continue to be eligible as long as the benefits are specifically and clearly set forth in the collective bargaining agreement and as long as the provision of retiree health benefits is not contrary to the requirements of State Statute or regulation.

Section II **Health Plan Provided**

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Dolores Francy - 36 5th Street - what precipitated the need for restrictions in the park from dawn to dusk?

Mayor O'Neil stated that it is mostly due to the problems with the youth.

Chief Blewett stated that during the summer it does not get dark until 8:00 or after and during the winter it gets dark around 5:00 - so that is why it is stated that it is dawn to dusk.

Mayor O'Neil offered the following ordinance pass final reading and moved on its adoption:

**O-06- 19
ORDINANCE**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III OF THE
REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED
"GENERAL POLICE REGULATIONS-PUBLIC PARKS", AMENDING AND
SUPPLEMENTING SECTION 3-13.1 THEREOF ENTITLED, "PERMIT"
LIMITING USAGE OF ANY PUBLIC PARK WITHIN THE BOROUGH OF
HIGHLANDS**

[additions shown in underline, deletions shown by ~~strikeout~~]

WHEREAS, it has been determined by the Governing Body of the Borough of Highlands that in order to better serve and to advance the interests of the health, safety and welfare of the general public, that specific hours of operation for public parks and lands be established;

THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Highlands that Chapter III of the Revised General Code of the Borough of Highlands, entitled "General Police Regulations-Public Parks", amending and supplementing Section 3-13.1 thereof entitled, "Permit" to read as follows:

Section 3-13.1. "Permit".

No person shall be permitted in any public park within the borough from dusk to dawn, ~~between the hours of 9:00 p.m. and 7:00 a.m.~~ Groups of ten or more persons shall be required to obtain a permit from the borough administrator for usage of the park at any time from dusk to dawn, ~~between the hours of 9:00 p.m. and 7:00 a.m.~~ "Group" shall be defined as any assemblage of persons in the same activity regardless of whether each member of the assemblage belongs to the organization comprising the subject group. Permits shall be limited to three hours in duration, unless the borough administrator finds that a longer period of time is in the public interest.

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. Nolan and approved on the following roll call vote:

ROLL CALL:

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

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Mr. Nolan wanted to thank Chief Blewett and the Highlands Police Department stating that since the last scheduled meeting they have made an impact with all the problems with people on the street and that people have noticed a difference and whatever they are doing, it's working.

Mayor O'Neil would like to say the same for Mr. Murphy regarding the problems on Miller Street. He stated that the Borough should recoup monies by January 15th.

Mr. Pfeffer asked that prior to a final determination, that he be contacted to verify the numbers.

COMMITTEE REPORTS:

Public Safety: Chief Blewett stated that the Highlands Police Department participated in active shooter training at Henry Hudson High School on October 16th. That was conducted by the Monmouth County Emergency Response Team, along with the Atlantic Highlands Police Department, Sea Bright Police Department. In light of the school shooting threat, we attended a critical incident meeting at Henry Hudson along with the Mayor and Council, hosted by the school administration on October 12th. Parents had an opportunity to ask questions and voice concerns at that time. As part of our strategic plan, we will be hosting a town meeting at Henry Hudson on November 13th. The Monmouth County Prosecutor's Office, Detective Burton, Armenti and the East Coast Gang Investigative Association and Prevention First will make presentations. Topics of discussion will include the juvenile justice system, juvenile complaints, gang identification and school violence. There will be a question and answer period at the end.

We participated in the second annual Breast Cancer Walk sponsored by the Business Partnership and that was a success and went very well.

With regard to Halloween and Mischief Night, we had two minor incidents, someone with spray paint in Veteran's Park, but other than that, there were no problems.

On November 14th, we will be implementing our court security measures as agreed upon by the Governing Body and the Superior Court and Judge Lawson. So getting into Court after that will take a little more time than usual.

Mayor O'Neil stated that there were some things ordered by Judge Lawson and that the Borough of Highlands has worked these things out and have implemented them, such as a metal detector and new windows for the Court Clerk, etc.

Building/Housing: Mr. Murphy stated that in the month of October there were 36 Certificate of Occupancy inspections in addition to 17 re-inspections and 5 Notice of Violations issued, 11 warnings, 4 fence permits and 3 mercantile application reviews. The total income for the month was \$1,870.00.

