

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

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

Mrs. Cummins made 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 River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Mr. Nolan, Miss Thomas, Mr. Caizza,

Late Arrival: Mr. Urbanski, Mayor O'Neil were not present during roll call but did arrive shortly after.

Absent: None

Also Present: Carolyn Cummins, Deputy Clerk
Bruce Hilling, Borough Administrator
Dominick Manco, Esq., Borough Attorney
Stephen Pfeffer, Chief Financial Officer

Executive Session Resolution:

Mrs. Cummins read the following Resolution for approval:

Mr. Nolan 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. **Litigation:** Captains Cove Update
2. **Personnel:** Mike Hrbek, Purchasing Agent
3. **Contract:** Purchases above limits
Dan-Rob Property Assoc. Rent

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:

8. Related to investigation of violations or possible violations of the law.
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 Miss Thomas and approved on the following roll call vote:

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

ROLL CALL:

AYES: Mr. Nolan, Miss Thomas, Mr. Caizza

NAYES: None

ABSENT: Mr. Urbanski, Mayor O'Neil

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Regular Meeting back to order at 8:22 P.M.

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

ROLL CALL:

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

Absent: None

Also Present: Carolyn Cummins, Deputy Clerk
Bruce Hilling, Borough Administrator
Dominick Manco, Esq., Borough Attorney
Stephen Pfeffer, CFO

Consent Agenda Resolutions:

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

Mayor O'Neil requested that Resolution R-07-87 be pulled from the Consent Agenda.

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

**R-07-72
RESOLUTION
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR M. FARRELL & W. JOHNSTON FOR PROPERTY LOCATED
AT 39 SHREWSBURY AVENUE ALSO KNOWN AS
BLOCK 49 LOT 1**

WHEREAS, the applicant has requested the release of her Performance Guarantees in the amount of \$2,570.40 (90% Performance Bond Amount posted with a Check) and \$285.60 (10% Cash Portion paid by check) for Block 49 Lot 1; and

WHEREAS, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates and they have authorized the release of said Performance Guarantees subject to the following conditions:

1. A maintenance guarantee be posted in the amount of \$428.40 for a two year period.
 2. Payment of any outstanding inspection or other fees owed to the Borough;
- and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Performance Bond for Marian Farrell-Johnston for Block 49 Lot 1, 39 Shrewsbury Avenue is hereby released and the Chief Financial Officer is hereby authorized to refund the Performance Bond in the amount of \$2,570.40 (90% Bond Amount) and \$285.60 (10% Cash Portion) plus any accrued interest **less the required maintenance bond that must be posted in the amount of \$428.40 and any**

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

outstanding engineering invoices. Any remaining legal fees shall also be refunded if such exist.

Seconded by Miss Thomas 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. Nolan offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-07-73

**RESOLUTION CANCELING UNEXPENDED BALANCES OF THE
GENERAL CAPITAL FUND**

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

ORDINANCE NUMBER	PROJECT DESCRIPTION	AMOUNTS TO BE CANCELED	
		CAPITAL SURPLUS	UNFUNDED
O-96-06	Bulkhead Improvements And Road Construction	\$ 1.22	\$ 72,424.39
O-02-23	Various Road and Drainage Improvements	\$ 5,572.65	
O-04-02	Various Road Improvements (Ocean St.)	\$ 7,189.44	\$ 87,750.00
		\$12,763.31	\$160,174.39

Seconded by Miss Thomas 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 AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

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

**R-07-74
RESOLUTION
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR TWO RIVERS CONSTRUCTION, LLC FOR PROPERTY LOCATED
AT 216 BAY AVENUE ALSO KNOWN AS
BLOCK 64 LOT 23**

WHEREAS, the applicant has requested the release of their Performance Guarantees in the amount of \$1,627.56 (90% Performance Bond Amount posted with a Check) and \$180.84 (10% Cash Portion paid by check) for Block 64 Lot 23; and

WHEREAS, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates and they have authorized the release of said Performance Guarantees subject to the following conditions:

1. A maintenance guarantee must be posted in the amount of \$271.26 for a two year period.
 2. Payment of any outstanding inspection or other fees owed to the Borough;
- and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Performance Bond for Two River Construction, LLC for Block 64 Lot 23, 216 Bay Avenue is hereby released and the Chief Financial Officer is hereby authorized to refund the Performance Bond in the amount of \$1,627.56 (90% Bond Amount) and \$180.84 (10% Cash Portion) plus any accrued interest **less the required maintenance bond that must be posted in the amount of \$271.26 and any outstanding engineering invoices. Any remaining legal fees shall also be refunded if such exist.**

Seconded by Miss Thomas 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. Nolan offered the following Resolution and moved its adoption:

**R-07-75
RESOLUTION
AUTHORIZING SALE OF PERSONAL PROPERTY**

WHEREAS, the Borough of Highlands and others surrounding municipalities have joined together to bring surplus vehicles and miscellaneous equipment to one location on the same day, Saturday, May 5, 2007; and

WHEREAS, Local Public Contracts Law NJSA 40A:11-36 requires authorization of a sale of said personal property via adoption of a Resolution; and

