

**MAYOR AND COUNCIL
WORKSHOP MEETING
DECEMBER 6, 2006**

Mayor O'Neil called the meeting to order at 7:15 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: Miss Thomas, 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. **Personnel: Salaries at Community Center**
2. **Litigation: Fire House
D&D Contracting**
3. **Businessmen re: DWI**

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:

7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
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.
11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.

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

ROLL CALL:

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

Because of the discussion on the Fire House problems and the Valley Street hill problems, the engineers have been invited to join the council in Executive Session.

The businessmen have requested a meeting with the Council and Chief. The Chief has been invited to participate in Executive Session.

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Regular Meeting back to order at 9:08 P.M.

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

ROLL CALL:

Present: Mr. Nolan, Ms. Thomas, 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

OATH OF OFFICE - NANCY THOMAS

Mayor O'Neil administered the oath of office to Councilwoman Nancy Thomas.

RECEIPT OF BIDS FOR PURCHASE OF PROPERTY (Block 35 Lot 12):

Mr. Manco stated that the Borough has advertised Block 35, Lot 12 for sale in accordance with local land and buildings law. He stated that this property is undersized for development in accordance with the zoning ordinance, and therefore, the contiguous property owner has the right of first refusal to purchase same. Both contiguous owners were notified by certified mail, Mrs. Marie Asergous and Mr. Joseph Doran. Mr. Manco did receive a letter from Mr. Doran's attorney stating that Mr. Doran did in fact wish to exercise his right of first refusal. Mr. Manco inquired as to whether or not there was anyone who wished to make a bid on this property. Mr. Sorensen, Esq., spoke on behalf of Mr. Doran and stated that Mr. Doran would like to bid on the property. Mr. Manco then opened the auction on said property, and there were no bidders. Mr. Doran wished to exercise his right of first refusal, at which time his attorney, Mr. Sorensen, Esq., presented Mr. Manco with a check for \$1,230 representing 10% of the \$12,300 property price. Mr. Manco stated that the formal resolution will be on the agenda in two weeks.

**PUBLIC HEARING AND POSSIBLE ADOPTION OF SFY2007 MUNICIPAL
BUDGET**

Mrs. Flannery stated that the budget was advertised in the November 9th, 2006 issue of The Courier.

Mayor O'Neil opened the discussion to the public.

Mr. Pfeffer stated that this was a public hearing on the fiscal year 2007 Municipal Budget, which runs from July 1st, 2006 to June 30th, 2007. This budget contains a tax increase of approximately 1.75 cents, which equates on an average residential property, which in the Borough is \$211,071, of \$37.00 per year. The total budget this year is

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7,748,379, which is up approximately \$296 thousand from the prior year. There are increases and decreases spread out through the entire budget.

Mayor O'Neil asked if there were any questions from the public with regard to this matter.

There were no questions from the public.

Mr. Pfeffer read into the record the following:

HIGHLANDSNJ.COM

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INSERT RESOLUTION 187 HERE

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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-06-182
RESOLUTION APPOINTING PROVISIONAL FULL-TIME BUILDING
DEPARTMENT SECRETARY**

WHEREAS, Melody Hartsgrove has resigned her position as Building Department Secretary; and

WHEREAS, advertisement in an official newspaper and on the employees bulletin board was made; and

WHEREAS, Mayor O'Neil and Councilman Caizza interviewed 8 applicants for the position and by agreement recommended to the Governing Body the name of Dawn Horniacek, 287 Bay Avenue, Highlands for the position; and

WHEREAS, the Governing Body agrees with the recommendation of the personnel committee;

NOW, THEREFORE, BE IT RESOLVED that Dawn Horniacek, 287 Bay Avenue, Highlands shall be and hereby is appointed to the position of Secretary in the Building Department (full-time, provisional); and

BE IT FURTHER RESOLVED that said appointment be effective on November 15, 2006 and that compensation be set at \$26,984.00.

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

ROLL CALL:

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

**R-06-183
RESOLUTION
AWARDING CONTRACT FOR THE BOROUGH OF HIGHLANDS
2006 ROAD PROJECT**

Mr. Bucco of T & M Associates stated that R-06-183 is tabled pending further discussion. He stated that after review of the bids there was a minor deviation than what the spec had called for. He believes that it is a diminimis flaw in the contract that he will be preparing a letter of recommendation to the lowest bidder. The only thing that is required is that there will be a special meeting with the council to award this contract by December 16th, which is the DOT deadline.

Mr. Pfeffer asked Mr. Bucco what the lowest bidder was.

Mr. Bucco stated that it was \$253,512.80.

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Mayor O'Neil offered a Motion to table Resolution R-06-183 at this time.

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

ROLL CALL:

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

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

R-06-184

RESOLUTION AUTHORIZING BONDS AGGREGATING THE PRINCIPAL SUM OF \$474,000 AUTHORIZED BY FIVE BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE PART OF THE COST OF VARIOUS GENERAL IMPROVEMENTS IN THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, NEW JERSEY INTO ONE CONSOLIDATED ISSUE OF BONDS AND PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF SAID CONSOLIDATED ISSUE.

WHEREAS, the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough"), has heretofore adopted five bond ordinances authorizing bonds to finance part of the cost of various general improvements in said Borough; and

WHEREAS, it is necessary to issue bonds pursuant to said ordinances in an aggregate principal amount of \$474,000 and it is deemed advisable and in the best interests of the Borough, for the purpose of the orderly marketing of said bonds and for other financial reasons, to combine the bonds authorized under said five ordinances into one consolidated issue in the aggregate principal amount of \$474,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey; NOW, THEREFORE,

BE IT RESOLVED BY 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) that:

Section 1. There shall be issued bonds of the Borough in the following principal amounts pursuant to the following bond ordinances:

A. \$332,288.66 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 01-01):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$953,000 FOR VARIOUS IMPROVEMENTS FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$535,172 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

which was amended by an ordinance entitled (Ord. No. 02-15):

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER -0-01-1 FINALLY ADOPTED

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**BY THE BOROUGH COUNCIL OF THE BOROUGH
OF HIGHLANDS, NEW JERSEY ON APRIL 18, 2001**

which was amended by an ordinance entitled (Ord. No. 02-20):

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

heretofore finally adopted. The period of usefulness stated in said ordinance is 28.80 years.