Mayor O'Neil and Mr. Murphy discussed the Miller Street situation.

Highlands Business Partnership: Carla Braswell stated that the Breast Cancer Walk was very successful. There were approximately \$2,000.00 in expenses and with the help of the Borough of Highlands, the Police Department and Sandy Hook they were able to turn over approximately \$5,000.00 to the American Cancer Society.

The annual tree lighting event is scheduled for Friday, December 1st at 6:00 in Huddy Park. The rain date is scheduled for Saturday, December 2nd.

OTHER BUSINESS:

Engineer's Report

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

1. Valley Avenue Emergency Sewer Repair Project - the sewer line has been replaced. He has received an invoice from the contractor which he is currently reviewing.
2. Fire House - the contractor has hired a new foreman and that foreman is getting up to speed with regard to this project. There is a meeting scheduled for Friday with the architect, new foreman and the bosses at M&R to further inform them that they are behind schedule
3. Mayor O'Neil asked about the Washington Project.

Mr. Leubner stated that the project, as far as design goes is 90% complete, and we anticipate having a draft set of plans to the Borough in the near future. We need the Mayor and Council's concurrence and then bid, and as long as the prices come in good, they should be awarded well ahead of the DOT deadline, which is on or about December 16th. If the prices come in too high, there will be no harm in asking for an extension for that reason.

4. Community Center Improvements - the project is substantially completed. There is a backorder for the main doors, where there are temporary doors at this time. This is the first dealing with A.B. Design, and they have been a pleasure to work with during this process.
5. Valley Street Pump Station Rehabilitation Project - still in the shop drawing phase, about six weeks out.

Mayor O'Neil opened the meeting to discuss the land use building ordinance.

Unidentified person - asked when the ordinance would be put up for a vote.

Mrs. Flannery stated that it would be the second meeting in January of 2007.

Unidentified person asked if that would be a first reading on the ordinance on the second meeting in January.

Mrs. Flannery stated that it would be a first reading as to the changes by the Planning Board.

Unidentified person asked if that would in fact be a first reading and then referred back to the Planning Board again.

Mayor O'Neil stated that he did not believe so.

Mr. Manco recommended that it goes back before the Planning Board and then come back for a second reading in February.

Lori Dibble - wanted to know when there would be a draft of the ordinance.

Mayor O'Neil stated that it would be in the package for the January meeting.

Lori Dibble asked if there would be a public hearing on that since it is a new ordinance.

Mrs. Flannery stated that there would be.

Highlands Housing Authority

Gloria Miller - Chairperson of the Highlands Housing Authority - requested to have the project review for the repair of the retaining wall.

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Mr. Leubner stated that it is still under review and that there are a number of concerns by the surrounding residents.

Mayor O'Neil stated that the residents in the surrounding area should be solicited again as to the impact on their property.

Mr. Leubner stated that the residents would have to be approached with a temporary construction easement.

Mayor O'Neil suggested that what the Housing Authority's engineer and contractor have stated that they could do, as far as the boundaries of the project, and get that information to T&M Associates.

Gloria Miller asked that when it is resolved with the engineer, can it go ahead.

Mayor O'Neil stated that it would after resolution with the engineer and the adjacent homeowners.

Mr. Leubner stated that the surrounding property would be restored to its existing condition, if not better.

Municipal Service Agreements - Mrs. Flannery stated that she and Mr. Manco have been working on getting all the service agreements the Borough has with the Condominium Associations together and that some have long since expired. They are working on getting a uniform contract together. Mrs. Flannery recognizes that people are waiting and asked that everyone be patient as they are all pulled together.

Mayor O'Neil stated that in that contract it will state that they will be required to submit their bill by a certain date, not 2 ½ years later.

Mrs. Flannery said that it needs to be at the end of the quarter in which they occur.

APPROVAL OF MINUTES:

Mr. Nolan offered a motion to approve the July 19th, 2006 minutes, seconded by Mr. Urbanski and all eligible members were in favor.

PUBLIC PORTION:

Matt Devine - Gravely Point Beach Association President - Questioned the services contract for which they have not been reimbursed for three years. They have not submitted any bills for each year due to the fact that there is no standing contract at this time.