WHEREAS, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough be authorized to dispose of the following vehicles and other miscellaneous equipment through the process of a public auction to be held on Saturday, May 5, 2007 at 10:00 AM rain or shine at the Borough of Tinton Falls Department of Public Works Yard:

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

**PUBLIC WORKS EQUIPMENT
make/model**

year	make/model	vin
1990	Peterbilt Sanitation Truck	1XPZL50X1M705315
1992	Case Backhoe	JJA0175549
1987	Ford F700 Rack Truck	1FDNT74P8HVA50894
1995	Dodge Van	2B4GH25325R309335
1972	Mobile Sweeper	1A9A14GB5DR059 34
1985	Dodge Van	287GD13T4FK28372
	10' 0" Plow – Western	62302- HW
	V-Box Spreader	74934
1985	Chevy Bus	GBGB 35K4J7167545

POLICE DEPARTMENT EQUIPMENT

2001	Ford Crown Police Cruiser	2FAF971W51X196429
1985	Chevy Blazer	1G8ED18J2FF146848

DEPARTMENT OF RECREATION EQUIPMENT& MISC

Admiral Upright Freezer	F1073
Collegiate Pacific Coast Alum. B-ball Backboard	(New)
6 Round Wooden 5' Folding Tables	
13 Stackable youth Chairs	
GE Standup Freezer	
GE Standup Refrigerator	
Kenmore Standup Freezer	
Chevrolet Ambulance	1GBJR34W9KMF305728

Seconded by Miss Thomas 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. Nolan offered the following Resolution and moved on its adoption:

R-07-76

RESOLUTION

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR JAMES & LISA ALEXANDER FOR PROPERTY LOCATED
AT 69 SOUTH BAY AVENUE ALSO KNOWN AS
BLOCK 6 LOT 15**

WHEREAS, the applicant has requested the release of their Performance Guarantees in the amount of \$6,389.71 (90% Performance Bond Amount posted with a Check) and \$709.97 (10% Cash Portion paid by check) for Block 6 Lot 15; and

WHEREAS, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates and they have authorized the release of said Performance Guarantees subject to the following conditions:

1. A maintenance guarantee must be posted in the amount of \$1,064.95 for a two year period.

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

2. Payment of any outstanding inspection or other fees owed to the Borough;
and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Performance Bond for James & Lisa Alexander for Block 6 Lot 15, 69 South Bay Avenue is hereby released and the Chief Financial Officer is hereby authorized to refund the Performance Bond in the amount of \$6,389.71 (90% Bond Amount) and \$709.97 (10% Cash Portion) plus any accrued interest **less the required maintenance bond that must be posted in the amount of \$1,064.95 and any outstanding engineering invoices. Any remaining legal fees shall also be refunded if such exist.**

Seconded by Miss Thomas 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. Nolan offered the following Resolution and moved on its adoption:

**R-07-77
RESOLUTION
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR LIGHTHOUSE FAST FERRY, INC. FOR PROPERTY LOCATED
AT BLOCK 69 LOTS 13 & 13.01
AND
BLOCK 72 LOTS 8 & 8.01**

WHEREAS, the applicants Attorney Anthony Colasanti, Esq. has requested the release of their Performance Guarantees in the amount of \$55,350.00 (90% Performance Bond Amount posted via Bond #B185616) for Block 69 Lots 13 & 13.01 and Block 72 Lots 8 & 8.01 based on the fact that shortly after posting said performance guarantees New York Fast Ferry ceased all ferry operations from Highlands; and

WHEREAS, this request was forwarded to the Borough Engineer and the Governing Body and discussed by both at the April 18, 2007 Council Meeting and the Governing Body consented to release said Performance Guarantees subject to all old Schoor & DePalma Engineering invoices being paid; and

WHEREAS, the Borough of Highlands received a memo from Schoor & DePalma dated April 20, 2007 indicating that there were no outstanding engineering invoices.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Performance Bond for Lighthouse Fast Ferry for Block 69 Lots 13 & 13.01 and Block 72 Lots 8 & 8.01 is hereby released and the Borough Clerk is hereby directed to release the Performance Bond #B185616 in the amount of \$55,350.00.

Seconded by Miss Thomas 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. Nolan offered the following Resolution and moved on its adoption:

**R-07-78
RESOLUTION AUTHORIZING PAYMENT TO T & M ASSOCIATES**

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007
FOR REVIEW OF DRAINAGE CONTROL ISSUES ON
ROUTE 36 AND SHORE DRIVE**

WHEREAS, drainage issues occurred in 2005 on the hill between Shore Drive and Highway 36 properties which resulted in litigation before the Highlands Municipal Court; and

WHEREAS, as a result of the litigation T & M Associates as Borough Engineer was requested to review corrective action plans pertaining to this drainage issue and was verbally approved an amount not to exceed \$1,500.00.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Chief Financial Officer is hereby authorized to pay T & M Associates for the services in this drainage matter in an amount not to exceed \$1,500.00.