B. \$141,711.34 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 04-02):

**BOND ORDINANCE PROVIDING AN
APPROPRIATION OF \$270,000 FOR VARIOUS
CAPITAL IMPROVEMENTS BY AND FOR THE
BOROUGH OF HIGHLANDS IN THE COUNTY OF
MONMOUTH, NEW JERSEY AND AUTHORIZING
THE ISSUANCE OF \$114,000 IN BONDS OR NOTES
OF THE BOROUGH FOR FINANCING PART OF
THE APPROPRIATION.**

which was amended by an ordinance entitled (Ord. No. 04-07):

**BOND ORDINANCE AMENDING BOND
ORDINANCE NUMBER 0-04-02 FINALLY
ADOPTED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF HIGHLANDS, NEW JERSEY ON
APRIL 21, 2004**

heretofore finally adopted. The period of usefulness stated in said ordinance is 10 years.

Section 2. The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount of \$474,000 and are sometimes hereinafter collectively referred to as the "Bonds." The bond referred to in Subsections A and B shall be designated "General Improvement Bond, Series 2006" and shall be numbered with the prefix G from one (1) consecutively upward. The bonds of said consolidated issue shall be dated the date of delivery of the Bonds and will be issued in fully registered form.

The Bonds shall bear interest and shall mature on December 1 of each of the following years and in the following principal amounts:

General Improvement Bonds

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2007	\$ 40,000	4.00%	2012	\$ 48,000	4.00%
2008	41,000	4.00	2013	50,000	4.00
2009	42,000	4.00	2014	52,000	5.00
2010	44,000	4.00	2015	54,000	5.00
2011	46,000	4.00	2016	57,000	5.00

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The Bonds maturing on or prior to December 1, 2016 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after December 1, 2017 are subject to redemption at the option of the Borough on or after December 1, 2016 upon notice as described in a bond resolution adopted by the Monmouth County Improvement Authority on November 2, 2006, either in whole or in part by lot within a single maturity from maturities selected by the Borough, on any date, at a redemption price equal to 100% of the principal amount thereof (the "Redemption Price"), plus in each case accrued interest to the date fixed for redemption.

If Notice of Redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

Section 3. It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the said General Improvement Bond is to be issued, taking into consideration the amount of such General Improvement Bond to be issued for said improvements or purposes, is 23.18 years.

Section 4. The Bonds shall be payable as to interest at the corporate trust office of The Bank of New York, payable semi-annually five business days prior to the first day of June and December in each year until maturity, commencing on June 1, 2007, and payable as to principal at the corporate trust office of The Bank of New York, payable five business days prior to the first day of December, commencing on December 1, 2007. Interest on the Bonds shall be calculated on the basis of a 360-day year or twelve 30-day calendar months.

Section 5. The Bonds shall be signed by the Mayor or Deputy Mayor and the Borough Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Borough shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Borough.

Section 6. The Bonds are hereby sold and awarded to the Monmouth County Improvement Authority at the price of \$496,888.62. The Mayor and Deputy Mayor are hereby authorized on behalf of the Borough to execute the Bond Purchase Agreement by and between the Borough and the Monmouth County Improvement Authority and the Continuing Disclosure Agreement by and between the Borough and The Bank of New York.

Section 7. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MONMOUTH**

**BOROUGH OF HIGHLANDS
GENERAL IMPROVEMENT BOND, SERIES 2006**

DATE OF
ORIGINAL
ISSUE: December 21, 2006

BOROUGH OF HIGHLANDS in the County of Monmouth, New Jersey, hereby acknowledges itself indebted and for value received promises to pay to

**THE MONMOUTH COUNTY IMPROVEMENT
AUTHORITY (the "Authority")
c/o THE BANK OF NEW YORK**

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(the "Trustee")

Account No. _____

the principal sums on the dates and in the amounts set forth on Schedule A attached hereto and made a part hereof and to pay interest on such sum from the DATE OF ORIGINAL ISSUE of this bond until payment in full at the interest rates per annum and in the amounts shown on Schedule A attached hereto and made a part hereof. Interest is payable to the Authority at the corporate trust office of the Trustee five Business Days prior to each June 1 and December 1, commencing June 1, 2007, in an amount equal to the interest accruing to each such June 1 and December 1. This bond as to principal will be payable five Business Days prior to the due date therefore at the corporate trust office of the Trustee. Upon the occurrence of an event of default by the Authority under the bond resolution adopted by the Authority on November 2, 2006 (as the same may be supplemented and amended, the "Resolution") which event of default is directly attributable to a default hereunder or to a default by the Borough of Highlands under its Bond Purchase Agreement with the Authority relating to the Authority's purchase of this bond, or in the event of default in any payments of principal of or interest on this bond, the Trustee may by notice to the Borough of Highlands accelerate the principal amount of this bond all as provided in the Resolution. Amounts not paid when due hereunder shall bear interest at the Late Payment Rate until paid. This bond shall be prepayable as set forth in Section 1303 of the Resolution.

Both principal of and interest on this bond is payable in lawful money of the United States of America and in immediately available funds.

As used herein, "Business Day" shall mean any day that is not a Saturday, a Sunday or a legal holiday in the State of New Jersey or the State of New York or a day on which the Trustee is legally authorized to close. "Late Payment Rate" shall mean a rate per annum equal to the lower of (i) the greater of (a) three percent above the interest rate that JPMorgan Chase publicly announces from time to time as its prime lending rate, such interest rate to change on the effective date of each announced change in such rate and (b) the rate then payable on this bond, and (ii) the maximum interest rate allowed by law.

The Bonds maturing on or prior to December 1, 2016 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after December 1, 2017 are subject to redemption at the option of the Borough on or after December 15, 2016 upon notice as described in a bond resolution adopted by the Authority on November 2, 2006, either in whole or in part by lot within a single maturity from maturities selected by the Borough, on any date, at a redemption price equal to 100% of the principal amount thereof (the "Redemption Price"), plus in each case accrued interest to the date fixed for redemption.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of New Jersey, and is one of the Bonds referred to in a resolution of the Borough of Highlands adopted on December 6, 2006 and entitled "Resolution Authorizing Bonds Aggregating the Principal Sum of \$474,000 Authorized By Five Bond Ordinances Heretofore Adopted To Finance Part Of The Cost of Various General Improvements In The Borough of Highlands, County of Monmouth, New Jersey into One Consolidated Issue of Bonds and Providing for the Form, Maturities and Other Details of Said Consolidated Issue," and the bond ordinances referred to therein, each in all respects duly approved and published as required by law.