Mayor O'Neil stated that updated the service contracts are being worked on, but as far as going back two or three years, he did not know if that was possible.

Mr. Devine stated that he would be fine with getting a Municipal Services contract with retroactive reimbursement to 2005 and squash the other two years (2003 and 2004).

Chris Francy - 36 5th Street - concerned that the "orange signs" on properties throughout the Borough looks bad for the Borough. Is there any other way to depict no trespassing and the fact that the particular property is condemned? He is concerned with the length of time the signs are there and the value of the surrounding real estate because of them.

Mr. Murphy stated that the signs are there to protect the Borough, that if anyone goes past an orange sign or takes down an orange sign, they will be arrested.

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Maureen Kraemer - 200 Portland Road - Requested the Mayor and Council to allow her to read a statement and ask a follow-up question. Ms. Kraemer read the following statement:

Approximately 15 months ago, I began attending the Borough Council meetings with the primary purpose of getting the upper portion of Portland Road repaired in anticipation of the bridge construction. At the time, I was interested in obtaining specific information about the bridge construction itself also. Sometime in September I was appointed to the bridge committee by Mayor Rick O'Neil. After my appointment, I found that I still had difficulty finding answers to my questions, regarding the bridge, including the names of the current members of the people that are on the committee and what sections of the committee they serve on. At some point, I contacted Middletown Township and Red Bank, to see how they obtained information about the bridge from the DOT during the construction of the state bridge connecting their towns. I was told by Mr. Mercantante, the Middletown planner, that they had a difficult time getting information also from the State. So Red Bank and Middletown enlisted the help of Senator Joe Kyrillos who set-up meetings for the towns with the DOT. The two towns met on a monthly basis with the DOT prior to and during the actual construction of the bridge. I have attended one bridge meeting. That meeting was held on September 19th. After attending the meeting, I prepared and typed an 8 page summary of the meeting, with recommendations to pro-actively address several areas of concerns that would greatly impact the quality of life for the people in the Borough, to include, but not limited to, road access for the First Aid, Fire Department and Police, during the re-routing of traffic during various stages of construction. I also recommended that the Borough setup a meeting with the DOT so that residents of the Borough could be informed of the final planning stages, and address their concerns. The last meeting that I attended on the bridge, held in Sea Bright in December of 2004. Prior to my recommending this meeting, before I gave all of you that report, I contacted Senator Steve Corredemous' office to ask if he would be interested in setting up a meeting for the Borough with the DOT if the Borough agreed to a meeting and needed his help similar to the type of help that Middletown and Red Bank got from Senator Kyrillos. I then gave each councilmember a copy of my report. At the first monthly meeting in October, I was told that I was to report on the meeting that I attended at Sandy Hook. I asked the councilmembers if they read my report and only John Urbanski said he read the report, Mayor O'Neil said that he did not.

Ms. Kraemer asked Mayor O'Neil if he has had a chance to read the report since that time.

Mayor O'Neil stated that he did not.

Ms. Kraemer said she didn't think so.

Mayor O'Neil stated that it didn't matter.

I then gave an oral summary of my report along with my recommendations. I was then informed by the Mayor and Chief Blewett that I was really not supposed to be at that meeting, that it was a mistake. This past Monday I was in contact again with Senator Corredemous' office, and I asked his secretary if the Senator got my message regarding the bridge. His secretary told me that the Senator was not interested with helping the Borough with the meeting because he called the Borough and was told by the Borough that I was part of a tenth-hour, last-ditch effort to

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stop the bridge construction. I told his secretary that whoever said this about me was a liar of the worst kind, and I wanted to know who it was from the Borough that said it. Without hesitation, she replied, Mayor Rick O'Neil.

Mayor O'Neil stated, "Right".

Ms. Kraemer asked Mayor O'Neil why he would misrepresent her and misrepresent her intentions to an honorable senator and why was he so opposed to having an open meeting for the residents of Highlands to better inform them about a bridge that is going to be constructed in this Borough.

Mayor O'Neil replied that he believed that Mrs. Little stated that there was in fact a meeting scheduled.

Ms. Kraemer stated that that was not her question and that she wanted to know why Mayor O'Neil told Senator Corrodemus -

Mayor O'Neil said that first of all, he's an assemblyman, not a senator.