Seconded by Miss Thomas 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. Nolan offered the following Resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-07-79

**RESOLUTION - AUTHORIZING TRANSFERS BETWEEN BUDGET
APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that transfers between SFY 2007 Budget Appropriations be made as follows:

CURRENT FUND -----	FROM -----	TO -----
Snow Removal:		
Salaries & Wages	\$ 7,000.00	
Other Expenses	3,000.00.	
Streets:		
Salaries & Wages	10,000.00	
Borough Administrator:		
Other Expenses	4,750.00	
Utilities:		
Gasoline & Diesel	10,000.00	
Insurance:		
Other Insurance Premiums	8,000.00	
Worker’s Compensation	1,247.70	
Monmouth County Reclamation Center	10,000.00	
Legal:		
Other Expenses		\$13,000.00
Public Buildings & Grounds:		
Other Expenses		20,000.00
Streets:		
Other Expenses		5,000.00

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

Fire Department: Other Expenses	10,000.00
------------------------------------	-----------

Monmouth County Regional Health

Commission: Other Expenses	247.70
Borough Administrator: Salaries & Wages	4,750.00
Central Services: Other Expenses	1,000.00

	\$ 53,997.70

	\$ 53,997.70

Seconded by Miss Thomas 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. Nolan offered the following Resolution and moved on its adoption:

R-07-80

**RESOLUTION APPROVING LIST OF VOLUNTEER FIREMEN MEMBERS
WHO QUALIFY FOR THE BOROUGH OF HIGHLANDS LENGTH OF
SERVICE AWARD PROGRAM (LOSAP) FOR THE YEAR 2006**

WHEREAS, the Borough of Highlands (Sponsoring Agency) has a Length of Service Award Program which provides tax-deferred income benefits to active members of the Borough's volunteer fire company and first aid squad; and

WHEREAS, the Highlands Fire Department and the Highlands First Aid Squad are required, pursuant to N.J.S.A. 40A:14-191, to annually certify to the Sponsoring Agency a list of all volunteer members who have qualified for credit under the LOSAP for the previous year; and

WHEREAS, the Highlands Fire Department has submitted a certified list of qualified volunteers for the year 2006; and

WHEREAS, the Chief Financial Officer has reviewed the lists and found them to be accurate;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the certified lists provided by the Highlands Fire Department of qualified volunteers for the year 2006 is hereby approved.

Seconded by Miss Thomas 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. Nolan offered the following Resolution and moved its adoption:

R-07-81

**RESOLUTION AUTHORIZING DISPOSAL OF
OFFICE EQUIPMENT**

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

WHEREAS, the Recreation Department has stored outdated computer equipment has several components; and

WHEREAS, because of the age and condition of the equipment it is determined that they are of little or no value;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands the following equipment may be disposed of:

Epson Printer	ER2332231
Compaq Keyboard	B55680KGAOTS2C
Apple Keyboard	NK81206033G
“ Monitor	
“ Hard Drive	
IBM Monitor	88A6482
Mitsumi Keyboard	50*KPQEA42A68EG2788*6988
Dell Monitor	MX-05C544-47801-21F-GO4J
Gateway Monitor	MU17108DOO18544
HP Hard drive	7001273153
Keyboard	SNN4501RY33G
Apple Keyboard	AP249608 M0312
IBM Keyboard	0069139
Apple MAC 600	
Hard Drive	F13040Y53BT
Dell Monitor	MX-0419TG-47801-1C6-1128F
Dell Monitor	MX-0419TG-47NHOGM
Cannon Printer	N000906 TT5
Apple Monitor	ZC25016DE14
Compaq Monitor	921BF26RE732
Dell Hard Drive	J6YOX211
Compaq Keyboard	BOAO90K39IA2NU
Dell Keyboard	TH-0463CD37171-13E-59454
Keyboard	TNM3302536
MISC. WIRES, MOUSE, SPEAKERS	

Seconded by Miss Thomas 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. Nolan offered the following Resolution and moved its adoption:

R-07-82

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 AND IT IS HEREBY 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:

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
--------------	------------	-------------	---------------	-------------

100.3	19	2007	\$734.26	Schwartz Barkin
-------	----	------	----------	-----------------

Seconded by Miss Thomas 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. Nolan offered the following Resolution and moved its adoption:

**R-07-83
RESOLUTION – CHANGE ORDER #1
WASHINGTON AVENUE & RECREATION PLACE ROADWAY
RECONSTRUCTION &
MILLER STREET ROADWAY IMPROVEMENTS
A. MONTONE CONSTRUCTION, INC.
INCREASE OF \$7,600.00**

WHEREAS, a contract was awarded for A. Montone Construction Inc. per Resolution 06-188 on December 14, 2006 for \$253,512.80; and

WHEREAS, change order # 1 dated April 24, 2007 prepared by T & M Associates sets forth reasons
(increase contract quantity for item No. 10 concrete curb from 120 linear feet to 520 linear feet to provide for the curb installation on Washington Avenue) for said change order ,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #1 increasing the original contract amount by \$7,600.00 is hereby authorized for Washington Avenue & Recreation Place Roadway Reconstruction & Miller Street Roadway Improvements. The contract price is amended to \$261,112.80.

