

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

Mayor O'Neil called the meeting to order at 7:13 p.m.

The Clerk made the following statement: Per P.L. 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Mayor and Council of the Borough of Highlands. All requirements have been met and notice has been posted on the public bulletin board and transmitted to the Asbury Park Press, the Courier and the Two Rivers Times.

**ROLL CALL:**

**Present:** Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**Absent:** Mr. Nolan

**Also Present:** Nina Light Flannery, Borough Clerk; Dominick M. Manco, Borough Attorney; Stephen Pfeffer, CFO

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**Executive Session Resolution**

The Clerk read the Executive Session Resolution:

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

**RESOLUTION  
EXECUTIVE SESSION**

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

Personnel: Increases in the Rec. Dept., DWI Session,  
Anticipated or Current Litigation: D&D Construction, George Cooper Rudolph,  
III; Fire House Architect; Tomani Liq Lic.  
Transfer

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

BE IT FURTHER RESOLVED that no portion of this meeting shall be electronically recorded unless otherwise stated; and

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

1. Deals with collective bargaining, including negotiation positions.
2. Deals with purchase, lease or acquisition of real property with public funds.
3. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
4. Falls within the attorney-client privilege and confidentiality is required.
5. Deals with personnel matters of public employees and employee has not requested that the matter be made public.

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

ROLL CALL:

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AYES: ALL IN FAVOR  
NAYES: NONE  
ABSENT: Mr. Nolan

On a motion by Mr. Caizza and seconded by Mr. Urbanski, Council adjourns Executive Session Meeting at 7:50 p.m.

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Mayor O'Neil calls the Regular Meeting to order at 8:20 p.m.

Mayor O'Neil asks all to stand for the Pledge of Allegiance and to remain standing for a moment of silence for Mr. Frank Brooks and Mr. Joseph Bucco.

**ROLL CALL:**

**Present: Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**

Mr. Caizza offered a motion to approve the consent agenda:

**R-06-189  
AUTHORIZING REFUND OF TAX OVERPAYMENT**

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

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
1	9	2006	\$ 2128.25	R. Dawalt & D. Leachman
14	2.011	2006	\$ 211.42	F. & M. Kelemen
56	16	2005	\$ 779.99	C. Culianos
56	16	2006	\$ 822.53	C. Culianos
56	17	2006	\$ 515.99	G. Elia
72	9.07	2005	\$1890.09	W. & J. Donner
105.107	1.1	2006	\$ 21624.96	Highlander Development

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**R-06-190  
RESOLUTION  
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES  
FOR CHRISTOPHER & ANNE OSBORN FOR PROPERTY LOCATED  
AT 164 BAY AVENUE ALSO KNOWN AS  
BLOCK 58 LOT 26**

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**WHEREAS**, the applicant Robert Oakley posted the following bond and fee amounts for 164 Bay Avenue (Block 58 Lot 26): \$7,344 (90% Performance Bond (Performance Bond written by Selective Insurance Co. of America) and \$816.00 (10% Cash Portion paid by check), \$500.00 (Engineering Inspection Fees) and \$500.00 (Legal Fees – Preparation of Developers Agreement); and

**WHEREAS**, Mr. Osborn submitted a written request dated 11/30/06 for the release of said performance bonds for 164 Bay Avenue (Block 58 Lot 26); and

**WHEREAS**, said request for release of performance bonds was forwarded to the Borough Engineer and an inspection was done; and

**WHEREAS**, the Borough Engineer has issued a letter dated 12/7/06 authorizing the release of the Osborn Performance Bond for 164 Bay Avenue subject to the following conditions:

1. The applicant must post a 2-year Maintenance Bond in the amount of \$1,020.00; and

**WHEREAS**, Mr. Osborn has given written authorization to have his 10% cash portion in the amount of \$816.00 to be used towards his maintenance bond and has posted payment for the difference in the amount of \$204.00.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highland that the Borough Clerk is hereby authorized to release the Performance Bond for Christopher & Anne Osborn for property located at 164 Bay Avenue (Block 58 Lot 26) in the amount of \$7,344 and the Chief Financial Officer is hereby directed use the \$816.00 (10% Cash Portion) towards his maintenance bond.