Ms. Kraemer told the mayor that he is just evading the answer to the question. She asked again why did the mayor misrepresented her and her intentions -

Mayor O'Neil said that he did not misrepresent her and he gave an opinion of what he thought and that she has not been a part of this from the beginning.

Ms. Kraemer stated that she is not trying to stop the bridge construction and that if she was, why would she have spent the last year trying to get her road fixed in anticipation of the bridge being built? She believes that the mayor owes her an apology for misrepresenting her to a State official.

Mayor O'Neil believed that he did not owe her an apology.

Ms. Kraemer said that there a lot of things that the mayor does that she does not like and that she would never lie about him to anyone.

Mayor O'Neil said that he knows she would not do that. But he hears it all the time.

Ms. Kraemer asked who he hears it from.

Mayor O'Neil stated that he hears it from people, people she doesn't even know she's talking to that he knows.

Ms. Kraemer asked for the names, and that she is very up-front.

Mayor O'Neil said okay, but that he is not going to give her the names.

Ms. Kraemer stated that if he can't give her the names that she feels he is just "blowing off steam." She would also like to know why the mayor is opposed to having an open meeting for the residents with the DOT.

Mayor O'Neil stated that he was not opposed to that.

Ms. Kraemer asked the mayor why he told the assemblyman that he didn't want the meeting.

Mayor O'Neil stated that he did not tell the assemblyman that he didn't want the meeting.

Ms. Kraemer asked if that was on public record and when she can obtain a hard of that to bring to Corrodemus' office.

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Mrs. Flannery stated that Ms. Kraemer could come to the office and make an application to get a copy of the disk. There is a fee and it would take a few days.

Mrs. Francy - 36 5th Street - she is concerned with the "orange signs" on a number of houses which decreases the value of her property. She feels that the increase in of the "orange signs" is suspiciously close to election time. There are a number of properties that are in code violation that don't seem to be noticed.

Mayor O'Neil stated that she has the right to make a complaint if she knows of code violations within the Borough.

Arnie Fegue - Valley Street - he asked about whether or not there is a redevelopment area.

Mayor O'Neil stated that he does not believe there is a redevelopment area within the Borough.

Roberta McEntee - 55B 5th Street - agreed with Mrs. Francy that all the "orange signs" do not look good. There in fact is a house on her street that has been condemned - rightfully so - but three years too late - that there are numerous animals running in and out of the property, mold in the house, broken windows, and that it is a very dangerous situation. She may not like the "orange signs", but recognizes that it is a necessity.

Mayor O'Neil stated that Mr. Murphy is in contact with each owner of every house with code violations, there is not much more he can do.

Ms. McEntee also stated that the property across the street from her is now on the market for over \$700,000. She asked the real estate agent what it was selling for and was told the price and also that someone is interested in 5th Street to develop townhouses and/or condominiums.

Mayor O'Neil reiterated that there is not area in this Borough that is called redevelopment.

Lori Dibble - Paradise Park - isn't it true that in the Master Plan there are 5 or 6 proposed redevelopment areas?

Mayor O'Neil stated again that he does not know of any designated redevelopment areas.

Regina Smith - 200 Portland Road - wanted to know if the meeting regarding the bridge construction included the public. She also wanted to know how someone can find out the time and date of meetings with regard to the bridge construction.

Mayor O'Neil believes they all are, that they are for the public, and that he believes times and dates of meetings are posted on a website, which one, he did not know.

Ms. Smith asked if she were to come to the Town Hall, who would she ask.

Mrs. Flannery stated that she is not on that committee, but that she would try and find out how to obtain that information.

Ms. Smith would also like to know who the members of the bridge committee are.

Ms. Kraemer stated that she has called Culbertson's office and is still waiting for a call-back. She is upset about the bridge, but she is not opposed, and that is why she is upset by what Mayor O'Neil allegedly said.

Mayor O'Neil stated that that is how it is dealing with those people.

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Ms. Kraemer said that she understands that, but asked why the mayor turned on her when she is trying to help the Borough, and he turned on her and made her look like she was up to something. She doesn't know the people who are trying to stop the bridge, she doesn't have anything to do with that. All she is trying to do is find out specific information about the bridge. In fact, she talked to someone she met out at Sandy Hook and asked, on what block number does the bridge really begin on the highway, and they asked her which ramp, the Portland Road ramp? She was surprised to learn that there was going to be a ramp on Portland Road. Every time she calls the State, she is giving a different number to call, or conflicting information, they do not give her the answers that she wants.