Certification of Funds:

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

Stephen Pfeffer, Chief Financial Officer

Seconded by Miss Thomas 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. Nolan offered the following Resolution and moved on its adoption:

**R-07-86
RESOLUTION
AWARDING CONTRACT FOR THE BOROUGH OF HIGHLANDS
COMMUNITY CENTER PLAYGROUND PROJECT**

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

WHEREAS, the Borough of Highlands has advertised for bids for the Robert D. Wilson Community Center Playground Project in accordance with the Local Public Contracts Law; and

WHEREAS, three (3) bids were received and reviewed by the Borough Engineer and the Borough Attorney; and

WHEREAS, the lowest responsible bid appears to be from Whirl Construction, 187 Main Street, Port Monmouth, NJ 07758 in the sum of \$191,311.00 base project bid and \$11,220.00 alternate items bid for a total of \$202,531.00 per letter from T & M Associates dated May 1, 2007; and

WHEREAS, funds are available in municipal bond ordinance adopted for said purpose:

Bond Ordinance	\$202,531.00
O-07-04	

Stephen Pfeffer, CFO

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the contract is hereby awarded to Whirl Construction, 187 Main Street, Port Monmouth, NJ 07758 in the sum of \$202,531.00.

Seconded by Miss Thomas 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. Nolan offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
05/02/07**

CURRENT:	\$ 1,135,704.75
Payroll (04/30/07)	\$ 113,568.12
Manual Checks	\$ 90,378.87
Voided Checks	\$
SEWER ACCOUNT:	\$ 91,250.87
Payroll (04/30/07)	\$ 6,876.45
Manual Checks	\$ 3,166.66
Voided Checks	\$
CAPITAL/GENERAL	\$ 4,587.10
CAPITAL-MANUAL CHECKS	\$
WATER CAPITAL	\$
TRUST FUND	\$ 1,661.75
Payroll (04/30/07)	\$ 3,080.00
Manual Checks	\$ 5,331.19
Voided Checks	\$ -246.51
UNEMPLOYMENT ACCT-MANUALS	\$
DOG FUND	\$

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

GRANT FUND	\$	556.00
Payroll (04/30/07)	\$	0.00
Manual Checks	\$	
Voided Checks	\$	
 DEVELOPER'S TRUST	 \$	 229.91
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 May 2, 2007**

Scarinci & Hollenback, LLC	Labor Counsel for MEL	\$ 13,434.68
Gravelly Point Beach Association	Fire Hydrant Reimb.	
	1/07-3/07	\$ 96.00
	7/06-12/06	\$ 192.00
	1/06-6/06	\$ 192.00
	7/05-12/05	\$ 192.00
Monmouth County Health Commission	New Practice Standards	\$ 944.00
A Montone Construction	2006 Road Project Payment #1	\$ 35,441.70
	Pending Change Order	
T & M Associates	Washington, Miller & Recreation Reconstruction	\$ 281.25
T & M Associates	Washington, Miller & Recreation Reconstruction	\$ 3,322.50
M & R Mechanical Contractors	Firehouse Payment #24	\$ 36,118.01
 Total Supplemental Bill List		 <hr style="width: 100%; border: 0.5px solid black;"/> \$90,214.14

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

ROLL CALL:

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

Other Resolutions:

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

Mr. Pfeffer spoke briefly about the Gravelly Point R-07-85.

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

**R-07-85
RESOLUTION APPROVING GRAVELLY POINT
MUNICIPAL SERVICES AGREEMENT**

WHEREAS, Gravelly Point has requested that the Borough of Highlands authorize a Municipal Services Agreement for reimbursement of certain services for Gravelly Point Condo Association; and

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

WHEREAS, Gravelly Point has an unexecuted 2003 Municipal Services Agreement with the Borough of Highlands and has requested that said agreement be executed and honored;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Mayor and Borough Clerk are hereby authorized to execute a Municipal Services Agreement between the Borough of Highlands and Gravelly Point Condo Association.

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

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

**R-07-88
RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS WITHOUT
PUBLIC BIDDING PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6
FOR MAINTENANCE & REPAIR OF BOROUGH VEHICLES**

WHEREAS, there was an emergency condition as arisen with respect to the maintenance and repairs to borough vehicles and equipment due to a serious injury to the Borough Mechanic; and

WHEREAS, provisions of N.J.S.A. 40A:11-6 permit the Borough to award contracts without public bidding or quotes when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

WHEREAS, the Mayor and Governing Body have declared this situation an emergency condition affecting the health and safety of the public;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that authorization be and is hereby given to permit the Borough to award contracts without public bidding or quotes for the maintenance and repair of Borough Vehicles and Equipment from the date of injury through June 30, 2007 pursuant to the provisions of N.J.S.A. 40A:11-6.

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

Ordinances: Introduction & Set P.H. Date

Ordinance O-07-07

Mrs. Cummins read the title of the following Ordinance for introduction and setting of a public hearing date for June 20th.

Mr. Caizza requested that the requester of the proposed zoning amendment come here with a presentation.

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

Mr. Manco stated that this ordinance must be referred to the Planning Board for recommendations.

Mayor O'Neil offered the following ordinance pass introduction, that a public hearing date be set for Wednesday, June 20, 2007 at 8:00 P.M. and authorized publication according to law:

O- 07-07

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21 OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED "ZONING" TO MODIFY THE REQUIREMENTS OF THE MH MOBILE HOME RESIDENCE DISTRICT, AND TO FURTHER ALLOW MULTI-FAMILY DEVELOPMENTS IN THE MH ZONE AS CONDITIONAL USES, AND TO ESTABLISH REGULATIONS PERTAINING THERETO).