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**R-06-91**

**SETTLEMENT AGREEMENT AND MUTUAL RELEASES**

This **SETTLEMENT AGREEMENT AND MUTUAL RELEASES** (“Settlement Agreement”) is entered into by and between A. Z. and the Borough of Highlands.

**WITNESSETH:**

**WHEREAS**, the Borough of Highlands (“Highlands”) is a municipality located in Monmouth County, New Jersey;

**WHEREAS**, A.Z. has lived in Highlands for more than fifteen years without incident;

**WHEREAS**, A.Z. is a registered sex offender pursuant to Megan’s Law, N.J.S.A. 2C:7-1 *et seq.*;

**WHEREAS**, A.Z. has been assigned a “no-notification” status under Megan’s Law; under that classification, his name does not appear on the Megan’s Law internet registry and only law enforcement agencies are notified of his identity and residence;

**WHEREAS**, on or about February 15, 2006, the Highlands Borough Council adopted Ordinance 0-06-1, which prohibits registered sex offenders from residing within 1,000 feet of any public or private school, park, playground or daycare center;

**WHEREAS**, in addition to the residency restrictions set forth above, Ordinance 0-06-01 also creates “Exclusion Zones” – an area within 150 feet of any public or private

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school, park, playground or daycare center – within which a registered sex offender is barred from stopping, sitting, standing or loitering;

**WHEREAS**, Ordinance 0-06-01 provides that “record title owner[s] and occupant[s]” of their residences are excluded from the residency restrictions set forth in the ordinance;

**WHEREAS**, on or about August 2, 2006, A.Z. received a letter from the Highlands Police Department advising him that his home was located within 1,000 feet of a park and that, in accordance with Ordinance 0-06-01, he was required to move within 90 days;

**WHEREAS**, on or about October 11, 2006 Legal Services Of New Jersey (“LSNJ”) filed a Complaint on behalf of A.Z. in the Superior Court of New Jersey, Monmouth County, Docket No. L-4589-06 (the “Legal Action”);

**WHEREAS**, the Legal Action was brought under the fictitious name of “A.Z.” to maintain A.Z.’s privacy and prevent possible harassment and physical harm;

**WHEREAS**, the Complaint alleged, *inter alia*, that Ordinance 0-06-01: (1) was inapplicable to A.Z. because he is a record title owner of his home; (2) violated A.Z.’s constitutional rights; and (3) was preempted by state law;

**WHEREAS**, the Complaint sought to enjoin Highlands from enforcing the Ordinance against A.Z.;

**WHEREAS**, by Order dated October 20, 2006, the Court granted A.Z.’s application to proceed anonymously and granted a preliminary injunction preventing Highlands from enforcing Ordinance 0-06-01 against A.Z.;

**WHEREAS**, in order to ensure that the ordinance was not enforced against A.Z., counsel for Highlands was informed of A.Z.’s identity;

**WHEREAS**, the disclosure of A.Z.’s identity was made under the condition that such information would be shared with the Highlands Police Department only;

**WHEREAS**, A.Z. and the Borough have agreed to terminate all litigation between them, and to settle fully and finally all claims and causes of action that were asserted or could have been asserted in the Legal Action.

**NOW, THEREFORE**, A.Z. and the Borough hereby agree as follows:

1. In exchange for the promises made in Paragraph 2 of this Settlement Agreement, A.Z. agrees that he hereby releases the Borough of Highlands of and from any and all claims, rights, actions, demands, debts, and other causes of action that could have been asserted up to the date of this Settlement Agreement.
2. In exchange for the promises made by A.Z. in Paragraph 1 of this Settlement Agreement, the Borough of Highlands agrees not to enforce Ordinance 0-06-1 against A.Z., for so long as he remains the record title owner of his mobile home. The Borough of Highlands further agrees that, to the extent that the Borough or any of its agents learned A.Z.’s identity, it will keep such information confidential and abide by the prohibitions of improper use and disclosure of such information as set forth in *N.J.S.A. 2C:7-16*.
3. It is mutually understood and agreed that this Settlement Agreement is made to resolve all disputed claims and does not constitute an admission by any party hereto of any of the claims or defenses that any party asserted or could have asserted. The parties hereto have settled to avoid the burden, expense and inconvenience of litigation.
4. This Settlement Agreement constitutes the complete understanding of the parties hereto with respect to the terms herein. No other promises or agreements will be

