

MAYOR AND COUNCIL  
REGULAR MEETING  
MAY 16, 2007

Mayor O'Neil called the meeting to order at 7:18 P.M.

Mrs. Flannery 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, Ms. Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**Absent:** None

**Also Present:** Nina Light Flannery, Borough Clerk  
Dominick Manco, Esq., Borough Attorney  
Bruce Hilling, Borough Administrator

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**Executive Session Agenda**

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. Litigation – Washington Ave, First Aide Squad, Flood Mitigation on Huddy**
- 2. Salary for Mike Hrbek, Purchasing Agent**
- 3. Tax Clerk Position**
- 4. Real Estate – Borough Hall**

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

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

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

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
4. Deals with collective bargaining, including negotiation positions.
- 5. Deals with purchase, lease or acquisition of real property with public funds.**
6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.

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7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
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.**
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

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

**ROLL CALL:**

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

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Regular Meeting back to order at 8:31 P.M.

**ROLL CALL:**

**Present:** Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**Absent:** None

**Also Present:** Nina Light Flannery, Borough Clerk  
Dominick Manco, Esq. Borough Attorney  
Bruce Hilling, Borough Administrator

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**Citizens Participation Group Presentation Public Hearing**

**Present:** Time Hill, Recreation Director  
Robert Bucco, P.E., Borough Engineer

Mr. Hill stated that this hearing was advertised and the fiscal year 2008 funding for Community Development Block Grant is coming upon us and municipalities have the potential to apply for up to \$250,000 for a local community project. As part of this process there have been some informal discussions about some projects. It is worth our effort to apply and get involved in this funding process. This money does come from HUD and it is filtered down to the Monmouth County Planning Board to the Community Development Program. He then stated that we have been very successful in the past which he further described some previously funded projects. He explained that tonight we are here to solicit some ideas for projects. He stated that we can only apply for one project which the Governing Body would have to agree on the recommendation of what we select. The deadline for applying is June 29<sup>th</sup> at 4:30 P.M. If we are successful this year receiving funding then we have to skip a year because municipalities can not apply for funding two years in a row. He then opened up the public hearing on this matter.

Lori Dibble – what is the scope of the projects that are funded?

Mr. Hill explained that it's basically construction moneys they don't pay for engineering which he further explained.

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Art Cavallo – Is there anything already on the drawing board for the town that we have to spend tax money on that we could use some of this money to off set it?

Mr. Hill – I can't say 100% sure that there is.

Mr. Urbanski stated that the public yard may qualify for some infrastructure.

Mayor O'Neil – yes, we had spoken about generators at the recreation center and the lift station on Waterwitch Avenue which he further explained.

Mr. Hill – the maximum that we can apply for is \$250,000 which normally you do not receive all of that but rather a smaller amount which he further explained.

Arthur Cavallo- spoke about generators

Paul Hess of 255 Shore Drive – rather than creating a wish list, we should just address things that are required.

Mr. Hill explained that this meeting is a requirement, they are looking for projects that will make a significant impact.

Mr. Bucco – they are looking for a project that will benefit the general public, not a project that will only benefit a certain group or organization. This is federal money and needs to be used for not just the residents of Highlands but anyone who visits the Borough of Highlands. An emergency generator at the Community Center may be eligible because that Community Center is a designated shelter.

Miss Thomas wanted to speak about a sidewalk and sanitary sewer drainage, ADA compliance along our highly used areas in town like Bay Ave, Waterwitch Ave, Valley. We have major flooding problems so our drainage needs to be reworked. We have sanitary sewer issues and ADA curb issues, so the CDBG thought that this would be more favorable.

Mr. Hill explained that if you get into multiple streets, say there are three sections they are not going to let us do a section of Shore Drive a section of Shrewsbury, its got to be contiguous. He also explained that if we chose three types of street projects we would have to prioritize them.

Maureen Kraemer of 200 Portland Road – she thought that perhaps there should be a project that ties in with the Monmouth County Pompamora Park something in the area of the Pompamora Park.

Mr. Hill – explained that we need a specific project which Ms. Kraemer did not have for the Pompamora Park area.

Fred Rosiak of 9 Marine Place stated that we have two waterfront parks that need repairs is that a potential project?

Mr. Hill explained that that project (Marine Place) was funded partially with Community Development money in the past. They would be very hard pressed to reinvest money of this nature into a facility like that again. However, something certainly needs to be done down there.

Carla Cefalo-Braswell, HBP wanted to know if both being able to apply for funding is a benefit.

Mr. Hill – the Highlands Business Partnership as a non-profit could apply on there own. They can apply on a separate application.

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Mr. Bucco suggested that Mrs. Braswell speak with the Committee before spending time on an application.

Paul Hess suggested that since the Borough can only apply every two years perhaps the non-profit can apply on the off year.

