

**BOROUGH OF HIGHLANDS
REGULAR MEETING
WEDNESDAY, FEBRUARY 21, 2007**

Mayor O'Neil called the meeting to order at 7:25 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.

The Mayor asked the Clerk to call the Roll:

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

EXECUTIVE SESSION RESOLUTIONS

Mrs. Flannery read the following Resolution for approval:

Mayor O'Neil offered the resolution for Executive Session:

**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. Grievance Notice: Ed O'Neil
Special Contract: Greg Vella, Esq.

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

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

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

9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
10. Falls within the attorney-client privilege and confidentiality is required.
11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.

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

ROLL CALL:

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: Mr. Nolan

ABSTAIN: NONE

Council moves to Executive Session at 7:26 p.m.

**BOROUGH OF HIGHLANDS
REGULAR MEETING
WEDNESDAY, FEBRUARY 21, 2007**

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

AYES: ALL IN FAVOR

NAYS: NONE

ABSENT: Mr. Nolan

ABSTAIN: NONE

Council adjourns Executive Session at 8:11 p.m.

Mayor O'Neil calls the Regular Meeting to order at 8:23 p.m.

Mayor O'Neil asks all to stand for the Pledge of Allegiance and remain standing for a moment of silence for the passing of Mr. Nolan's mother.

Mayor O'Neil asks the Clerk to call the roll:

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
Robert Bucco, PE, Borough Engineer
Gregory Vella, Esq. Special Attorney

CONSENT RESOLUTIONS:

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

Mayor O'Neil offered the following consent agenda items and moved their adoption:

R-07-42

**RESOLUTION PROFESSIONAL SPECIAL COUNSEL
COLLINS, VELLA & CASELLO, LLC**

WHEREAS, the Borough of Highlands has a need for professional special counsel services to assist the Governing Body for various planning issues; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Collins, Vella & Casello, LLC, 1451 Route 34 South, Suite 303, Farmingdale, N.J. 07727 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$5,000 plus reimbursable expenses for professional special counsel services provided to the Borough of Highlands for the period February 7, 2007 through June 30, 2007, and

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

I hereby certify funds are available as follows:

Current Fund: Legal

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:

**BOROUGH OF HIGHLANDS
REGULAR MEETING
WEDNESDAY, FEBRUARY 21, 2007**

1. The firm of Collins, Vella & Casello LLC are hereby retained to provide professional special counsel services as described above for an amount not to exceed \$5,000 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. The Mayor and Clerk are hereby authorized to execute the contract.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
5. The Borough Clerk is hereby directed to publish notice of this award as required by law.

As advised by Mr. Manco, Mr. Urbanski leaves the table due to a conflict of interest.

Brief discussion followed on the NTE amount for the resolution and after discussion, the amount is set at \$5,000.00.

**RECAP OF PAYMENT OF BILLS
02/21/07**

| | | |
|----------------------------------|----|------------|
| CURRENT: | \$ | 531,118.08 |
| Payroll (02/15/07) | \$ | 113,802.80 |
| Manual Checks | \$ | 260,038.26 |
| Voided Checks | \$ | |
| | | |
| SEWER ACCOUNT: | \$ | 77,754.24 |
| Payroll (02/15/07) | \$ | 6,085.67 |
| Manual Checks | \$ | 116.02 |
| Voided Checks | \$ | |
| | | |
| CAPITAL/GENERAL | \$ | 5,036.00 |
| CAPITAL-MANUAL CHECKS | \$ | |
| WATER/CAPITAL | \$ | |
| | | |
| TRUST FUND | \$ | 1,850.32 |
| Payroll (02/15/07) | \$ | 1,880.00 |
| Manual Checks | \$ | |
| Voided Checks | \$ | |
| | | |
| UNEMPLOYMENT ACCT-MANUALS | \$ | |
| | | |
| DOG FUND | \$ | 238.80 |
| | | |
| GRANT FUND | \$ | 87.21 |
| Payroll (02/15/07) | \$ | |
| Manual Checks | \$ | |
| Voided Checks | \$ | |
| | | |
| DEVELOPER'S TRUST | \$ | 959.80 |
| 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
REGULAR MEETING
WEDNESDAY, FEBRUARY 21, 2007**

Seconded by Miss Thomas and approved on the following roll call vote:

ROLL CALL:

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

ORDINANCES: 2nd Reading, Public Hearing & Adoption

Ordinance O-07-03 Land Use Ordinance Amendments

Ordinance O-07-03 is on for Second Reading after publication in Synopsis form in the Asbury Park Press on February 10, 2007 was sent to the Clerks of Sea Bright, Middletown and Atlantic Highlands as well as the Monmouth County Planning Board.