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binding unless they are in writing and signed by the party to be bound. This Settlement Agreement will be deemed to have been jointly authored, and will be effective upon the last signing party's execution and delivery hereof. This Settlement Agreement may be signed in counterparts.

5. In the event that either party violates any material provision of this Settlement Agreement, A.Z. or the Borough of Highlands will have the right to petition a court of competent jurisdiction for appropriate legal remedies, equitable remedies, or both, to compensate the aggrieved party or parties for any such violation.

6. Each party to this Settlement Agreement represents such party has investigated the facts pertaining to it to the extent that each party deems necessary, and that no pertinent facts have been misrepresented by any party. In entering into this Settlement Agreement, each party relies upon the representations made by the other, particularly as asserted in the pleadings filed herewith, and assumes the risk of mistake with respect to such facts. This Settlement Agreement is intended to be final and binding upon all parties hereto regardless of any claim of mistake. However, in the event that any material representations made by either party in the pleadings filed herein are willfully false, this Settlement Agreement shall be deemed null and void, and of no effect, thereby returning the parties to the *status quo ante*.

7. This Settlement Agreement will be governed by and interpreted in accordance with the laws of the State of New Jersey.

8. The parties hereto waive any common law or statutory rules of construction that ambiguity should be constructed against the drafter of this Settlement Agreement, and agree that the language in all parts of this Settlement Agreement will in all cases be construed as a whole, according to its fair meaning. The Settlement Agreement's Paragraphs have been ordered and numbered merely for the parties' convenience, and should not be construed to limit, expand, or modify in any way the actual language in each Paragraph. This Settlement Agreement constitutes a single, integrated written contract expressing the entire agreement of the parties. There is no other agreement, oral, written, expressed or implied with respect to the subject matter hereof, except this Settlement Agreement. This Settlement Agreement may be modified only in a writing signed by A.Z. and the Borough of Highlands.

9. All notices required to be given under this Settlement Agreement will be sent by facsimile and first class mail to:

If to A.Z., to:

Ingrid D. Johnson, Esq.  
LEGAL SERVICES OF NEW JERSEY  
100 Metroplex Drive, Suite 402  
Edison, New Jersey 08818  
732.572.9100 (ph.)  
732.572.0066 (fax)

If to the Borough of Highlands, to:

Dominick Manco, Esq.  
Schibell & Mennie, LLC  
1806 Hwy. 35 S, Box 2237  
Ocean, New Jersey 07712  
732.774.1000 (ph.)  
732.663.0133 (fax)

**IN WITNESS WHEREOF**, the parties have caused this Settlement Agreement to be executed as of the date last written.

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**R-06-194  
RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO  
EXECUTE CONTRACT AGREEMENT WITH COMMERCE**

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**RISK CONTROL SERVICES**

**WHEREAS**, annually the Borough of Highlands contracts for random drug and alcohol testing for employees that carry a CDL drivers license (heavy equipment); and

**WHEREAS, Commerce** Risk Control Services has supplied the Borough of Highlands with a quotation for this service;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Mayor and Municipal Clerk be and hereby are authorized to execute the contract agreement with Commerce Risk Control Services.

