

**MAYOR AND COUNCIL
REGULAR MEETING
MARCH 7, 2007**

Mayor O'Neil called the meeting to order at 7:21 P.M.

Mrs. Flannery read the following statement: As per requirement of P.L. 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Courier, The Asbury Park Press and The Two Rivers Times. Notice has been posted on the public bulletin board.

ROLL CALL:

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

Absent: Mr. Caizza

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

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. **Contracts: Condo Municipal Service Agreements**
2. **T & M, PMK Soil Work on Hill**
3. **Personnel: Ed O'Neil Final Step for Grievance**

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:

5. **Deals with purchase, lease or acquisition of real property with public funds.**
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. Urbanski and approved on the following roll call vote:

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ROLL CALL:

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

NAYES: None

ABSENT: Mr. Caizza

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Regular Meeting back to order at 8:25 P.M.

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

ROLL CALL:

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

Absent: Mr. Caizza

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

HBP Budget Public Hearing:

Carla Cefalo-Braswell, HBP President

Mayor O'Neil asked if there were any questions or comments from the public.

Mr. Urbanski has expressed his unfavorable opinion of the Highlands Business Partnership.

Mayor O'Neil questioned Ms. Braswell about a Starbucks Float for the parade.

Mrs. Braswell explained how they contacted her.

Shirley Omen of Portland Road questioned the visual improvements budget and stated that we always have the same Christmas Decorations every year and wanted to know if they will be improving the decorations.

Mrs. Braswell explained some lighting improvements that are needed and stated that the Bid has requested that the borough upgrade the poles for holiday lighting and that they submitted a proposal to the Borough. She also stated that most the visual improvement money is for signage and plantings and holiday decorations.

Shirley Omen of Portland Road stated that the Holiday lights on Portland road were not lit.

Chris Francy of 36 Fifth Street questioned the water taxi service item in the budget that it will return a \$5,000 income.

Mrs. Braswell – yes

Chris Francy questioned how the water taxi will turn a profit of \$5,000.

Mrs. Braswell explained that last year there were a lot of start up costs that we were not anticipating this year which she further explained.

Fred Rosiak of 9 Marine Place explained that the \$5,000 is the gross income that the HBP expects to get from the water taxi.

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Roberta McEntee of 55 Fifth Street – stated that she brought up the subject of the water taxi at the last HBP Meeting and questioned if the DOT starts working on the bridge what effect will that have on people coming down to go to Sandy Hook. The Bid stated that I had a very good point and that they would look into this and she hasn't heard anything and wants them to take into consideration that maybe this isn't the time to do the water taxi.

Fred Rosiak explained that the HBP has applied for NJDOT Grants, so the answer is that they are making plans in the event that all of that happens.

Mr. Urbanski stated that we wouldn't want people to park in our town to take them to Sandy Hook because we have enough parking problems as it is now.

Fred Rosiak – the purpose of the water taxi was to generate business for the Business Owners of Highlands and to serve as an attraction.

There was a discussion about the purpose of the water taxi.

Maureen Kraemer of 200 Portland Road questioned who owned the dock that the water taxi uses.

Mrs. Braswell – the barge is leased by Seastreak and they give us permission to use it.

Maureen Kraemer questioned the grants that the HBP has applied for.

Mrs. Braswell explained that the HBP is applying for a grant to make the Sandy Hook landing barge safer.

Maureen Kraemer expressed opinion that she has a problem that all of this money is being spent to help the BID create a business.

There was a discussion between Ms. Kraemer and Mrs. Braswell about the water taxi.

Fred Rosiak explained how the water taxi was approved and the goals of the creation of the water taxi.

Mayor O'Neil spoke favorably about the water taxi.

Lori Dibble of 42 Paradise Park questioned the budget amount for the economic development.

Mrs. Braswell explained the activities for economic development.

Mrs. Thomas offered a motion to approve the HBP budget.

Mayor O'Neil stated that he feels that Ms. Thomas should withdraw her motion because he needs more time to go over the budget with the Mayor before the budget is voted on.

Mayor O'Neil offered a motion to close the public hearing on the HBP Budget and to carry this to the March 16, 2007 meeting, seconded by Mr. Nolan.

Presentation – RE: School Resource Officer:

Present: Chief Blewett
Kathryn Fedina, Superintendent of Henry Hudson Reg. School_
Joan Wicklund, Board President of Board of Education
Katherine McDonald, Secretary of Board of Education
Robert Tassaro, Director of NJ Association of School Resource
Officers
Sgt. Patrick Kissane, President of the NJ Association of SRO

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Chief Blewett stated that he is here to make a presentation about proposing a School Resource Officer Program.