Additions noted by underline. Deletions noted by strikeover.

NOW, THEREFORE, BE IT ORDAINED THAT SECTION 21 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS BE AND HEREBY IS AMENDED IN FOLLOWING PART ONLY:

Section 21-89 MH Mobile Home Residence The following regulations shall apply to all MH districts:

1. Permitted Uses:

Mobile Homes, in a mobile home park only.

2. Permitted Accessory Uses"

Utility Buildings incidental to residential use

Clubhouses, swimming pools and other recreational facilities and structures for the exclusive use of the residents.

Tennis courts

Other accessory uses and structures incidental to the permitted principal and conditional uses, including but not limited to structured parking for multi-family residences only.

3. Conditional Uses.

Satellite Dish Antennas

Multi-family dwellings, and structured parking accessory or appurtenant thereto

Section 21-97 Conditional Uses

Add new Subsection to existing text:

I. Multi-Family developments in the MH Zone

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

Multi-family developments in the MH Zone are subject to RSIS standards, and shall not be required to meet the requirements of Schedule I where said requirements are inconsistent with either RSIS or the following requirements

1. Density shall not exceed 20 dwelling units per acre.
2. Minimum lot size: 10 acres
3. Minimum front yard: 100 feet to a principal building
4. Minimum side yard: 60 feet to a principal building
5. Minimum rear yard: 60 feet to a principal building
6. Minimum Buffer area along any property line: 25 feet. Driveways and sidewalks shall be permitted to cross buffer areas to provide access to streets and adjacent properties. Pedestrian paths shall be permitted within buffer areas. Development identification signs and gatehouses shall be permitted in buffer areas within 75 feet of driveway entrances providing access to a public street.
7. maximum building coverage: 25 per cent.
8. Maximum lot coverage: 50 per cent.
9. Maximum FAR: 1.50
10. Maximum Height:
 - a. Residential buildings: 180 feet, not including the height of attached parking structures. The height of residential buildings shall be measured from the floor of the building lobby or the first level that contains dwellings, whichever is lower. Elevator shaft may exceed this limitation by no more than 15 feet.
 - b. Structured parking: 45 feet. Parking structures may be located underneath and /or adjacent to residential buildings.
 - c. Recreational facilities and other accessory structures: 25 feet.
11. Accessory Structures:
 - a. Recreational facilities. Recreational facilities shall be provided for the use of residents of the multi-family development. Such facilities shall be setback a minimum of 50 feet from any property line.
 - b. Signs. Development identification signs shall be permitted adjacent to the main entrance of a multi-family development. Such signs shall either consist of a monument sign or be mounted on a freestanding wall. The maximum number of signs shall be two faces on a monument sign or two wall-mounted signs. The maximum area per sign face shall not exceed 100 square feet. A development identification sign shall be setback a minimum of 5 feet from any property line.
 - c. A gatehouse or similar structure shall be permitted within 75 feet of driveway entrances providing access to a public street.

Notwithstanding anything contained herein to the contrary,

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

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

ROLL CALL:

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

Ordinance O-07-08

Mrs. Cummins read the title of the following Ordinance for introduction and setting of a public hearing date May 16th.

The Governing Body briefly discussed Ordinance O-07-08.

Miss Thomas offered the following ordinance pass introduction, that a public hearing date be set for Wednesday, May 16, 2007 at 8:00 P.M. and authorized its publication according to law:

O- 07- 08

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED "GENERAL POLICE REGULATIONS TO ADD A NEW SECTION 22 ENTITLED: REGULATION OF PORTABLE ON-DEMAND STORAGE STRUCTURES (PODS).

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

WHEREAS, the unregulated placement and use of portable on demand storage structures presents a variety on conditions which present hazards to the health, safety and general welfare of the community, including but not limited to the obstruction of site triangles and traffic, as well as the creation of public and private nuisances and health concerns;

WHEREAS, it has been determined by the Governing Body of the Borough of Highlands that it is reasonable, necessary and proper to establish reasonable rules and regulations pertaining the placement and use of portable on-demand storage structures (PODS) within the Borough of Highlands, and providing a procedure to issue permits authorizing their lawful use within the Borough, so as to minimize these health and safety concerns to advance the general welfare of the residents of the Borough of Highlands, and also to advance issues pertaining to the aesthetic value of the Borough's residential and commercial neighborhoods;

NOW, THEREFORE, BE IT ORDAINED THAT SECTION 22 of CHAPTER 3 of THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS BE AND HEREBY IS ESTABLISHED TO READ AS FOLLOWS:

Section 22: REGULATION OF PORTABLE ON-DEMAND STORAGE STRUCTURES.

Section 3-22.1 Definitions:

Portable On-Demand Storage Structures (hereinafter "PODS"), shall be defined as any container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

Section 3-22.2 Permit Required.

a. PODS may only be utilized as a temporary structure within the Borough when the Borough Code Enforcement Officer has issued a permit, and in compliance with all other standards of this section. Any use of such structures within the Borough not in

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

compliance with this subsection shall be unlawful and subject to fines and penalties as permitted under this Code.

b. Applications for the permitted use of a portable on-demand storage structures may be obtained from the Code Enforcement Officer, and the application shall be submitted when completed by the party requesting use of a portable on-demand storage structure on that form provided by the Code Enforcement Officer to the Code Enforcement Officer with a sketch showing the location of the trailer on the site and detailing the distance of trailers from other buildings, fire hydrants, Fire Department connections and/or utilities. The township will approve or reject within 72 hours of the completed application

c. An application fee of \$20.00 shall accompany all applications for a permit

Section 3-22.3 Duration of Permit, Applications for Extensions.

a. Permits Issued by Code Enforcement Department/Police Department.