The full faith and credit of the Borough of Highlands are hereby irrevocably pledged for the punctual payment of the principal of and the interest on, and all other amounts due under, this bond according to its terms.

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It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Borough of Highlands, is within every debt and other limit prescribed by such Constitution or statutes.

The Borough of Highlands agrees to pay (i) all costs and expenses (including legal fees) in connection with the administration and enforcement of this bond and (ii) its share of the amounts payable pursuant to Section 9(vi)(C) of the Bond Purchase Agreement between the Borough of Highlands and the Authority.

IN WITNESS WHEREOF, the BOROUGH OF HIGHLANDS, in the County of Monmouth, New Jersey has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor or Deputy Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Borough Clerk, and this bond to be dated the DATE OF ORIGINAL ISSUE as specified above.

BOROUGH OF HIGHLANDS

ATTEST:

By: _____
Richard O'Neil, Mayor

Nina Light Flannery, Clerk

By: _____
Stephen Pfeffer,
Chief Financial Officer

(Assignment Provision on Back of Bond)

ASSIGNMENT

FOR VALUE RECEIVED _____ hereby sells, assigns and transfers unto _____. (Please Print or Type Name and Address of Assignee) the within bond and irrevocably appoints _____ as Attorney to transfer this bond on the registration books of the _____ with full power of substitution and revocation.

NOTICE

The signature of this assignment must correspond with the name as it appears on the face of the within bond in every particular.

Dated:

Signature of Guarantee:

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SCHEDULE A

BOROUGH OF HIGHLANDS

GENERAL IMPROVEMENT BONDS

Schedule of Principal and Interest Payments

<u>Maturity Date</u> <u>(December 1)</u>	<u>Principal Amount</u>	<u>Interest</u>
2007	\$ 40,000	4.00%
2008	41,000	4.00
2009	42,000	4.00
2010	44,000	4.00
2011	46,000	4.00
2012	48,000	4.00
2013	50,000	4.00
2014	52,000	5.00
2015	54,000	5.00
2016	57,000	5.00

Section 8. The Borough Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C. (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Borough Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by the CUSIP Service Bureau of Standard & Poor's Ratings Services of New York, New York, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 9. Upon the date of issue of the Bonds, the Borough Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said successful bidder (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C. as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 10. The proceeds of the Bonds shall be applied in the amounts and for the purpose provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

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Section 11. The Mayor or Deputy Mayor and Borough Chief Financial Officer are hereby authorized, as is the Borough Clerk or Deputy Clerk, to execute all documents and certificates necessary for the sale and delivery of said Bonds.

Section 12. This resolution shall take effect immediately.

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

ROLL CALL:

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

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

**R-06-185
RESOLUTION APPOINTING MEMBER OF HOUSING
AUTHORITY**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that Ida Tkoch be and hereby is appointed to the 5 year term of Resident Member of the Housing Authority of the Borough of Highlands.

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

ROLL CALL:

AYES: Mr. Nolan, Miss Thomas, 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
12/06/06**

CURRENT:		\$	530,671.82
Payroll	(11/30/06)	\$	239,908.28
Manual Checks		\$	128,089.02
Voided Checks		\$	
SEWER ACCOUNT:		\$	73,958.17
Payroll	(11/30/06)	\$	12,083.47
Manual Checks		\$	5,701.25
Voided Checks		\$	
CAPITAL/GENERAL		\$	1,740.00
CAPITAL-MANUAL CHECKS		\$	13,251.00
Voided Checks		\$	
TRUST FUND		\$	6,715.61
Payroll	(11/30/06)	\$	5,471.00
Manual Checks		\$	49,190.81

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Voided Checks	\$	
UNEMPLOYMENT ACCT-MANUALS	\$	
DOG FUND	\$	61.20
GRANT FUND	\$	660.55
Payroll (11/30/06)	\$	120.00
Manual Checks	\$	
Voided Checks	\$	
DEVELOPER'S TRUST	\$	4,661.80
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 December 6, 2006

Schibell & Mennie, LLC	Legal – October 2006	\$ 2,187.50
M & R Mechanical	Firehouse #18	\$111,654.79
AB Design	Community Center	\$ 82,172.58
<hr style="width: 20%; margin-left: 0;"/>		
Total Supplemental Bill List		<u>\$ 196,014.87</u>

Seconded by Mayor O'Neil and approved for payment on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
Miss Thomas abstained on all invoices for In the Garden

NAYES: None

ABSTAIN: Miss Thomas abstained on all invoices for In the Garden

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

COMMITTEE REPORTS:

Public Safety: Mr. Nolan wanted to thank the Borough Police Department, Fire Department and First Aid for the success of the tree lightening ceremony. He also thanked Chief Blewett for the noticeable decrease in problems along Bay Avenue and within the Borough regarding problems with the youth.

Chief Blewett added that based on recommendations from the Superior Court, the Police Department and the Municipal Court had implemented new security measures in November in order to provide a secure atmosphere for court personnel as well as persons attending the court. Anyone entering the court will first be stopped at an access station and checked for prohibited items and use of a handheld metal detector is employed.

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When court is in session, the rear of the building is locked and access is denied except for disabled persons. The Court Administrator has reported that court sessions have been orderly and efficient because of these measures.

Chief Blewett also stated that the first town meeting was held on November 13th at Henry Hudson Regional. This meeting focused on gangs, school violence as well as school issues in general. The New Jersey Gang Investigators Association/Prevention First, the Monmouth County Prosecutor's Office and the Highlands Police Department gave presentations.

Mayor O'Neil asked Chief Blewett what the approximate age of the Explorers are.

Chief Blewett stated that participants are required to have graduated from the 8th grade and can be up to 20 years old.

Chief Blewett said that he has been working closely with Mr. Braswell on the police department website. The website should be completed and accessible within the next few weeks. The police department website can be accessed directly off the main page of the Borough website.

Mayor O'Neil stated that he had spoken with Chief Blewett recently with regard to the skate park as far as getting a lock for the gate and monitoring the area, i.e. children without helmets, locking up after hours., etc.

Parks and Recreation: Nancy Thomas said that the Community Center is nearly complete. The kitchen appliances have been ordered and are anticipated to be installed by the end of January. Ms. Thomas thanked the Genevive Hawley Foundation for their donation of the window blinds for all of the windows in the Community Center.