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**R-06-195  
RESOLUTION – CHANGE ORDERS #4-#5  
AB DESIGN CONTRACTING GROUP  
INCREASE OF \$-0-  
RENOVATION OF COMMUNITY CENTER**

**WHEREAS**, a contract was awarded for AB Design Contracting Group as follows:

R-06-99	June 7, 2006	\$573,300.00
R-06-153	September 6, 2006	\$ 5,388.35

**WHEREAS**, change orders #4-#5 dated October 23, 2006 and October 24, 2006 prepared by Tomaino, Tomaino, Iamello & Associates, professional architectures, sets forth reasons for said change orders ,

Change Order #4	Increase of	\$5,000.00
Change Order #5	Decrease of	\$5,000.00

Total of		<u>\$-0-</u>
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I herby certify that funds are available from Bond Ordinance 05-20.

\_\_\_\_\_  
Stephen Pfeffer, CFO

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that change orders #4-#5 increasing the original contract amount by \$-0- are hereby authorized for the renovation of the Community Center. There is no change to the amended contract amount of \$578,688.35.

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**R-06-196  
RESOLUTION AUTHORIZING  
THE CANCELLATIONS/DISCHARGE OF MORTGAGES**

**WHEREAS**, the six year terms of Mortgages Note for the following have expired and same are to be canceled pursuant to the terms of the Mortgage in accordance with requirements of the Regional Contribution Agreements as established in the rules and

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regulations of the Council of Affordable Housing and the Department of Community Affairs Housing Rehabilitation Program; and

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

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

NAME:	Property Location:	Block	Lot	Amount
<b>Elizabeth Searcy</b>	<b>63 Barberie Ave</b>	<b>75</b>	<b>14</b>	<b>\$14,950.00</b>
<b>Helen Protz</b>	<b>13 Snug Harbor</b>	<b>92</b>	<b>11</b>	<b>\$8,000</b>

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

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**R-06-197**

**RESOLUTION OF SUPPORT FOR THE BAYSHORE REGIONAL  
STRATEGIC PLAN**

**WHEREAS**, the Bayshore Region of Monmouth County consisting of the municipalities of the Township of Aberdeen, Borough of Atlantic Highlands, Township of Hazlet, Borough of Highlands, Borough of Keansburg, Borough of Keyport, Borough of Matawan, Township of Middletown and Borough of Union Beach have participated in the development of a Bayshore Regional Strategic Plan; and

**WHEREAS**, this mutual cooperation between municipalities, the county, State agencies and stakeholders in intended to provide the Bayshore Region with an opportunity to pursue common objectives to broaden the benefits, impact and effectiveness derived from a regional approach to planning; and

**WHEREAS**, the Monmouth county Planning Board, with the support of the Bayshore Region municipalities, applied for and was awarded a smart Growth Grant from the new Jersey Department of Community Affairs to conduct a comprehensive planning study of the Bayshore region; and

**WHEREAS**, the Borough of Highlands participated in the study as a member of the Bayshore Regional Collaborative, provided its municipal vision to the project and contributed to the development of the regional vision; and

**WHEREAS**, the Borough of Highlands participation in the process has resulted in municipal interests, concerns and initiatives being incorporated into both the local and regional plan implementation strategy set forth in the Bayshore Regional Strategic Plan; and

**WHEREAS**, the Monmouth County Planning board intends to submit the Bayshore Regional Strategic Plan for Plan Endorsement that will provide participating municipalities with additional technical assistance and funding from state agencies.

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**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Governing Body of the Borough of Highlands support the submission of the adopted Bayshore Regional Strategic Plan to the New Jersey State Planning Commission for Plan Endorsement.

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**RECAP OF PAYMENT OF BILLS  
12/20/06**

<b>CURRENT:</b>		\$	588,905.03
Payroll	(12/15/06)	\$	122,768.10
Manual Checks		\$	32,275.85
Voided Checks		\$	
<b>SEWER ACCOUNT:</b>		\$	529.51
Payroll	(12/15/06)	\$	6,305.33
Manual Checks		\$	889.56
Voided Checks		\$	
<b>CAPITAL/GENERAL</b>		\$	69.00
<b>CAPITAL-MANUAL CHECKS</b>		\$	
Voided Checks		\$	
<b>TRUST FUND</b>		\$	13,271.77
Payroll	(12/15/06)	\$	5,811.00
Manual Checks		\$	
Voided Checks		\$	
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$	
<b>DOG FUND</b>		\$	
<b>GRANT FUND</b>		\$	
Payroll	(12/15/06)	\$	1,850.00
Manual Checks		\$	
Voided Checks		\$	
<b>DEVELOPER'S TRUST</b>		\$	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.**