Ms. Fedina spoke about the there interest in forming a partnership with the Highlands Police Department. She spoke about an incident that occurred at the Henry Hudson Regional School which involved a rumor that resulted in 300 students leaving the school. Following that they were asked by the parents to have an information session which the Police Department helped them with. It was at that session it was questioned why we do not have a full time Police Officer at the building, that's what brings them here tonight.

Patrick Kissane spoke about his experience as a School Resource Officer and explained what having a Police Officer in the schools does and their responsibilities. He spoke about school violence that has occurred in schools and he believes in cops in schools.

Robert Tassarò spoke about the organization of New Jersey Association of School Resource Officers. He spoke about school shootings and how 85% of the times some new that there was going to be a shooting and more than 80% of violence is occurring in the school parking lots, at the football games and school dances, not just in the hallways. In the State of New Jersey there were 11,000 incidents of violence in the New Jersey schools last year and 1,500 of them involved a weapon. He spoke about the SRO also teaches the children and the faculty about safety, safety on the computer, domestic violence, etc.

Chris Francy of 36 Fifth Street – questioned how an officer would cover the schools and the events.

Robert Tassarò explained that the officer would work for the Chief no mater who pays for it. He also stated that it should be one officer as an SRO not broken down into different shifts. He also spoke about gangs and how they are everywhere.

Lieutenant W. Armenti of the Highlands Police Department spoke favorable about having a School Resource Officer for Henry Hudson and a partnership with the school to provide a School Resource Officer.

Carla Cefalo – Braswell questioned if Highlands is the only school in this area without a SRO.

Chief Blewett stated most schools have an SRO Program.

Patrick Kissane advised the Mayor that he would provide the Mayor with information in the next week on what schools in this area that have a SRO.

Matt Devine of 29 Gravelly Pt Rd ask if this presentation will be presented to the Atlantic Highlands Council. He wanted to know if this proposal is for both schools or just one.

Mayor O'Neil – this would be for three schools.

Chief Blewett stated that they are proposing having an officer at Henry Hudson Regional School.

A lengthy discussion followed about the School Resource Officer Program.

Ms. Wicklund explained the cost and how the school would pay for half and that both Highlands and Atlantic Highlands would pay the other half through their tax money which would be worked out if approved.

There was a discussion on how the cost of a School Resource Officer could be split by the two towns and the school and the program in general.

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Ms. Wicklund expressed the concerns of the parents and the boards support for a School Resource Officer.

Lori Dibble of 32 Paradise Park questioned if hiring an SRO Officer would allow the Police Department to relieve a Police Officer in the Borough and Chief Blewett responded by saying that it would not.

Joseph Dorin of 102 Valley Avenue questioned if there is any reduction in crime in a community by hiring an SRO.

Patrick Kissane explained that at first there will be a spike in reported crimes and then it will level out.

Resolutions:

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

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

**R-07-44
RESOLUTION APPOINTING MEMBERS OF THE ZONING BOARD OF
ADJUSTMENT**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following appointments be and are hereby confirmed to the Zoning Board of Adjustment:

- | | | |
|----|-----------------------|---|
| 1. | Joseph Anthony | Unexpired Term - Regular Member
for a 4 year term to expire December
31, 2007 |
| 2. | Art Gallagher | Unexpired Term – Alt. #1 Member
for a 2 year term to expire December
31, 2008 |
| 3. | | |

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

ROLL CALL:

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

NAYES: Mr. Urbanski

ABSENT: Mr. Caizza

ABSTAIN: None

Mr. Pfeffer gave an explanation of Resolution R-07-45.

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

**Borough of Highlands
COUNTY OF MONMOUTH**

**R-07-45
RESOLUTION – EMERGENCY APPROPRIATIONS**

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WHEREAS, an emergency has arisen with respect to an anticipated shortfall in Mechanical Garage Other Expenses due to higher than anticipated vehicle repairs and, no adequate provision was made in the SFY 2007 budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$10,000 and three (3) percent of the total operating appropriations in the budget for SFY 2006 is \$184,841.19 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for SFY 2007.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members, thereof, affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation is here by made for Mechanical Garage Other Expenses in the amount of \$10,000.
2. That said emergency appropriation shall be provided for in full in the SFY 2008 budget, and is requested to be excluded from CAPS, pursuant to N.J.S. 40A:4-53.3c(1).
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

ROLL CALL:

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

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

**R-07-46
RESOLUTION APPOINTING PUBLIC HOUSING OFFICER**

WHEREAS, section 10-6.2 of the Ordinances of the Borough of Highlands provides that a Public Officer shall be appointed by the Mayor and Council; and

WHEREAS, the Mayor and Council of the Borough of Highlands have decided that there is a need for such an appointment at this time; and

WHEREAS, the Mayor and Council have decided that the position should be a function of the Building and Housing Department and the Code Enforcement Officer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Paul Murphy, Code Enforcement Officer of the Borough of Highlands be and hereby is appointed Pubic Housing Officer of the Borough of Highlands.