Ms. Thomas talked about upcoming programs such as, Breakfast with Santa on Saturday, December 16th from 9 to 11 a.m. Girls' basketball, grades 4th, 5th and 6th, Tuesday afternoons starting on January 9th at Highlands Elementary School and boys' basketball, grades, 4th, 5th and 6th on Thursday afternoons. There will be an open gym held at Highlands Elementary School, dates are yet to be determined. Also, an adult indoor soccer league Monday evenings at the high school for 35 years old and up. The senior citizens' programs are every Thursday, January to December, 2007. And also there will be an afternoon program at the elementary school for 2nd and 3rd grades on Tuesday afternoons. Tim Hill and other people from the Recreation Department will be teaching games, basketball, etc.

Ms. Thomas stated that there are a number of pending programs for the Borough such as, basketball shooting clinic, an after school program for 2nd through 6th grades and also a teen program. She also stated that the Pony Program will go forward for 2007. And finally, a Mad Science program for students interested in science.

Ms. Thomas thanked the DPW and the Highlands Business Partnership for spearheading some electrical problems in the Borough to make the tree lighting a success. She also thanked the DPW for putting all the trash cans out as well.

HBP: Mrs. Braswell expressed her appreciation to all who helped out with the tree lighting ceremony, such as Tim Hill, Ms. Thomas, the Police Department and the Fire Department. She stated that they are in the process of putting a committee together to build a sleigh for next years' event. Ms. Braswell stated that they have submitted their calendar of events for the year 2007, and once approved, will be posted and they will be moving forward.

Mayor O'Neil asked Ms. Braswell, within the Borough of Highlands, how many clam fests, tree lighting ceremonies St. Patrick Day parades and Octoberfests have there been.

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Mrs. Braswell stated that there have been 12 clam fests, 11 tree lighting ceremonies, 5 St. Patrick Day parades and 6 Octoberfests. She also stated that the Twin Lights Bike Ride has gone on for 5 years.

Mrs. Braswell spoke about correspondence received from Councilman Caizza dated November 29th, with questions several items. Mrs. Braswell read the following into the record:

Dear Mrs. Ceflo-Braswell;

I have been asked a few questions recently that I am not sure of the answer to and I would like to clarify my answers rather than give out incorrect information.

First, would you please tell me the name of the Secretary for the Highlands Business Partnership (HBP)?

Second, I have been asked about the \$20,000.00 budget item for salary. Can you tell me to whom this salary is paid?

Third, Ken and Kathaleen Shaw have been seen working on the electrical components at the sign on the Highway. Please see to it that only a licensed electrician works on these items?

I would like to hear from you as soon as possible, I do not think the answers to the first two items require a lot of thought and I am sure you will take care of the third item as soon as possible.

Thank you for your cooperation.

Very truly yours,

*William C. Caizza
Councilman*

Mrs. Braswell then read into the record, her response:

Dear Councilman Caizza:

In response to your November 29, 2006 letter to HBP, we hope to clarify your questions.

First, the name of the HBP Secretary is Eddy Sousa, who serves as one of the officers of the corporation. Eddy Sousa also chairs the marketing committee.

Second, the budget line item of \$20,000 for HBP Administration in the 2006 budget is utilized for part-time management services that handle the day-to-day operations of the business improvement district. HBP is using the professional services of Downtown Network Co., Kathaleen Shaw, since August 2006 after LoriAnn Bodnar-Nolan resigned for personal and health related issues.

Third, Ken Braswell and Kathaleen Shaw were changing light bulbs and checking the timers on the highway/bulkhead sign. The actual repairs to the lights on highway/bulkhead sign were made by GEO electric on 7/17/06 (invoice attached).

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Lastly, with Mayor O'Neil's verbal approval, Ken Braswell and Kathaleen Shaw, on behalf of HBP, completed an inventory of the condition of the public area lighting in Huddy Park, in anticipation of the December Holiday Lighting Event. The electric panel clock timer's settings for the various locations were checked in order to start the lighting repair process. The repairs were discussed with the Borough Officials and completed by a licensed electrician on 11/30/06 in the amount of \$1530.00 paid by the HBP (invoice attached). The boro purchased the materials for approximately \$300. No permit was required as they were simple repairs of ballasts, switches and plugs. In moving forward, the light bulbs must be maintained by the borough in a timely manner to avoid last minute costly repairs. Without these last minute repairs, there would have been no tree lighting.

Lighting in several public areas are still in disrepair. A detailed plan is being worked on by the HBP VIC Committee, which will be presented to the Borough. Thank you for your cooperation.

Sincerely,

Carla Cefalo-Braswell, President

Mrs. Braswell also stated that originally Soden Electric was called, but could not be there in time for the tree lighting, so M Tech was called out on an emergency basis. Originally the Borough was going to pay close to \$700 for the materials, so the Borough will be receiving a credit.

OTHER BUSINESS:

Engineer's Report

Robert Bucco, P.E. of T & M Associates stated the following:

1. Community Center Improvements - Councilwoman Thomas gave the report on this item.
2. Community Center Playground/Sports Courts Improvements - met with Tim Hill on November 27th to make sure that everything he wanted was on the plans. The plans are being finalized and should be completed within the next couple weeks.
3. Fire House - Mayor O'Neil will be sending a letter out regarding the progress of the firehouse.
4. NJDOT Route 36 Bridge - project is ongoing and we are reviewing some temporary sanitary sewer connections.
5. NJDEP Stormwater Management Regulations - we are complying with all of the DEP regulations for the Tier A grant that Borough has received.
6. South Bay Avenue Pumpstation - the electrical box had malfunctioned rather being struck by lightning and are waiting for EDC Electrical Contractors to provide a price to install a new electrical control panel.
7. Valley Street Emergency Sewer Repair - currently negotiating with the contractor for a final price.

Capital Improvement Projects

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1. Valley Street Pumpstation Rehabilitation Project - the pump should be in within the next few weeks.
2. 2006 Road Program - need to schedule a special meeting to award the bid.
3. Basin Eight Sanitary Sewer Rehabilitation Project - The project design is currently underway.

Grants and Loans

1. NJDOT Application - we received an additional \$148,000 for the Phase II of Washington Avenue, from Recreation Place to Marine Place.
2. Atlantic Highlands/Highlands Regional Sewerage Authority - we have submitted a five year plan to the Authority and it is currently under review.