Mayor O'Neil offers a motion to table this Ordinance and to reintroduce at a later date. Seconded by Miss Thomas and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Caizza, Miss Thomas, Mayor O'Neil
NAYES: None

Mayor O'Neil asks Mr. Gregory Vella, Special Counsel to explain to the Public what the Council's desire is regarding this Ordinance.

Lengthy discussion ensued between Mr. Vella and the public participants including Mr. William Eaton, Esq., Attorney for the Paradise Park Homeowners Association.

Following discussion, Council determines that they will request additional changes to the Ordinance and introduce the new version on March 21, 2007.

Mr. Urbanski returns to the table.

Mayor O'Neil offered the following HBP Budget pass introduction and that a Public Hearing be scheduled for March 7, 2006 at 8:00 P.M and authorized its publication according to law:

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2007 – December 31, 2007
(12 months)**

**COMMERCIAL DISTRICT
PROGRAM BUDGET**

**2007
Income**

Special Events Income.....58,000.00

- Vendor Fees

Marketing & Communications.....12,000.00

- Sponsorship Income
- Barter Goods & Services (approx. \$12k)

**BOROUGH OF HIGHLANDS
REGULAR MEETING
WEDNESDAY, FEBRUARY 21, 2007**

| | |
|--|--------------------|
| Economic Development (no profit 1st yr)..... | 5,000.00 |
| • Water Taxi Service | |
| TOTAL INCOME..... | \$75,000.00 |
| TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE - | \$95,000.00 |

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2007 – December 31, 2007
(12 Months)**

| | |
|----------------------------|-----------------|
| COMMERCIAL DISTRICT | 2007 |
| PROGRAM BUDGET | EXPENSES |

| | |
|--|---------------------|
| Visual Improvement..... | \$30,000.00 |
| • Beautification | |
| • Maintenance | |
| • Design | |
| • Holiday & Seasonal | |
| • Street Banners | |
| Special Events Committee..... | \$30,000.00 |
| • Promotion/creation of events | |
| Marketing & Communications..... | \$30,000.00 |
| • Ad Campaigns/Sponsorship Sales | |
| • Public Relations | |
| • Image Building | |
| • Publish Visitor Guide | |
| • Maintain and expand website | |
| • Videos/Commercials | |
| Economic Development..... | \$45,000.00 |
| • Business Recruitment/Retention & Redevelopment | |
| • Water Taxi Service | |
| Administrative Budget | |
| Administration..... | \$25,000.00 |
| Miscellaneous..... | \$10,000.00 |
| • Legal | |
| • Audit | |
| • Insurance | |
| • Supplies | |
| TOTAL Expenses..... | \$170,000.00 |

Seconded by Miss Thomas and introduced 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

OTHER BUSINESS:

**BOROUGH OF HIGHLANDS
REGULAR MEETING
WEDNESDAY, FEBRUARY 21, 2007**

Borough Engineer's Report

Robert Bucco, P.E., Borough Engineer gave his report to the Governing Body dated February 15, 2007. Adding that \$148,000 has been certified for the Phase II of the Street Project.

Ptak Towers Retaining Wall

Mr. Bucco also reported that the PTAK wall issue was discussed with the contractor and Engineer for the Housing Authority and that the Engineer on that job will take responsibility for the project.

OTHER RESOLUTIONS:

Mrs. Flannery read the following Resolution for approval:

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

**R-07-43
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
BASIN 8 SANITARY SEWER REHABILITATION CONTRACT
ADMINISTRATION AND INSPECTION
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional engineering services for the Basin 8 Sanitary Sewer Rehabilitation Contract Administration and Inspection as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$51,000 plus reimbursable expenses per T & M Associates proposal dated February 12, 2007 for Professional Engineering Services for the Basin 8 Sanitary Sewer Rehabilitation Contract Administration and Inspection provided to the Borough of Highlands for the period of one year; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

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

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

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

**BOROUGH OF HIGHLANDS
REGULAR MEETING
WEDNESDAY, FEBRUARY 21, 2007**

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:

6. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$51,000 plus reimbursable expenses.
7. 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.
8. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
9. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Caizza 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

Monmouth County Mosquito Extermination Pesticide Agreement

The Monmouth County Mosquito Commission has requested permission to use the air space to apply pesticides from the air. The Clerk explains that this is an annual request and that she had contacted the Commission and asked which towns in the area were participating and had there been any complaints from residents. Per the Commission, this is just a routine request and the entire Bayshore participates without complaint.