Miss Thomas stated that with regard to the generators the Representative advised us that they have to be permanent generators at each location. It's something that has never been before the Committee before so they are not sure how it would be taken. We have some major sanitary sewer issues and drainage issues and sidewalk problems. So those are the three projects that we spoke at length about.

Jim Parla of 16 Portland Road wanted to know if Mr. Hill had a recommendation.

Mr. Hill – as far as a recommendation sitting on the Committee I know that they lean toward ADA. If you go and take a picture of a street being flooded, visuals do wonders and if we can tie that into the lift station generator. As far as him having his own recommendation, he doesn't because he wants to hear from everybody. He thinks that each of the projects that were discussed tonight each have their own merits.

Maureen Kraemer questioned the ADA sidewalks and Mr. Hill stated that it would be the curb cuts.

Maureen Kraemer stated that that might cost us more money because those \$25,000 garbage cans are too wide for the sidewalks and so are the planters and the wheel chairs won't be able to go anywhere.

Lori Dibble of Paradise Park – if you wanted to tie the public works into a public project what about asking for money to establish a comprehensive recycling center that has public access?

Miss Thomas – that was part of the discussion to upgrade the recycling yard, paving and making it more appealing to the public.

Mr. Hill stated that there are members on the committee that are long time Highlands residents.

Mr. Urbanski suggested that we go with the generators and flood pump.

Mr. Bucco – the three projects that we are looking at are the generators, improving the DPW yard and the sidewalks. If you had to priorities that, the Community Center is a designated shelter in times of need.

Mr. Hill – I would prioritize the lift station generator.

The Governing Body had a discussion about the generators.

Art Cavallo – questioned how much funding the borough could receive for the generators.

Mr. Hill – its hard to say but if the generators cost us \$300,000 and we put in for the maximum and received 60% of that he would consider that a good number.

Mr. Urbanski – we have two lift stations and the community center that need generators.

Mr. Bucco spoke about the generators.

Donna Conrad – I have never known the Community Center to be used as a flood shelter.

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Mr. Hill – it's a step down shelter.

Donna Conrad – it floods down there so how would you get people into the shelter.

Mr. Hill explained some previous experiences when the Community Center was used for the Senior Building evacuations.

Miss Thomas – spoke about a transportable generator for the Highlands Elementary School.

Mayor O'Neil – there may come a time when we are on our own and it can't hurt to be prepared with generators.

Mr. Hill thanked the public for there comments and stated that he believes that the recommendation would be to pursue the generators for the lift station and what ever else is necessary. He will call tomorrow to get some guidance on how the generator project will be received by the Committee.

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**Consent Agenda Resolutions:**

Mrs. Flannery read the titles of the following resolutions for approval and stated that Resolution R-07-87 Change Order #2 for A. Montone has been removed from the Consent Agenda.

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

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Mr. Urbanski offered the following resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-07-89**

**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:

<b>CURRENT FUND</b> -----	<b>FROM</b> -----	<b>TO</b> -----
Engineer:		
Other Expenses	\$15,000	
Mechanical Garage:		
Other Expenses		\$10,000
Central Services:		
Other Expenses		5,000
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	\$15,000	\$ 15,000

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. Urbanski offered the following resolution and moved its adoption:

**R-07-90**  
**RESOLUTION APPOINTING MONMOUTH COUNTY  
JOINT INSURANCE FUND  
MUNICIPAL COMMISSIONER AND SAFETY COORDINATOR**

**WHEREAS**, the Borough of Highlands is a member of the Monmouth County JIF (JIF); and

**WHEREAS**, as a member of the JIF, the Borough is entitled to and encouraged to assign a municipal representative and a Safety Coordinator; and

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**WHEREAS**, the Governing Body desires to have these positions filled so that they have the appropriate representation on the JIF;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that Bruce Hilling, Borough Administrator, be and hereby is appointed as the Monmouth County JIF Commissioner and Highlands Safety Coordinator.

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. Urbanski offered the following resolution and moved its adoption:

**R-07-91**  
**RESOLUTION AUTHORIZING AWARD OF CONTRACT**  
**FOR:**  
**CASE LOADER BACKHOE**

**WHEREAS**, bids were received on May 15, 2007; and

**WHEREAS**, one (1) bid was picked up by a vendor and one (1)

Responsive Bid was received as follows:

<u><b>VENDOR</b></u>	<u><b>AMOUNT</b></u>
<b>1. TRICO EQUIPMENT INC.</b>	<b>73,013.00</b>
<b>P.O. BOX 7019</b>	
<b>FREEHOLD, N.J. 07728</b>	

Bids were advertised as per N.J. State Statutes and affidavit of publication is on file in the Office of the Borough Clerk.