Mayor O'Neil asked about the letter that is going out about M&R Contracting regarding the firehouse, is that notifying their bonding agent that they are not performing?

Mr. Bucco stated that that is correct.

Mayor O'Neil asked how many days are they past the completion date.

Mr. Bucco stated that it was 75 days. He also stated that they were given an additional 166 days.

Mayor O'Neil stated that it is now time to either force the completion of the job or obtain another contractor to perform the work.

Sanitation: Mr. Urbanski stated that the Borough is in need of a garbage truck due to the problems with the current truck.

Mayor O'Neil asked what the price of a new truck would be and what is the lead time.

Mr. Urbanski stated that it would be 160K to 180K. The lead time would be approximately two months. Mr. Urbanski stated that the urgency would come around spring time when all the restaurants are busy and the truck continues to break down, the garbage can sits for too long.

Ms. Thomas suggested that there be a public auction for all the rundown material such as broken trucks, ambulances, etc.

Mr. Caizza offered a motion for the Borough to purchase a new garbage truck.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

HBP Calendar of Events: Ms. Thomas offered a motion to approve the HBP Calendar of Events.

Mr. Urbanski asked what the cost to the HBP would be for these events.

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Mrs. Braswell stated that a budget would be submitted in January. Usually they rely on sponsors, donations and other fees to support the events.

Mr. Urbanski asked what last year's budget amount was for events.

Mrs. Braswell stated that she believed it to be \$20,000 for marketing and communications and \$35,000 for special events committee. She stated that they usually break even for the Oktoberfest and the St. Patrick's Day Parade, for other events, there are sponsorship donations and vendor fees.

Ms. Thomas offered the HBP Calendar of Events for approval:

**HIGHLANDS BUSINESS PARTNERSHIP
2007 EVENTS CALENDAR**

Saturday	March 24	St. Patrick's Day Parade Bay Avenue 2PM
Saturday	April 21	Pride in Highlands Earth Day 2007
Sunday	May 27	Seaport Craft Show Huddy Park 10AM-5PM
Saturdays	June 30-Oct 27	Farmer's Market 9AM Huddy Park
Thursdays	July 5, 12, 19,26 Veteran's Park	Concert Series 7PM
Thurs-Sun	August 2-5	Clamfest Huddy Park Thursday 6-11PM Friday 6-11PM Saturday 12-11PM Sunday 12-8PM
Sunday	Sep 23	Twin Lights Bike Ride Huddy Park-Shore Drive
Saturday	October 6	Oktoberfest 2-10PM
Sunday	October 7	Rain date- Veteran's Park
Sunday	October 21	Highlands Cares Breast Cancer Walk 1 PM - Sandy Hook
Friday	November 30	Tree Lighting 6PM Sharp
<u>Saturday</u>	<u>December 1</u>	<u>Rain date- Huddy Park</u>

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Seconded by Mr. Nolan and approved on the following Roll Call Vote:

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ROLL CALL:

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

PUBLIC PORTION:

Chris Francy - 36 5th Street - with regard to the firehouse, Mr. Francy questioned the approval of an invoice for \$111,000.00 and where it stands with the total budget.

He asked what the liquidated damages per day were.

Mayor O'Neil stated that they were \$300 per day. He also stated that the job is not on time or on budget.

Mr. Manco stated that the first step is to notify the contractor. If they don't comply or meet the next 50 days, Mr. Manco recommends to the Borough that they notify the bonding company that the contractor is in breach of his contract.

Mr. Francy asked how many weeks for the Valley Street Pump.

Mr. Manco stated that it will be two to three weeks, and that the contractor will install it as soon as it comes in.

Mr. Francy wanted to know what the status was of the South Bay pump - was it not working, or what is the problem, because there has been quite a bit of backup problems.

Mayor O'Neil stated that that is sanitary sewer not storm water.

Mr. Francy also asked which garbage truck was failing.

Mr. Urbanski stated that one of the yellow trucks continuously breaks down, since it was new, approximately 2001.

Joe Soden - President, Highlands on the Bay - inquired about the status of the town punch list.

Mr. Manco stated that that was an item discussed in Executive Session and not yet resolved. Once a recommendation is made to the Mayor and Council and then a decision, it will be made public.

Mayor O'Neil asked Mr. Manco to explain for those who are not familiar with the process.

Mr. Manco stated that under the Open Public Meetings Act, there are a number of things that can be discussed in Executive Session (closed session) and not released to the public. Some of those things pertain to pending litigation, anticipated litigation or contract negotiations. He went on to say that when discussing options involving performance bonds and whether the Borough will take action or not, there are strategies that are being formulated that would not be in the Borough's best interest to disclose.

Mr. Soden asked if there was an estimate as to when the public will hear something.

Mrs. Flannery stated that there should be something at the next meeting which is scheduled for December 20th.

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Mr. Manco stated that there is a plan formulated that will be discussed with the Mayor and Council.

Mr. Soden asked about the process for public grant money regarding beach erosion and dock repair. He also asked if the Borough has any history for this process and in dealing with the engineers regarding same.

_____ stated that he can make inquiries with the Army Corps of Engineers to find out schedules, grant monies available, etc. He stated that the Borough has no history with regard to obtaining grant money, but that we are in line for that as well as other towns regarding beach erosion.

Mr. Soden asked, what are the next steps that should be taken in order to facilitate that process.

_____ stated that sending letters would be helpful, that it is best that they hear from the public and people who are directly affected by beach erosion.

Mrs. Flannery suggested that if anyone wishes to have the name of a contact person, to please call her office and she will get that information to them.

Ellen Olverson - 220 Marina Drive - President, Bay Pointe Condo Association - First, she would like to know that if there is over \$1 million in surplus, why is the Borough raising the taxes?

Mr. Pfeffer stated that budgeted surplus is revenue source, like interest on investments, and other fees and permits come back into the budget every year, and so the million dollars that are in surplus, we have that every year, it's a recurring number.

Ms. Olverson asked if the Borough always has a million dollars in surplus.

Mr. Pfeffer said that not always, and that the Borough has had a major turnaround financially in the last five years.

Mayor O'Neil stated that at the time he was elected mayor, the Borough was approximately \$750,000 in the hole.

Ms. Olverson then asked why the Borough was raising the taxes if there is a million dollars in surplus.