**BOROUGH OF HIGHLANDS**

**Supplemental Bill List for December 20, 2006**



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M & R Mechanical George Cooper	Firehouse #19	\$ 58,774.96
Rudolph III Architects George Cooper	Firehouse – Additional Fees	7,570.36
Rudolph III Architects	Firehouse Original Contract Final Payment	5,065.70
D & D Construction		\$ 90,000.00
Total Supplemental Bill List		<u>\$ 71,411.02</u>

Consent Agenda seconded by Mayor O’Neil and adopted on the following roll call vote:

**ROLL CALL:**

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

NAYS: None

ABSENT: Mr. Nolan

ABSTAIN: Miss Thomas on any vouchers for In the Garden Florist

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**OTHER RESOLUTIONS:**

Miss Thomas offered the following resolution and moved its adoption:

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**RESOLUTION OF SUPPORT FOR THE BAYSHORE REGIONAL  
STRATEGIC PLAN**

**WHEREAS**, the Bayshore Region of Monmouth County consisting of the municipalities of the Township of Aberdeen, Borough of Atlantic Highlands, Township of Hazlet, Borough of Highlands, Borough of Keansburg, Borough of Keyport, Borough of Matawan, Township of Middletown and Borough of Union Beach have participated in the development of a Bayshore Regional Strategic Plan; and

**WHEREAS**, this mutual cooperation between municipalities, the county, State agencies and stakeholders is intended to provide the Bayshore Region with an opportunity to pursue common objectives to broaden the benefits, impact and effectiveness derived from a regional approach to planning; and

**WHEREAS**, the Monmouth County Planning Board, with the support of the Bayshore Region municipalities, applied for and was awarded a Smart Growth Grant from the new Jersey Department of Community Affairs to conduct a comprehensive planning study of the Bayshore Region; and

**WHEREAS**, the Borough of Highlands participated in the study as a member of the Bayshore Regional Collaborative, provided its municipal vision to the project and contributed to the development of the regional vision; and

**WHEREAS**, the Borough of Highlands participation in the process has resulted in municipal interests, concerns and initiatives being incorporated into both the local and regional plan implementation strategy set forth in the Bayshore Regional Strategic Plan; and

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**WHEREAS**, the Monmouth County Planning board intends to submit the Bayshore Regional Strategic Plan for Plan Endorsement that will provide participating municipalities with additional technical assistance and funding from state agencies.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Governing Body of the Borough of Highlands support the submission of the adopted Bayshore Regional Strategic Plan to the New Jersey State Planning Commission for Plan Endorsement.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Nolan

ABSTAIN: None

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Miss Thomas offered the following Resolution and moved its adoption:

**R-06-198**

**RESOLUTION ESTABLISHING A MUNICIPAL ACTION COMMITTEE  
(MAC)**

**AS OFFICIAL REPRESENTATIVES OF THE BOROUGH FOR  
THE PURPOSE OF ASSISTING IN THE IMPLEMENTATION OF THE  
BAYSHORE STRATEGIC DEVELOPMENT PLAN AS MEMBERS  
OF THE BAYSHORE REGIONAL COLLABORATIVE**

**WHEREAS**, The Monmouth County Planning Board adopted *The Monmouth County Growth Management Guide: Goals, Objectives and Policies* in December 1995 as the official master plan pursuant to NJSA 40:27-4 et seq.; and

**WHEREAS**, *The Monmouth County Growth Management Guide: Goals, Objectives and Policies* encourages plans that are integrated and coordinated with plans at all levels of government; and

**WHEREAS**, *The New Jersey State Development and Redevelopment Plan* encourages comprehensive planning at the regional level and promotes cooperation and coordination among counties, municipalities, state and other agencies; and