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

ROLL CALL:

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

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Miss Thomas offered the following Resolution and moved its adoption:

**R-07-47
RESOLUTION APPOINTING THE
SUBSTANDARD HOUSING COMMITTEE
(SHC)**

WHEREAS, section 10-4.3 of the Ordinances of the Borough of Highlands provides that the Governing Body appoint a Substandard Housing Committee (SHC); and

WHEREAS, the Mayor and Council of the Borough of Highlands have agreed that there is a need for this committee to be appointed at this time;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following shall constitute the Substandard Housing Committee:

Health Officer – Monmouth Regional Health Commission
Fire Chief – or his designee
Plumbing Inspector
Building Inspector
Fire Inspector
Electrical Inspector

BE IT FURTHER RESOLVED that these appointments shall be standing appointments with the exception of the Mayor's Appointee;

BE IT FURTHER RESOLVED that (with the exception of the Mayor's appointment) these appointments shall be considered to be a part of the job descriptions of those appointed and shall carry no benefits or salary as compensation.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Caizza

ABSTAIN: None

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

**RECAP OF PAYMENT OF BILLS
03/07/07**

CURRENT:		\$	45,405.23
Payroll	(02/28/07)	\$	116,755.17
Manual Checks		\$	82,220.58
Voided Checks		\$	
SEWER ACCOUNT:		\$	73,536.99
Payroll	(02/28/07)	\$	5,909.94
Manual Checks		\$	3,208.56
Voided Checks		\$	
CAPITAL/GENERAL		\$	10,313.00
CAPITAL-MANUAL CHECKS		\$	

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WATER/CAPITAL	\$ 17,447.60
TRUST FUND	\$ 4,150.74
Payroll (02/28/07)	\$ 160.00
Manual Checks	\$ 11.75
Voided Checks	\$
UNEMPLOYMENT ACCT-MANUALS	\$
DOG FUND	\$
GRANT FUND	\$ 660.25
Payroll (02/28/07)	\$
Manual Checks	\$
Voided Checks	\$
DEVELOPER'S TRUST	\$ 366.75
Manual Checks	\$
Voided Checks	\$
ADDENDUM	
M & R Mechanical Contractors	\$ 50,475.53
*Subject to Audit	

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Caizza

ABSTAIN: None

Ordinances: Public Hearing and Adoption:

Ordinance O-07-02

Mrs. Flannery with regard to O-07-02 it was advertised for a public hearing tonight but I understand that the Council is interested in tabling this ordinance and reintroducing when its been further amended.

Mayor O'Neil offered a motion to table Ordinance O-07-02 for further amendments, seconded by Mr. Nolan and all were in favor.

Ordinance O-07-04

Mrs. Flannery stated that this ordinance was on for a second reading, public hearing and adoption this evening however the Courier did not publish this notice but they will have it published tomorrow so if we could move this to the March 21st meeting.

Mayor O'Neil offered a motion to carry the public hearing and adoption of Ordinance O-07-04 to the March 21st meeting, seconded by Mr. Nolan and approved on the following roll call vote:

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ROLL CALL:

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

NAYES: None

ABSENT: Mr. Caizza

ABSTAIN: None

Other Reports:

Authorize Public Auction

Mrs. Flannery advised the Governing Body that there has been some work done by the Borough about some borough property such as vehicles that can be sold at a public auction and would like permission to have the Purchasing Agent contact some auction companies to obtain some prices on conducting an auction.

Mr. Urbanski stated that he wants to put reserves on everything.

Mayor O'Neil – there is no need for an auctioneer because the stuff is junk. The public can come in a look at it to see if they want to buy it.

Mr. Urbanski wants the backhoe appraised first.

The Governing Body had a discussion about holding a bid.

Clean Ocean Action Application for Raffle Licenses

Mayor O'Neil offered a motion to approve the two raffle licenses for Clean Ocean Action for raffle licenses for March 31, 2007 at Bahrs Restaurant, seconded by Mr. Nolan and all were in favor.

Discussion RE: POD's and Dumpster Licenses

Mrs. Flannery – the Council discussed this earlier that this will be worked on for introduction at a later date.

Discussion RE: Remodeled Municipal Services Agreements

Mayor O'Neil advised Mr. Devine of Gravelly Point Condo Association that he will receive an agreement.