Mr. Pfeffer stated that there was not enough in surplus to prevent a raise in taxes. Every year there is a budget process and the needs of all the departments is determined on the spending side of the budget and there is also the revenue side of the budget and the million dollar surplus is just another piece of revenue, and there is not enough to offset all the expenses to break even.

Ms. Olverson then asked, in light of that, is it possible to have Shore drive paved?

Mayor O'Neil stated that what the Borough does with the Road Program is go out and look at all the roads, and he acknowledges that some of Shore Drive is in rough shape but that it is not in as rough shape as some other roads.

Ms. Olverson stated that cars for the ferry go down her road, sometimes at 40 mph, there are potholes everywhere, and she would like to please get the road paved.

Mayor O'Neil said that it would not be for awhile.

Mrs. Olverson then asked if she could get a street sign at the end of her road so as people know what the name of the road is.

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Mayor O'Neil agreed that that could be done. He then stated that he could have the Borough go out and patch the road for the time being.

Ms. Olverson then asked the Mayor if it was possible that after the Borough unloads the recycling bins in her complex, if they could please put them back inside.

Mayor O'Neil stated that they should be putting them back, and that it will be done.

Ms. Olverson asked the Mayor if whenever there is a reason why the bins do not get picked up, such as other garbage that does not belong in there, could their department state the reason why and not just leave a note saying that it could be any one of three reasons.

Ed O'Neil - 286 Bay Avenue - stated that the one of the reasons that Shore Drive is such a mess is due to the outfall running through. He suggested that the Sewerage Authority (Highlands and Atlantic Highlands) come down and mill the center of the road.

Fred Kayless - Portland Road - wanted to let the Mayor and Council know that last night, the Mayor and Council of the Borough of Sea Bright voted unanimously to withdraw their support of the demolition of the Highlands Bridge. He stated that the reason was that the Historical Council of the DEP voted unanimously in October to recommend that the Commission deny the application to demolish the bridge. He wanted to know if it was the intent of the Borough of Highlands to do the same.

Mayor O'Neil stated that it was the intent of the Borough of Highlands to discuss it and have it on the agenda for the next meeting. He asked the audience if there was anyone else who had comments regarding this issue.

Donna Callahan - 29 S. Bay Avenue - stated that she became involved with this process nine years ago, and she recalls being told that she had no choice, that the bridge needed to be replaced, repair was never an option given to her.

Mayor O'Neil stated that it was always stated that the bridge had to come down and that it was unsafe, repair was never an option.

Ms. Callahan then stated that she received a letter from the Preservation Council in Trenton regarding a meeting that she could not attend, but later, with a group of people, attended a second meeting. She was told that NJDOT basically lied to the town regarding the bridge. Originally the DOT stated that the bridge was unsafe and that she watched a presentation stating that the Highlands Bridge is one of the safest bridges in the State. Ms. Callahan stated that she has since written letters to the Governor, to the Preservation Committee. She is here tonight because she feels that the people of Highlands have been done an injustice. She then asked, if the DOT is going to put up this new bridge, to move traffic faster, where is the traffic going?

Mayor O'Neil stated that having a new bridge in no way would alleviate the traffic problems within the Borough of Highlands.

Ms. Callahan suggested that the Mayor and Council support repairing the bridge.

Jim Carton - Portland Road - he believes that one way to alleviate traffic problems would be to open the bridge on the hour as opposed to on the half hour. He believes that approximately 3 percent of all the boats that go under the bridge require that the bridge be open. He also suggested that perhaps patrons of Sandy Hook pay as they leave the park as opposed to paying as they enter the park to minimize the traffic congestion. He believes that with a new bridge, roughly 30 feet higher than it is now, would impact not only his view, and that of the residents on Portland Road, but more importantly, decrease the value of his property by almost 50%, which would then decrease the taxes to the Borough.

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Steve Selecki - Highland Avenue - concerned about the redirection of traffic during the bridge construction or repair onto Highland Avenue and the impact that would have on sewer lines, residents, kids, etc.

Mayor O'Neil stated that there has been several ideas regarding the bridge and the impact construction and/or repair will have on the community. He appreciates people coming out to express their feelings regarding this matter.

Maureen Kraemer - she would like to know where the Borough stands with regard to the construction or repair of the Highlands Bridge. She also stated that recently she spoke to Mrs. Flannery and inquired about when there was going to be a meeting on this matter, and she was told that the Steering Committee would be holding a meeting on the 15th - the Borough of Highlands does not seem to be proactive regarding the bridge - where is Mrs. Little regarding this - is she not on the Steering Committee - at the council meeting in Sea Bright, Ms. Kraemer got the impression that they see the need to get the information out to the appropriate people, such as the Governor, the Assemblymen, Senators, etc.

Mayor O'Neil stated that indeed they are interested in what the people think, in fact, he asked for input.

Ms. Kraemer stated that there is great concern on her part regarding the lack of interest from the Borough of Highlands. She is concerned with the impact on the Borough regarding the rerouting of traffic, especially during the months of July and August (Saturday and Sunday).

Chief Blewett spoke regarding traffic and stated that there was a meeting, and he has repeatedly requested more meetings, especially regarding traffic being rerouted onto Highland Avenue.

Ms. Kraemer reiterated her statement from the last meeting regarding the Middletown/Red Bank Bridge, and how the only way they were able to get anywhere with the State was to involve, at that time, Steve Kryllios. She also asked Mrs. Flannery when the minutes she requested would be ready.

Mrs. Flannery stated that they are not typed yet, and that they are working on the August meetings and she did not have a timeframe for Ms. Kraemer when the minutes would be ready.

Carla Braswell - 62 Gravely Point Road - she stated that when she first started attending meetings with regard to the bridge in 2000, there were key administrators on the committees that reported back to the Mayor and Council at their council meetings. She feels that the Borough of Highlands should not be relying on volunteers to report back and they should have a representative from the Borough to attend all the meetings and report back to the Mayor and Council. She feels that if this had been done all along, the residents would have been informed all along.

Tim Hill - Director of Recreation/Borough of Highlands - wanted to bring to the attention of the Mayor and Council that he has been informed that there is full permit to move forward with this project. That does not mean that the project is yet moving forward. He also stated that there is in fact a meeting on the 15th that is not opened to the public. At that time, there will be a public information center setup, which has been requested.

Chief Blewett stated that he received an e-mail from Fred Kayless with regard to this matter and he has gained a lot of information from Mr. Kayless.

Mr. Kayless stated that he went to meetings and listened to the DOT and the DEP and heard all the arguments.