(1). A permit issued pursuant to Section 3-22.2 above shall be valid for a period of seven (7) days after issuance and may be extended by application to the Code Enforcement subject to the discretion of the Police Department for additional seven (7) day period, if necessary. The cost for each initial or renewal permit shall be \$20.

(2). Where a construction permit for the property has not been issued, a portable on-demand storage structure may be located as a temporary structure on property within the Borough for a period not exceeding 30 days in duration from time of delivery to time of removal where exceptional circumstances exist.

(3) Where a construction permit has been issued for the property, the portable on-demand storage structure may be located as a temporary structure on property for a period not exceeding ninety (90) days. Applications may be made for no more than to three (3), thirty (30) day extensions, if deemed necessary and appropriate by the Code Enforcement Office. In no event may a portable on-demand storage structure be located on property for a period in excess of one hundred eighty (180) days in any twelve-month period.

b. Permits Issued By Borough Council

Extensions beyond the one hundred eighty days (180) may be granted by the Borough Council. The property owner seeking said extension must apply to the Council least thirty days prior to the expiration of the last permit issued by the Code Enforcement Officer.

Section 3-22.4 Regulations

a. All portable on-demand storage units shall be placed in driveways unless otherwise approved by the Code Enforcement Officer, upon a showing of exigent circumstances, and upon compliance with all safety requirements imposed by the Uniform Traffic Safety Manual, and the Police Department of the Borough of Highlands.

b. No person shall park or leave an unattended POD on or along any street, highway or public property in the Borough without having first obtained a permit from the Borough Highlands, Code Enforcement Officer subject to Police Department approval, upon a showing of exigent circumstances, and upon compliance with all safety requirements imposed by the Uniform Traffic Safety Manual, and the Police Department of the Borough of Highlands.

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

c. Failure to obtain permission for placement of such temporary structure shall subject to violator to the fines specified in Section 3-22.5 set forth below. Each day that the structure remains without a valid permit shall constitute a separate violation of this ordinance.

d. No applicant may place more than one portable on-demand storage structures on a specific lot and block within the Borough at one time.

e. No portable on-demand storage structure located within the Borough shall contain toxic or hazardous materials.

f. All PODS are subject to periodic inspection by the Borough of Highlands Fire Marshall to insure compliance with all regulations applicable to PODS, under Federal and State Law, local ordinances, health codes, and regulations promulgated pursuant thereto.

Section 3-22.5 Violations and Penalties.

Any person, persons, corporation, or partnership that violates any provisions of this article shall be subject to a fine not less then \$500.00 nor more than \$1,000.00.

Seconded by Mr. Nolan and approved 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

Ordinance O-07-09

Mrs. Cummins read the title of the following Ordinance for introduction and setting of a public hearing date for May 16th.

Miss Thomas offered the following ordinance pass introduction, that a public hearing date be set for Wednesday, May 16, 2007 and publication according to law:

O- 07- 09

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3-7 OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED "GENERAL POLICE REGULATIONS: SEPARATION AND COLLECTION OF ALUMINUM, BUILDING MATERIALS, DEBRIS, GARBAGE, GLASS, METAL AND NONMETAL OBJECTS, PAPER AND TRASH".

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

WHEREAS, it has been determined by the Governing Body of the Borough of Highlands that in order to better serve and to advance the interests of the health, safety and welfare of the general public, that procedures for the collection of bulk waste be amended so as to promote efficiency, safety, and the public health and welfare;

THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Highlands that Chapter 3-7, of the Revised General Ordinances of the Borough of Highlands, and more particularly Sections 3-7.6 and 3-7A thereof, be amended and supplemented in following part only:

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

3-7.1 Definitions

Add to existing text:

Applicant shall mean the person that owns, rents, occupies, or controls the property and registers takes responsibility for application for dumpsters or PODS.

Receptacles shall mean containers generally made out of aluminum, or plastic having an average size 35 Gallons, and shall not exceed 40lbs when filled to capacity.

Roll-off Dumpster or Dumpster shall mean a bulk storage container for waste materials that can be hauled by private companies directly to the point of disposal.