Mayor O'Neil offers a motion to approve the request. Seconded by Miss Thomas and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENTS: Mr. Nolan

Monmouth Hills Sewer

Council reviews a report from the Atlantic Highlands-Highlands Regional Sewerage Authority regarding the Monmouth Hills sewer lines. In that matter, council feels that this would be better investigated by the Borough Engineer.

E. Shute Request to Vacate Street - Preliminary

Council briefly discusses with Mr. Eugene Shute his request to vacate a borough property bordering Shore Drive. The Council agrees that they would look favorable upon this request provided that all criteria have been met.

Vacation of Portion of Cornwall Street

Council discusses vacation of a portion of Cornwall Street. The Borough Engineer has submitted a report that essentially recommends that the street not be vacated due to the utilities in the roadway and that one establishment would lose required parking that may

**BOROUGH OF HIGHLANDS
REGULAR MEETING
WEDNESDAY, FEBRUARY 21, 2007**

send them back to the board for a variance. Mr. Urbanski has obtained some estimates to get some bulkhead work done and suggests improving a section of about 10 feet of the road end for visitors and waiting diners.

Discussion of need to raise bulkhead a little bit to the conclusion that the engineer would look into that matter. Brief discussion followed.

Washington Street Project

Mayor O'Neil asked Mr. Bucco when the Washington street project would be starting. Mr. Bucco explains that, weather permitting, test pits would be taken in the next few weeks but construction will not be full blown until Spring.

Discussion followed regarding need for parking permits in the area. The Clerk and the Attorney will research the matter of the need for an Ordinance for the next meeting.

Miss Thomas asked if the tax map info can include the correction of lot lines for residents, there is a problem with property on Chestnut Street as well as for the Sewerage Authority. Also, Mr. Bucco does not support vacating the property on Shore Drive unless a majority of the street is already vacated. The Clerk and Engineer will try to find other vacations on Shore Drive.

Asbury Park Press – Salary Article

Mr. Caizza stated that the Asbury Park Press in a recent article listed the wrong salaries for the borough employees and he suggested that the Borough Clerk send the Asbury Park Press a correct listing of salaries.

Mr. Pfeffer explained how the Asbury Park Press came up with substantially higher salary figures.

MINUTES:

Mr. Urbanski offered the Minutes of October 4, 2006 and October 18, 2006 for approval. Seconded by Mayor O'Neil and all were in favor.

ALL IN FAVOR: AYE
OPPOSED: NONE
ABSENT: Mr. Nolan
ABSTAIN: Miss Thomas

PUBLIC PORTION

Mayor O'Neil advised Mr. Eaton of March 21, 2007 for the Zoning Ordinance Amendments.

Mr. Eaton – sure, that will give me plenty of time.

Mayor O'Neil opened up the public portion of the meeting.

Delores Francy of 36 Fifth Street – questioned the proposed zoning ordinance amendments and wanted to know when the planning board gets involved.

Mayor O'Neil explained that the Planning Board has been involved in the process.

**BOROUGH OF HIGHLANDS
REGULAR MEETING
WEDNESDAY, FEBRUARY 21, 2007**

Mr. Vella then explained the process for adopting a zoning ordinance amendments.

Delores Francy questioned why the borough is adopting the ordinance after people have come to the meetings opposing this ordinance.

Don Manrodt of 268 Bayside Drive questioned Mr. Bucco with regard to the frozen pipes at the Community Center.

Mr. Bucco stated that they are investigating this.

Mayor O'Neil – we are going to have to contact some pipe coverers and have it insulated by professionals.

Don Manrodt questioned why Mr. Urbanski is being required to step down on the proposed zoning ordinance amendments.

Mr. Manco explained his legal opinion of why Mr. Urbanski has to step down with regard to the zoning ordinance amendments.