Mayor O'Neil stated that it is no different when he calls.

Ms. Kraemer stated that she can't even find the other people who are on the committee.

Mayor O'Neil said that Jim Fox is on the committee.

Ms. Kraemer then asked for his phone number or e-mail address.

Mayor O'Neil did not have a number for him and stated that he was on the zoning board, and that is how he speaks to him.

Ms. Kraemer is frustrated that there is a \$106 million dollar project and she can't seem to find anyone with information.

Mayor O'Neil stated that when they would come to the Borough, it would be posted and advertised and no one would come to the meetings. He understands her frustration, and stated that this has been going on long before he was mayor. There has been conflicting information for years.

Ms. Kraemer asked whether or not the Borough could tell the DOT that people in the Borough of Highlands want to see their information.

Mayor O'Neil stated that he would in fact call the State to see if there can be a meeting set-up to discuss and go over the information that the State has regarding the bridge construction.

Ms. Smith asked how someone can get the information regarding when meetings are scheduled for.

Mayor O'Neil stated that it is the responsibility of the Borough to post meeting notices in the three newspapers sold within the Borough, the Courier, the Asbury Park Press and the Two River Times and also on the electronic board outside the front of the Borough Hall.

Mrs. Flannery stated that in the hallway, there is a list of all meetings, council, zoning board and planning board.

Arnie Fegue - Valley Street - was concerned as to whether the footprint of the bridge would impact neighboring property and that Mr. Gilson informed him that it would only have more rise but that the footprint of the new bridge would be exactly the same as the old one.

Mayor O'Neil stated that he was told that there would be no taking of public property privately owned. The property lost was a small piece of property under the bridge and was approved by the mayor and council.

Bernadine Hartford - Highland Avenue - stated that she read an explanation of the Open Public Meetings Act on the internet prepared by the Municipal Clerk of Montclair. She believes that it would be good for the council to have copies of it, but asked Mr. Manco if he knew whether she needed permission to copy it.

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Mr. Manco said that he believed she would need permission - but could she give them the web site address.

Ms. Hartford - Monclairnj/usa.org.

Maryann Parmalee - 1 Scenic Drive - read the following into the record:

Dear Mayor and Council;

A disturbing rumor is circulating around the Borough and I wanted to bring it to your attention to allow you the opportunity to deny or defend its veracity. The rumor states that the Mayor and Council members attended the PBA luau on the beach, a charitable fund raiser offering food, alcoholic beverages and entertainment at the Merri Makers Beach Club on September 29th, at taxpayers' expense. Tickets for the event were \$60 per person. If this rumor is true, then the amount spent for this purpose equals about one month property taxes for a home in the Borough. Is this rumor true? If so, what was the cost to the taxpayers of the tickets purchased, and under what municipal authority were they purchased? If the tickets were purchased as a charitable donation, is this deemed an appropriate expenditure of public monies, and what are the criteria used to select from the many deserving charities to donate? And finally, are these expenditures made public, or are they disclosed only through rumor?

Mayor O'Neil - first of all, yes we did attend, not all of us, but some of us did attend. The Borough did support that. It supported it because the girl who was the charitable recipient was a home town girl and in support of the PBA Local 48.

Ms. Parmalee said that she didn't feel that this was an appropriate expenditure of taxpayer's money, and that the council members should have paid for the tickets themselves in support of a charity.

Mr. Manco stated that some things fall under the category of charitable contributions, and that there is money allocated under Advertising and Civic Display for the purpose of attending such things that are important to have the council members present at.

Mayor O'Neil stated that from time to time there are in fact events that he or council members would attend, such as award dinners for students, Planning Board dinners, etc.

Ms. Parmalee would like to go on record to state that she feels this is an unreasonable expenditure.

Mrs. Flannery stated that this is all public record and that the payment of bills are approved by the council at every meeting.

Mayor O'Neil stated that sometimes there needs to be a positive to go along with all the negatives, and he is sorry that Ms. Parmalee feels that way.

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

The Meeting adjourned at 9:49 P.M.

NINA LIGHT FLANNERY, BOROUGH CLERK

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