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Chief Blewett told Mr. Kayless that he did read his e-mail and that he did prepare a response that he will send to him.

Spencer Adler, Esq. - his sister lives in Highlands and had asked for help regarding the bridge and he went to a meeting in Trenton to gather information. He feels that there is no one person to blame for all the misinformation - except for one exception - that if the DOT comes into Highlands, with all their consultants, and says one thing, and then goes to Trenton and says just the opposite, there is no wonder that people are pointing in all different directions. People may stop going to meetings and asking the hard questions when they believe that there is really no choice but to replace the bridge.

Mr. Adler stated that he had attended a hearing in Trenton on August 19th, and one of the disturbing things was that the DOT, not knowing that there may have been Highlands residents there, was asked by the Historical Sites Council (after hearing all the testimony) why the bridge has to be torn down. The DOT stated that the local people were demanding it. The Council asked the DOT if the residents of Highlands knew that there were alternatives to tearing down the bridge. The DOT stated that there were five alternatives and tearing down the bridge was the one that they wanted. Highlands does not want to do a repair, they do not want to do a replacement with a similar drawbridge. They really just want to do a fixed bridge because they are really upset about the traffic.

Mr. Adler stated that there were four people at this meeting whose main concern is the Borough of Highlands, himself, his sister, Mr. _____ and Fred. Kayless. When the time came for public comments, they stood up - the DOT was not prepared for all the questions that were coming at them, from the Historical Sites Council, and the head of the team for the DOT stood up and said, "On behalf of the State of New Jersey, we are withdrawing this application pending further review."

Mr. Adler then said that the DOT came to another meeting two months later and said just the opposite, well, maybe none of the locals want it, but the bridge is falling down, here are some pictures. The Historical Sites Council stated that they know what structures are supposed to look like and how they age, that is their business. That their pictures show that the bridge was not maintained properly for the past 10 years or so. The DOT stated that the bridge, even if it is fixed, will not be earthquake proof.

He stated that one of the things that angered the Historical Sites Council most, was the question of safety. The DOT had stated that the bridge is very unsafe for motorists and that it is not up to code. The Historical Sites Council asked the DOT for the numbers, such as, what are the accident rates on this bridge. The DOT answered that the accident rates are actually half of what they are on comparable bridges in the State. The Council responded that the DOT is then suggesting that they replace one of the safer bridges in the State with one that is more than twice as high and may be very steep and exposed to all kinds of weather conditions.

Mr. Adler stated that previously he mentioned one exception - that there was one woman who consistently rolled her eyes at meetings and the like - and that at one meeting he asked her for her business card - thinking she represented the DOT - and he was handed a business card from Jacobs Engineering - one of the worlds largest heavy construction firms. Mr. Adler stated that as a lawyer, he thinks, fraudulent inducement - that the residents of Highlands have been told something in order to get them to "sign on the dotted line". However, if they were fraudulently induced to agree, that they have every right to step up to the plate, file an injunction to rescind the documents that they were fraudulently induced to sign.

He went to say to Mayor O'Neil to look no further than his comment on this issue, "That's exactly what's always been told to us - that the bridge has to come down because it is unsafe." The fact that the mayor is, and always has been, under that impression -

Mayor O'Neil stated that he thought it was unsafe structurally, not because of traffic problems.

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Mr. Adler stated that the Historical Sites Council say that anything can be repaired. He said, as an example, there is a bridge similar to the Highlands Bridge, in St. Augustine, Florida, 75 years old, there was an effort down there to replace the bridge, and the people got organized and demanded a repair. And now they will have a temporary drawbridge built along side the existing bridge during the repair of the old bridge. They have a web site called Thebridgeoflions.org. The total cost for that bridge, including the temporary bridge, is \$76 million. On the DOT web site it states that the cost for the replacement of the Highlands Bridge is approximately \$137 million.

Mayor O'Neil asked if that was just the construction or does it also include all of the money put into over the past 10 years.

Mr. Adler stated that it was his understanding that what is spent so far is under \$10 million.

Chris Francy - was unclear about what Mr. Hill meant earlier, does he mean that the DOT has acknowledge that the Historical Sites was not supportive of the bridge application and that the DOT was overriding that - is that correct?

Tim Hill stated that no, they are not overriding it, and that it went to the commissioner's of DOT and DEP who oversee the state's Historic Sites Council and they have been told to move forward at this point.

Unidentified Person - does that mean that the DEP said yes to the DOT?

Mr. Hill stated that he will find out more at the December 15th meeting, but as he understands it, there is consideration of possibly an alternative construction.

Mr. Francy asked who was currently on the steering committee.

Maureen Kramer - 200 Portland Road - she would like to know if the Highlands Borough Council feels that this bridge is not a good idea it would be a good idea to align ourselves with Sea Bright because there is more power in numbers.

Mayor O'Neil stated that he had asked the Council should it be discussed now or put off to the next meeting.

Martin Kiely - 39 Shore Drive - the Mayor and Council are doing a really good job for the Borough, but having said that, he feels that the mayor was bamboozled by the DOT with regard to the bridge.

Mayor O'Neil stated that he was not bamboozled, but that he fully understood that the bride had to come down because it was a hazard.

Mr. Keiley said that that was his point, that the mayor was misinformed by state officials. Because of that misinformation, and what Mr. Adler said, on September 6th there was a meeting, was the Borough going to give a piece of property to the DOT.

Mayor O'Neil stated that they were going to trade off property.

Mr. Keiley asked if that was completed.

Mayor O'Neil stated that it was not.

Mr. Keiley asked if that was in the process of being completed.

Mayor O'Neil stated that it was still on the table because what they originally asked for, the Borough was not satisfied with.

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Mr. Keiley asked - "Isn't that piece of land that's owned by the Borough an integral part of this entire process?"

He also stated given the information and the fact that the Mayor and Council were "misinformed", he is going to ask for a non-binding referendum tonight. He asked that the Mayor and Council let the residents know where they stand. He stated what better history for Highlands than the Highlands Bridge and the Twin Lights.

Mayor O'Neil stated that he would take a poll for a non-binding resolution tonight.

Ms. Thomas spoke about how she grew up in Highlands and that she is all for preserving the bridge, we all know that it has to be repaired. She feels that the Borough can make a commitment to work hard to get brought up to speed with what is going on and go through with the steering committee meeting on the 15th, and then on the 20th pass a resolution.