Roberta McEntee of Fifth Street – stated that there has to be some way for Mr. Urbanski to protect the town's people. He is to represent the town's people and it should be his job to find out if the majority of the town wants this ordinance or not. If he feels that a majority does, than it's his job to take care of the people. So she does not understand how he could be excluded from this.

Lori Dibble of 32 Paradise Park questioned why can't the borough bifurcate the ordinance and vote on the rest of the ordinance?

Mr. Eaton suggested that the Governing Body discuss the issue of separating the ordinance with the Special Council.

Maureen Kraemer of 200 Portland Road questioned the fees for hiring Special Council for the Zoning Ordinance Amendments and questioned the process that is occurring with the zoning ordinance amendments.

Carol Custer of Central Avenue expressed her opinion that owner occupied two-family dwellings are exempt from rental registrations and she checked with the State and the State Statute does not apply to two-family owner occupied dwellings. She then requested that the Borough look into this because the borough ordinance is incorrect.

Mr. Manco discussed rental registration with Mrs. Custer and stated that he would look into this.

Mayor O'Neil stated that the Borough Attorney will look into this.

Carol Custer then questioned where the landlord registration fees go.

Mr. Pfeffer stated that the funds go into the general fund.

Mayor O'Neil advised Ms. Custer that she will get an answer to this at the next meeting.

Carla Cefalo-Braswell of 62 Gravelly Pt Road stated that she did research the landlord registration of other municipalities and four municipalities in this area do exempt owner occupied two-family dwellings.

Mr. Manco stated that he will look into the landlord registration.

**BOROUGH OF HIGHLANDS
REGULAR MEETING
WEDNESDAY, FEBRUARY 21, 2007**

Chris Francy of 36 Fifth Street questioned the status of hiring a new Borough Administrator.

Mayor O'Neil explained that the Borough is in the process of reviewing employment applications.

A.J. Solomon of 102 Marina Bay Court – stated that with regard to the zoning ordinance amendments, the fact that the Council wants to protect the people who live in the Mobile Park is commendable.

Carol Bucco of 330 Shore Drive stated that under our form of government we do not require a Borough Administrator.

Walter _____ of Paradise Mobile Park spoke about the proposed zone changes to the Paradise Mobile Park and stated that there are numerous people that oppose it.

Lori Dibble of 32 Paradise Park stated that the reason that there are specific protections for people who live in Mobile Park is because they have a different relationship with the land than a normal renter because we own our homes.

Delores Francy wanted to know the opinions of the Governing Body when voting on the zoning ordinance.

Mayor O'Neil stated that he will require a summation from each Governing Body Member on their opinion when the zoning ordinance is voted upon.

Arnie _____ questioned the Valley Street Pump Station Project.

Mr. Bucco explained that the building is part of it.

_____ of Atlantic Street – stated that people need to work together to make Highlands a great place to live.

Patricia Robertson of Shore Drive explained that back in September JCP&L came in and ripped out the trees on Miller Street and the Borough Administrator said that they had every right to cut the trees. She wrote a letter to the Council about the conditions of the hill and she never received a response.

Mayor O'Neil stated that that they were only suppose to cut back on the overgrowth.

Jane Smith of 200 Portland Road asked if there was any update on the bridge project.

Miss Thomas stated that the Sea Bright Attorney informed her that together we will be working to prove to the NJDOT that the bridge is worth saving.

Linda _____ of Marina Bay Court stated that there are a number of people in favor of the proposed zoning ordinance amendments. She then questioned the taxes paid on the land for Paradise Mobile Park. She stated that she is astounded at the taxes in Highlands and the lack of amenities in the town.

Geroge _____ of 7 Paradise Park spoke about the zoning ordinance.

Delores Francy questioned the Valley Street Pump Project, she wanted to know if there was any study done about the piping. She stated that she is concerned about the sink holes in the street and the corroded pipes.

**BOROUGH OF HIGHLANDS
REGULAR MEETING
WEDNESDAY, FEBRUARY 21, 2007**

Mr. Bucco stated that they are going to take care of the pump first because that is shot and then they will start looking at the system.

There were no further questions or comments from the public.

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

The Meeting adjourned at 10:02 P.M.

Nina Light Flannery, Borough Clerk

HIGHLANDSNJ.COM