§3-7.6 Receptacle requirements

- a. All receptacles, not to exceed four in number, required herein shall be supplied by the occupant or owner of the premises subject to paragraph "c" below, and placed prior to collection between the curb and sidewalk where they shall be readily accessible to the collector. The occupant or owner shall keep all receptacles clean and in condition for safe handling. With the exception of Bay Avenue, receptacles must be stored in the rear of the premises at all times.
- b. no change
- c. no change
- d. [new section] No person shall park or leave unattended any waste or refuse container, commonly known as a roll-off dumpster, roll-off container, or mobile storage unit on or along any street, highway or public property in the Borough without having first obtained a permit from the Borough of Highlands Code Enforcement, subject to Police Department approval. The application should specify, among other things, the size and location of said container. Said permit shall be valid for a period of seven (7) days after issuance and may be renewed by application to the Borough of Highlands Code Enforcement, for an additional seven (7) day period, if necessary, at the discretion of the Police Chief, or his designee. The cost for each initial or renewal permit shall be \$20. A refundable escrow deposit of \$200 shall be required to indemnify the Borough for any costs incurred by the Borough, to reimburse the Borough for any excess clean up costs, or damages to Borough property caused by improper removal of said containers.
- e. Reflective Markers. Any roll-off dumpster parked on or along the street, highway or public property in the Borough shall be equipped with and display markers with reflective panels having a minimum size of 18" in order to warn passersby of a traffic hazard. The reflective markers shall be mounted on both ends at the height of four feet from the surface of roadway.
- f. A maximum of one (1) dumpster or roll-off container is permitted on any one lot at any time.
- g. Notwithstanding anything to the contrary set forth above, no permit shall be granted for use on a public street or public property, if the applicant has sufficient space on his/her/their premises to accommodate same.

3-7.8 Enforcement; Violation and Penalty

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

Any person, firm, corporation, partnership or other legal entity, that violates or neglects to comply with any provisions of this section, article, or any regulation promulgated pursuant thereto, shall upon conviction thereof be subject to a fine shall be subject to a fine of ~~not more than~~ not less than \$500.00 nor more than \$1,000.00.

Seconded by Mr. Nolan and introduced 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

Committee Reports:

Finance Report

Mr. Pfeffer gave the following Report to the Council:

4/25/07

Report on Issuance of Special Emergency & Bond Anticipation Notes: \$356,314

Special Emergencies:

Revaluation	\$36,000
Master Plan	\$18,000
Master Plan – Stormwater	\$36,000

Projects:

Road Improvements	02-08	\$71,564
Public Works Equipment	98-10	<u>\$194,750</u>
Total		\$356,314

Issuance Date	May 2, 2007	Days Outstanding
Maturity Date	May 1, 2008	359

Bidder	Interest Rate	Gross Proceeds	Less: Prem.	Net: Interest	Net Interest Rate
Two River Community Bank	3.8000%	13,502.32		13,502.32	3.8000%
Commerce Bank	3.7400%	13,289.13		13,289.13	3.7400%

Awarded To: Commerce Bank

Mr. Pfeffer then stated the following:

1. We just closed out the month of April which is the 10th month in our fiscal year and unlike other years he does not have the same feeling on revenue side of the budget that he has had in the past. However, there are certain things that will occur in May that may reverse how he feels at the moment. He expected our revenues to be higher then they are.
2. SFY 2008 Budget – we are moving along pretty well on that.

Public Safety

Chief Blewett stated the following:

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

1. Our Police Explorers had six graduate from the Monmouth County Explorer Program.
2. Heavy flooding conditions – he recommended that the Borough purchase some permanent barricades.
3. The Police Department received a recent donation of 3 computers.

4. Det. Robert Burton completed the Middle School Curriculum DARE Program at Henry Hudson School.
5. There were 492 calls for service in the month of April.

Mayor O’Neil stated that he has received complaints from the residents down on Shrewsbury Avenue about the Windansea Restaurant at closing time. He then directed Chief Blewett to take care of that.

Highlands Business Partnership

Carla Cefalo-Braswell of the HBP stated the following:

1. We have our annual Seaport Craft Show coming up on Sunday, May 27th at 10 AM in Huddy Park. On that same day they are going to be promoting the Lions Club pancake breakfast at the VFW.
2. The Water Taxi will be up and running on Memorial Day weekend.
3. The Visual Improvement Authority and the Highlands Garden Club are in the process of ordering our plants and street containers and they will be completed by Mothers Day Weekend.

Parks & Recreation

Nancy Thomas stated the following:

1. She attended a Monmouth County Parks System Awards Dinner on Monday where Jennifer Rounds of our Recreation Department won an award for creative innovation.
2. She thanked all of the volunteers who helped out with our Earth Day Celebration, it was a big success.

Other Business:

Community Development

Miss Thomas – We are coming up to our deadline to submit a project to the Community Development Block Grant and we will be having our Citizen Participation Meeting on May 16th at 8:00 P.M.

Mrs. Braswell of the HBP – suggested that we apply for funding for sidewalks to fix the sidewalks.

Request to Vacate – Scaturro, Block 3 Lots 6 & 7

Mrs. Cummins stated that we have received a letter from Martin McGann, Esq. requesting that the Borough vacate. He is looking for a preliminary idea of if the Council is interested in this before he post all the fees.

Mayor O’Neil stated that he wanted to look at the property first and requested that this matter be placed on the May 16th agenda.

Approval of Application for Membership to the Fire Department

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

Mr. Caizza offered a motion to approve the application of John McKay to the Highlands Fire Department, seconded by Mr. Nolan and all were in favor.

Minutes:

Mayor O'Neil offered a motion to approve the January 17, 2007, February 7, 2007 and the February 21, 2007 Council Meeting Minutes, seconded by Mr. Urbanski and approved 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: Mr. Nolan abstained on the February 21, 2007 Minutes.