Mr. Manco the draft if almost done and should go out shortly.

There was a discussion with the Governing Body and Mr. Devine of Gravelly Pt Condo Association.

Mr. Devine we are looking for reimbursement from July 2005 through 2006.

Carol Bucco of Bayview Condo Association stated that the fact is there is no expiration date on the contract.

Mr. Pfeffer stated that part of the problem is the condo associations are not submitting the bills and not submitting them on a timely basis.

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Public Portion:

Fred Rosiak of 9 Marine Place and Captains Cove Marina – stated that he reviewed the plans for the Washington Avenue Reconstruction and he was surprised to see that the plan as drawn is different that what we had talked about. The Plans are now calling for a curb about a foot and a half wide to be spaced about four feet from the bulkhead and then gravel is to be put in between the bulkhead and the curb.

Mayor O’Neil – that is not what we discussed, it was a curb right to the front of the pilings which he further explained and discussed with Mr. Rosiak.

Mayor O’Neil stated that he will speak with Mr. Bucco, Borough Engineer about this tomorrow.

Mayor O’Neil asked Mr. Rosiak to explain his objections to resident parking in the Washington Street area.

Fred Rosiak – stated that he does have some tenant that year round tenants and his understanding is that permits are only going to be given to people who reside on that street. He asked if people who have boat slips will be prohibited from parking there during the day.

Mayor O’Neil stated that he has to provide parking to the residents who front on the construction job. He does not know at this time how it will work the Council at this time is getting it in line in case they have to have permit parking.

Carol Bucco of 330 Shore Drive – stated that in there previous Municipal Agreement with the Condo Association it states that the there road will be plowed with the same frequency as the borough roads. We got one pass in the last storm, if they do three passes on the roads then we should get three.

Mr. Manco stated that the language with regard to the snow plowing is not changing in the new agreements.

Carol Bucco – the DPW only does one pass and then we have to hire somebody to plow. She then stated that it’s the borough’s job to just approve the HBP Budget and the Bid puts the expenditure explanations.

Mayor O’Neil stated that the Council needs an explanation and he needs an explanation of the \$12,000 to put the lights up.

Carla Cefalo, HBP stated that the budget is only asking for \$2,500 more. She then explained the cost for the lights and the need for upgrades.

Chris Francy of 36 Fifth Street – there appears to be a controversy between the council members with regard to the job performance of Paul Murphy, Code Enforcement Officer. He does not believe that there is any satisfaction with the Code Enforcement in the town. He then commented on the additional job titles that were given to Mr. Murphy this evening.

Mr. Manco stated that this is a personnel issue and the employee has rights.

Roberta McEntee of Fifth Street – about two months ago we questioned the orange signs that the Code Enforcement Officer is putting on buildings. She wants to know what is going to happen with the Kiely house because the orange sign has been there six months.

Mayor O’Neil – the next step in that process will be handles with the Committees that were just formed this evening.

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Mr. Manco explained that the process for demolition has a time frame.

Maureen Kraemer of 200 Portland Road spoke favorably about the job performance of Paul Murphy but does believe that town is such a mess that we need more than just a full-time Code Enforcement Officer. She then stated that the graffiti up on the wall by South Bay makes our town look like garbage. The lighthouse sign on the highway looks horrible and needs to be painted and cleaned up.

Miss Thomas stated that she has spoken with Mr. Murphy about cleaning up the town and he did give her a report which stated that 16 summonses were issued last week for code violation.

Carla Cefalo-Braswell stated that the issue of the Code Enforcement has gotten worse over the last ten years which she further explained. She stated that the Code Enforcement Officer should have a routine maintenance schedule to clean up the town. She has asked the DPW for a year now to remove the flag from the Lighthouse sign. The sign can't be painted, it has to be repaired which she further explained.

Mayor O'Neil explained to the public that the borough can hire more people but it would cost more money

Carla Cefalo- we need another part-time Code Enforcement Officer.

Mr. Urbanski stated that Code Enforcement should be easily accomplished with one full-time employee.

Mayor O'Neil stated that with regard to the request to hire another Police Officer for Henry Hudson would be a very big expense and he is not sure if its justified.

Roberta McEntee of Fifth Street – with regard to the school budget that states it's about \$12,000 child to educate them at the elementary school, her thought is lets save money. She said we should do away with our schools because it's getting ridiculous.

Shirley Auman of 200 Portland Road wanted to know if the DOT ever got back to the borough about the power point presentation for the bridge project.

Mayor O'Neil – no.

Shirley Auman stated that the Borough should want the bridge power point presentation.

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

The Meeting adjourned at 10:40 P.M.

CAROLYN CUMMINS, Deputy Clerk