Mayor O'Neil stated that although that is a viable point, we are then two weeks behind.

Mr. Keiley stated, Sea Bright one day and Highlands the next, that is resounding to the State."

Matt O'Neil - 224 Navesink Avenue - sometimes at meetings when problems are brought up and discussed, and then come the next meeting, those same people are not in attendance. He stated that he too is for preserving the Highlands Bridge and the Twin Lights, and that if people do not show up at meetings, it falls to the governing body to carry the load. When everything is going good, no one is here, but when something goes wrong, everyone is at the meetings. To keep a finely tuned machine running, it needs constant maintenance, not just when something breaks. He stated that he is only 19 years old, he does not pay taxes to the Borough of Highlands, but he is concerned about preservation of the bridge. He feels that if everyone shows up at the meetings and voices their opinions and gives the governing body their support, that things will run smoother and more will get accomplished.

Jim Bodina - Highlands on the Bay - asked if the withdrawal of support from Sea Bright and then maybe from Highlands, is that going to stop this from moving forward?

Mr. Adler stated that his sister called him on a Tuesday about a hearing in Trenton that was being held on Thursday. At first he said he could not attend, but by Thursday morning he decided to attend the meeting. Since then, he has been at every important meeting, whether it is in Trenton or Highlands or Sea Bright. He feels that tonight is Highlands night. That the State is going to put the project out for bid by the end of the year and possibly award the contract in March. Then state that it is too late to change, it is already out for bid. All that matters is that the Governing Body was told that they had no choice, that the bridge had to be replaced. He feels that that is enough to step up and say that they are opposing this project. Mr. Adler suggested that the Governing Body take a vote tonight. He stated that Sea Bright put together a resolution based on what the Historic Sites Council said.

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

**R-06-186
RESOLUTION
BOROUGH OF HIGHLANDS WITHDRAWING SUPPORT FOR THE
DESTRUCTION OF THE HIGHLANDS TO SEA BRIGHT DRAW BRIDGE
AND OPPOSING THE PROPOSED CONSTRUCTION OF THE FIXED SPAN
BRIDGE**

WHEREAS, the Mayor and Council of the Borough of Highland make this Resolution to advise the State of New Jersey and its Department of Transportation of the

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Borough's opposition to any construction project involving the Highlands to Sea Bright Draw Bridge that would destroy and replace the historically significant bridge; and

WHEREAS, the Borough of Highlands agrees with the State of New Jersey and its office of Historic Preservation that there should be a commitment to enhancing the quality of life of the residents of New Jersey through the preservation and appreciation of our collective past by preserving historically significant structures; and

WHEREAS, it is the historic preservation office's mission to assist the residents of New Jersey in identifying, preserving, protecting and sustaining New Jersey's historic resources through the implementation of the State's Historic Preservation Program; and

WHEREAS, some of the historic structures in the immediate proximity of the Highlands Bridge include the Sandy Hook Lighthouse, the Twin Lights Lighthouse, Bahrs Marina which is a historical site and an archeological site, Fort Hancock, and the Sandy Hook Proving Grounds, all of which enhance and are enhanced by the handsome structure of the Highlands Bridge (NOTE: Sandy Hook, Twin Lights and Fort Hancock are National Landmarks); and

WHEREAS, the Highlands Bridge is depicted in several significant photographs and works of art; and

WHEREAS, the Highlands Bridge is a double leaf bascule draw bridge which is historically significant, is part of New Jersey's coastal heritage and represents the character and ambiance of the area surrounding the bridge, including Highlands, Sea Bright, Rumson, Navesink, Monmouth Beach and Sandy Hook; and

WHEREAS, the Highlands Bridge is functioning in sound condition, has an exemplary safety record and can be repaired and maintained in its present form, likely for less money than it would cost to build a new bridge; and

WHEREAS, NJDOT has contended that traffic is an issue, but it is only an issue on the weekends during the summer months and replacement of the draw bridge will not correct this problem; and

WHEREAS, NJDOT has contended that the bridge has gotten stuck numerous times, but the borough has not interpreted this to be a serious issue; and

WHEREAS, the age and design of this functioning double leaf bascule bridge make it a significant historic structure worthy of preservation; and

WHEREAS, the information regarding the need for the destruction of the Highlands draw bridge that was provided to the public by the New Jersey Department of Transportation, has been called into question and is reportedly different from the information provided to the Government.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Highlands hereby withdraw all support for the destruction of the Highlands to Sea Bright Draw Bridge and formally oppose the proposed construction of the fixed span bridge across the Shrewsbury River in place of the draw bridge;

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Highlands hereby direct and support the NJDOT to repair the historically significant double leaf bascule bridge over the Shrewsbury River, and to preserve this piece of New Jersey coastal heritage;

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Highlands hereby directs that the State and National Historic Preservation Agencies designate the Highlands Bridge as a Historic Structure and a Structure of Historical

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Significance, the bridge does not have a nomination prepared – it does have a historical significance – it is eligible for the State and National Registers of Historical Places. Once it is in the New State Register, there is an additional process. The Mayor and Council of the Borough of Highlands recommend that the State or other appropriate agency pursue a nomination;

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Highlands hereby direct the Clerk to forward certified copies of this Resolution to Governor Jon Corzine, Senator Frank Lautenberg, Senator Robert Menendez, Congressman Frank Pallone, Congressman Rush Holt, State Senator Joseph Palaia, State Senator Joseph Kyriillos, Assemblyman Steven Coredemus, Assemblyman Sean Kean, Senator Ellen Karcher, Assemblyman Michael Panter, Assemblyman Jennifer Beck, the Commissioner of the Department of Transportation, The Commissioner of the Department of Environmental Protection, the Mayor and Council of Sea Bright, Rumson, Middletown, Atlantic Highlands, Monmouth Beach, Little Silver, Oceanport, Gateway National Recreation Area – Sandy Hook and the Monmouth County Board of Chosen Freeholders.

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

ROLL CALL:

AYES: Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O’Neil
NAYES: None
ABSENT: None
ABSTAIN: None

Gloria _____ stated that she had not spoken out before because she was under the impression that there was no alternative and that she supports the opposition of the proposed bridge.

Mayor O’Neil thanked everyone for coming out and that he hoped The Honorary Title everyone would all stay together on this issue.

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

The Meeting adjourned at 10:22 P.M.

NINA LIGHT FLANNERY, BOROUGH CLERK