**WHEREAS**, the Monmouth County Planning Board was awarded a Smart Growth Grant from the New Jersey Department of Community Affairs to conduct a comprehensive planning study of the Bayshore Region; and

**WHEREAS**, development in the region has contributed to stifled economic growth, traffic congestion, loss of open space and threatens other quality of life issues for every municipality in the Bayshore; and

**WHEREAS**, the Borough of Highlands participated in the development of the Bayshore Regional Strategic Plan to address these issues; and

**WHEREAS**, the Borough of Highlands participation in the Bayshore Regional Collaborative has resulted in municipal interests, concerns and initiatives being incorporated into both the local and regional plan implementation strategy set forth in the Bayshore Regional Plan; and

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**WHEREAS**, the Borough of Highlands would like to continue to partner with other Bayshore municipalities, the county, state agencies and stakeholders to assist in the implementation of the adopted Bayshore Regional Strategic Plan in order to secure local and regional benefits resulting from State Plan Endorsement; and

**WHEREAS**, the Borough of Highlands may eventually seek municipal plan endorsement with assistance from Monmouth County and the Office of Smart Growth; and

**WHEREAS**, the County of Monmouth Planning Board has requested each municipality in the study area to designate a Municipal Action Committee (MAC) comprised of municipal officials directly involved in plan implementation to represent the Borough of Highlands for purposes of implementing the Bayshore Regional Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Highlands appoints the following individuals to the borough municipal Action Committee (MAC) to represent the Borough to assist in implementing the Bayshore Regional Strategic Plan as participants in, and to ensure the continuance of, the Bayshore Regional Collaborative.

Name of Representative: Nancy Thomas  
Mayor O'Neil  
Timothy Hill  
Carla Cefalo-Braswell  
James Bollerman

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

ROLL CALL:

AYES: Miss Thomas, Mr. Caizza (see Nays), Mr. Urbanski, Mayor O'Neil  
NAYES: Mr. Caizza on Ms. Cefalo-Braswell and Mr. Bollerman  
ABSENT: Mr. Nolan  
ABSTAIN: None

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

**R-06-199  
RESOLUTION PROFESSIONAL  
ARCHITECTURAL SERVICES  
GEORGE COOPER III ARCHITECTS  
CONSTRUCTION ADMINISTRATION FEES  
FOR CONSTRUCTION OF FIRE HOUSE**

**WHEREAS**, the Borough of Highlands has a need for professional architectural services; and

**WHEREAS**, such professional architectural services can only be provided by licensed professionals and the firm George Cooper Rudolph III Architects, 23 Montilla Place, Palm Coast, Florida 32137 is so recognized; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$17,448.00 plus reimbursable expenses for the Construction of a Firehouse in accordance with the Mayor's letter to George Cooper Rudolph Architects dated November 1, 2006; and

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

Bond Ordinance O-98-11

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Stephen Pfeffer, Chief Financial Officer

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

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

1. George Cooper Rudolph Architects are hereby retained to provide professional architectural services as described above for an amount not to exceed \$17,448.00 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 Mayor O'Neil and adopted on the following roll call vote;

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** Mr. Nolan

**ABSTAIN:** None

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**OTHER BUSINESS:**

**Liquor License Transfer to John Tomaini**

Council discusses the request for Liquor License Transfer for John Tomaini. There has been a written objection from Keyport Landing regarding the transfer. Mr. Manco explains to the Governing Body that there is also a court proceeding on this matter that should be concluded by the meeting of January 17, 2007. After speaking with the principals and Mr. Joseph Meehan, counsel for Mr. Tomaini, Governing Body agrees to move the matter to that agenda.

Matter moved on a motion by Mayor O'Neil, seconded by Mr. Urbanski.

**AYES:** ALL IN FAVOR

**NAYS:** None

**ABSENT:** Mr. Nolan

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Mayor O'Neil announces that the Reorganization Meeting will be conducted on January 3, 2007 at 7:00 p.m.

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**Approval of Minutes**

Mayor O'Neil offered the following minutes be approved:

August 16, 2006

September 6, 2006

December 14, 2006

Seconded by Mr. Caizza.