Public Portion:

Rhoda Sims of 3 Osborn Street stated that she and her neighbor sent a request for a vacation and she wanted to get an idea of what the legal and engineering fees would be for this vacation. She also stated that she wants to see this vacation request on the next meeting agenda.

Mr. Manco – the escrow must be paid so that fees could be deducted. There would be an economy of scale for the review and preparation of this ordinance.

Mr. Hilling advised Ms. Sims to come and see him tomorrow to discuss this.

Maureen Kraemer of 200 Portland Road spoke about the bridge project and the Brielle Bridge and the NJDOT study of that bridge that was done. She stated that the borough residents have been ignored with regard to the bridge project.

Miss Thomas took some information from Ms. Kraemer and stated that she will look into it and contact Ms. Kraemer to advise her of her findings.

Fran Benson wanted to know if the Borough's Bridge Attorney has made any recommendations to the borough yet about the bridge project.

Miss Thomas stated that the NJDEP will call her before any permits are issued for the bridge project.

Carla Cefalo-Braswell stated that Tim Hill of the Recreation Department was the Borough's representative regarding the bridge meetings and he is faithful in representing the borough and he should have documentation on the bridge project that goes back to 1999 and she advised Mr. Hilling to contact Mr. Hill.

Mr. Hill stated that he will contact Mr. Hill.

Fred Rosiak of Captains Cove Marine on Washington Ave spoke to the Council about Washington Avenue.

Mr. Manco advised Mr. Rosiak that the Council is providing a forum to the public to speak on this issue. The Borough Engineer and himself are working on this issue and they are in a position once they have compiled all of the data to make a recommendation to the Council on how to proceed. He has specifically instructed the Governing Body not to get into a debate or dialog with Mr. Rosiak because it is a matter that could wind up being in litigation. He is directing the Council not to speak or debate these issues because anything that they say can be used during litigation.

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

Fred Rosiak stated that back in August 1946, the Borough of Highlands vacated ten feet of property adjoining Captain Coves Marina into the road. In 2000 there was a Parking Committee and one suggestion was that no parking be allowed on one side of Washington Avenue and he appeared before the Council and expressed his interest in purchasing the marina in 2000 and expressed that he could not buy the marina if there were no parking on the one side of Washington Ave and Mayor O'Neil stated that he

would be foolish to buy the marina without parking. In 2001, after purchasing the marina he appeared before the Governing Body and asked for a number of considerations and most of them the Council could not agree to but one of the things that I ask for and was agreed to is that they were pave up to the bulkhead and an agreement was signed by the Borough Clerk and Borough Administrator dated May 2, 2001. He then described meetings that took place about the paving between he and Borough Officials.

Jim Tynan of 1 Marine Place questioned the Council about restricting parking on one side of Washington. He believes that it will devalue the marina and surrounding houses. He then read a letter from Art Cavaya of 33 Washington Ave which stated that they want to remove the curb and have it paved to bulkhead.

Kathy Lustig of 9 Washington Avenue expressed her opposition with parking on Washington Ave and the Councils proposal to take away parking on one side of the street and requested that it be paved to bulkhead.

Frank Thomas of 49 Huddy Avenue expressed his concerns about taking away parking on one side of Washington Street stated that he is a boater and he is against that curb being put in and wants it paved to the bulkhead. He stated that if parking is taken away then it will take away the value of the marina.

9:31 P.M. – Mr. Pffefer left the meeting.

Paul Hess of 255 Shore Drive supports the curbing unto the bulkhead.

Carla Cefalo Braswell of the HBP spoke in support of Mr. Rosiak and Captains Cove Marina issues and stated they she is opposed to the taking away of parking on one side of the street. She stated that taking away parking will put Captains Cove Marina out of business.

Chris Francy of 36 Fifth Street questioned the need of the curbing on Washington Ave.

Mayor O'Neil stated that Mr. Bucco will answer all questions about the Washington Ave project at the next meeting.

Fred Rosiak expressed his frustration with the Council not responding on this issue this evening.

Mr. Manco responded to Mr. Rosiak about why the Council can not speak on this matter this evening.

Mr. Thomas asked why the borough would put the curb in first, why not cut up the street and see what the conditions are. Doing the curb first was backwards.

Paul _____ spoke against the taking away of parking.

Roberta McEntee of 55 Fifth Street thanked Maureen Kraemer for all of her work on the bridge project.

Lori Dibble of 32 Paradise Park questioned the Land Use Ordinance that up for a public hearing on 15th.

**MAYOR AND COUNCIL
REGULAR MEETING
MAY 2, 2007**

Mrs. Cummins stated that the public hearing is set for June 20, 2007.

Lori Dibble questioned the effect of the zone changes will have on our affordable housing and wanted to know if there was any study done about the impact on affordable housing and the impact of putting in a 13-story high rise on top of that slump block.

Mayor O'Neil stated that the applicant will provide a lot of information.

Lori Dibble asked that when there are challenges to zoning amendments by the surrounding property owners how is that affected if the surrounding property owner is Eastpointe Condos?

Mr. Manco stated that he will have to address that at some point.

There were no further questions or comments from the public.

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

The Meeting adjourned at 9:46 P.M.

CAROLYN CUMMINS, DEPUTY CLERK