**TRICO EQUIPMENT INC., P.O. BOX 7019, FREEHOLD, N.J. 07728** shall Furnish and Deliver the following as per Bid Proposal & Specifications & Covenants thereof dated May 15, 2007. said bidder being the Lowest Responsible Bidder.

<u><b>DESCRIPTION</b></u>	<u><b>VENDOR</b></u>
<b>CASE LOADER BACKHOE FOR THE DEPARTMENT OF PUBLIC WORKS</b>	<b>TRICO EQUIPMENT INC. P.O. BOX 7019 FREEHOLD, N.J. 07728</b>

**WHEREAS**, bids have been reviewed by the Purchasing Agent and Bruce Hilling, Borough Administrator, and it is their recommendation that the contract be awarded to TRICO EQUIPMENT INC., P.O. BOX 7019, FREEHOLD, N.J. 07728. in the amount of: \$ 73,013.00

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, County of Monmouth, State of New Jersey as follow:

1. It hereby awards the contract for "Case Loader Backhoe" to Trico Equipment Inc., P.O. Box 7019, Freehold, N.J. 07728. in the amount of: \$ 73,013.00

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2. **BE IT FURTHER RESOLVED**, this contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A. 19:44A-20.5 et seq.

**WHEREAS**, the Chief Financial Officer for the Borough of Highlands has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget no. M.C.I.A. A copy of the said certification is attached hereto and made a part hereof and the funds to be expended herein are assigned to line item no. M.C.I.A. A copy of the within resolution and certification shall be

certified by the Borough Clerk. The Borough Attorney is satisfied that certification of availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

2005 M.C.I.A. - \$ 73,013.00

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Stephen Pfeffer, CFO

3. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:

- A) Administrator
- B) Comptroller
- C) Purchasing Agent
- D) All of the above bidders

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. Urbanski offered the following Resolution and moved its adoption:

**R-07-92**

**RESOLUTION**

**HOLD HARMLESS AGREEMENT BETWEEN THE BOROUGH OF  
HIGHLANDS AND THE GRAVELLY POINT CONDOMINIUM ASSOCIATION**

**WHEREAS**, the Borough of Highlands (hereinafter referred to as the "Borough") and the Gravelly Point Condominium Association (hereinafter referred to as the "Association") entered into a Municipal Services Agreement, which was approved by the Association and also by the Borough; and

**WHEREAS**, the aforementioned Municipal Services Agreement requires the Association to execute a Hold Harmless and Indemnification Agreement in favor of the Borough;

**NOW, THEREFORE (that via signatures attached)** it is hereby agreed between the Borough and the Association as follows:

1. The Association, its successors and assigns, hereby grant to the Borough, its successors and/or assigns, the right, privilege and permission to enter upon and use the Association's premises for the purpose set forth in the Municipal Services Contract referred to herein.



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2. The Borough agrees to use the subject premises for the ingress and egress of the Borough's employees and equipment, and to perform the services set forth in the aforementioned Municipal Services Contract.
3. The Association, its successors and assigns, agree not to make any claim, cross claim, or counterclaim against the Borough for acts and omissions arising out of the performing of any acts under the Municipal Services Contract, and shall make no claim upon the Borough concerning the same.
4. The Association, its successors and assigns, agrees to hold harmless and indemnify the Borough, its agents and employees, against any claims

concerning the premises within the Association of any damages or injuries caused to Association members or others on the premises.

5. Excepted from the terms of the hold harmless and indemnification language in the preceding paragraph are any acts of negligence by the Borough, its agents or employees, from which negligence person or property is directly injured or damaged. As example of direct injury or damage would be the careless driving of a garbage truck and striking person or property on the Association premises. An example of indirect injury or damage, which obligation is not assumed by the Borough, and which obligations the Association shall hold harmless and indemnify the Borough against, would be garbage truck traffic on the interior roadway and the subsequent deterioration of the roadway, with a person or property being injured because of such deterioration.

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. Urbanski offered the following Resolution and moved its adoption:

**R-07-93  
RESOLUTION OF SETTLEMENT  
EMPLOYMENT DISPUTE**

**WHEREAS**, a dispute has arisen between the Borough of Highlands ("Borough") and a former employee of the Borough, Deborah McCauley ("McCauley") concerning entitlement to post-employment benefits; and

**WHEREAS**, there is presently pending a lawsuit filed in the Superior Court of New Jersey, Monmouth County, Docket Number L-4113-05; and

**WHEREAS**, representatives of the Borough and McCauley have been engaged in discussions in a good faith attempt to resolve not only this lawsuit but all issues regarding McCauley's entitlement to post-employment benefits; and

**WHEREAS**, those negotiations have resulted in a proposed Settlement Agreement that resolves all issues between the parties; and