VOICE VOTE:

AYES: Miss Thomas on December 14, 2006 only

Mr. Caizza

Mr. Urbanski

Mayor O'Neil

NAYS: None

ABSENT: Mr. Nolan

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**PUBLIC PORTION:**

Mayor O'Neil opens the meeting for public questions and comments.

Christopher Francy, 36 5<sup>th</sup> Street

Asked the Council if the payment to George Cooper Rudolph is warranted under the contract that is so far over deadline.

The Council responds that they feel the payment is approvable because of the architectural work that has been done.

Mr. Francy adds that he has an objection to a developer (Mr. Bollerman) being on the MAC committee when no request for volunteers has been issued.

Mayor O'Neil and Miss Thomas respond that they believe Mr. Bollerman will be a valuable member of that committee. Mr. Caizza agrees with Mr. Francy. Miss Thomas is ready to work with the team that was appointed and will call for additional members if needed.

Maureen Kraemer, 200 Portland Road

Requests that the Council read the MAC report. She feels that we are not being adequately represented because the committee appointed appears to be working against the recommendations of the County.

Lengthy discussion followed. No changes will be made at this time.

Donald Manrodt, 268 Bayside Drive

Speaks against the appointment of Mr. Bollerman.

Jim Parla, 16 Portland Road

Speaks to the Governing Body about the Steering Committee and Mr. Spencer Adler, Esq. who has offered his time to the Borough as a representative of the Borough (pro-bono) with the State of NJ, DOT. So far, things have not gone well including the Steering Committee Meeting.

Chris Francy, 36 5<sup>th</sup> St.

Requests to know the reason for the refund of the Tax Overpayment and why there would be such an overpayment. Council advises that this property is Highlands Associates a.k.a Shadow Lawn Park. Counsel explains that the amount taxed was reduced by a tax appeal and thus the refund was granted.

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

Maureen Kraemer, 200 Portland Road

Asks the Governing Body why Mr. Bollerman was signed in as a representative of the Borough before he was appointed by the Governing Body. Miss Thomas explains how the committee was formed and that now the appointments are official. She further adds that there should be resident reps. On the committee. She requests to know about a \$3 million grant from the State of NJ for dredging and coastal development that no one seems to know about. She states that Atlantic Highlands turn the grant down.

Roberta McEntee, 55 Fifth Street

Speaks to the Governing Body about the Stickers that are being put on property by Mr. Murphy. Mr. Caizza assures her that they are safety stickers and he will speak to Mr. Murphy about the length of times these stickers are present on property. Discussion followed about a house close to Ms. McEntees on Fifth Street.

Additionally, she speaks with the Governing Body about the Bayshore Plan to make Hwy #36 a corridor for commercial development but not taking the down-town of Highlands into consideration.

Mr. Manrodt

Advises the Council that when Mr. Francy, Mr. Mullen and he were appointed to the Cross-acceptance team, the Bayshore was already planned out before the first meeting. He adds that there were a lot of contradictions in that report.

Regina and John Splain, Shrewsbury Avenue

Speaks with the Governing Body about a property in their neighborhood that is not adhering to the site-plan approvals they obtained. They have tried, unsuccessfully, to work with the neighbor but the neighbor refuses to cooperate.

Mr. Caizza will have the Code Enforcement Officer, Mr. Murphy, visit the site tomorrow.

The Splain's speak to the Governing Body about the property at the end of Kay Street and the debris and clean up problems there. Mr. Caizza will have Mr. Murphy look into the situation and Mr. Urbanski will have the DPW visit the area to see what they can do.

Mr. Manrodt asked the Council if the Bulk Pick-up is canceled for the week after Christmas. Council explains that it is not.

Mayor O'Neil closes Public Portion.

Mayor O'Neil offers a motion to adjourn. Seconded by Mr. Caizza.

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Meeting adjourned at 9:27 p.m.

RESPECTFULLY SUBMITTED

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NINA LIGHT FLANNERY  
BOROUGH CLERK