**WHEREAS**, the Borough Administrator and the Borough Labor Attorney are satisfied with the terms contained in the aforementioned Settlement Agreement; and

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**WHEREAS**, the Mayor and Borough Council of the Borough of Highlands believe that adoption of this Agreement is in the best interest of the Borough;

**NOW THEREFORE BE IT RESOLVED** this 16<sup>th</sup> day of May, 2007 that the Mayor and Borough Clerk are hereby authorized to execute the Settlement Agreement (attached hereto as Exhibit A) on behalf of the Borough of Highlands; and

**BE IT FUTHER RESOLVED**, that this authorization is contingent upon the signature of McCauley on the settlement agreement and the General Release and Waiver attached to the agreement; and

**BE IT FUTHER RESOLVED**, that a payment in the amount of \$30,000 is authorized as representing the Borough's share of the final settlement payment in this matter.

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-07-94**

**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:

<b>CURRENT FUND</b> -----	<b>FROM</b> -----	<b>TO</b> -----
Finance:		
Other Expenses	\$ 5,000	
Prosecutor:		
Salaries & Wages	2,000	
Uniform Fire Safety:		
Salaries & Wages	2,000	
Police:		
Salaries & Wages	5,000	
Municipal Court:		
Salaries & Wages	5,000	
Public Defender:		
Salaries & Wages	1,500	
Construction Official:		
Salaries & Wages	3,000	
Code Enforcement:		
Salaries & Wages	5,000	
Other Expenses	7,000	
Streets:		
Salaries & Wages	4,000	
Animal Control:		

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Other Expenses	4,000	
Community Center:		
Salaries & Wages	10,000	
Legal:		
Other Expenses		\$ 45,000
Utilities:		
Natural Gas		3,000
Police Dispatchers:		
Salaries & Wages		5,500
	\$ 53,500	\$ 53,500

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. Urbanski offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS  
05/16/07**

<b>CURRENT:</b>		\$ 48,234.65
Payroll (05/15/07)		\$
Manual Checks		\$ 16,228.13
Voided Checks		\$
<b>SEWER ACCOUNT:</b>		\$ 70,104.18
Payroll (05/15/07)		\$
Manual Checks		\$ 70,977.60
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$ 54,962.13
<b>CAPITAL-MANUAL CHECKS</b>		\$ 130,125.59
<b>TRUST FUND</b>		\$ 4,726.80
Payroll (05/15/07)		\$
Manual Checks		\$ 7,467.15
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$ 2,740.35
<b>DOG FUND</b>		\$ 41.40
<b>GRANT FUND</b>		\$
Payroll (05/15/07)		\$ 0.00
Manual Checks		\$
Voided Checks		\$
<b>DEVELOPER'S TRUST</b>		\$ 374.50
Manual Checks		\$
Voided Checks		\$

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**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 16, 2007

Wayne Occhipinti	Vehicle damaged by	
	Boro Plow	\$ 1,000.00
Schibell, Mennie & Kentos	Legal – April 2007	2,872.50
EDC Electric Corp.	Valley Street Pump	
	Station Upgrades #2	62,769.00
Tomaino, Tomaino & Iamello	Community Center #10	363.25
Tomaino, Tomanino & Iamello	Community Center	
	Crawl Space Pipe	330.28
Star of the Sea	Refund Excess Off Duty	
	Deposit	300.00
Total Supplemental Bill List		<hr/> \$67,635.03

Seconded by Mr. Caizza 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

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**Other Resolutions:**

**R-07-95**

Mrs. Flannery read the title of Resolution R-07-95 for approval.

Annemarie Tierney, School Board President expressed her disappointment that the school budget was defeated again. She then described the budget amount and the fact that they can't afford to make cuts.

Tara Ryan, School Board Vice President wanted assure the public that there was not one frivolous charge in the budget and hopes that the public is aware of what will have to be cut from the budget.

Carla Cefalo-Braswell of 62 Gravelly Point Road asked what specials were being cut.

Annemarie Tierney – Art and Music were cut last year and this year Gym is being cut by one day and they had to combine two more classes which she further described. She also explained that they are mandated to hire a full-time Administrator and they need to come up with \$40,000 to fund that position.

Mayor O'Neil had a discussion with the School Board President about the budget.

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

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**R-07-95**  
**RESOLUTION OF THE BOROUGH OF HIGHLANDS CONCERNING**  
**SETTING**  
**THE TAX LEVY FOR HIGHLANDS ELEMENTARY SCHOOL**

**WHEREAS**, on April 17, 2007, the annual school budget for the 2007-2008 academic year, as prepared by the Highlands Elementary School Board of Education (hereinafter referred to as "BOARD") was defeated by the voters; and

**WHEREAS**, pursuant to the provisions of N.J.S.A. 18a:22-37, The General Fund Budget for the year 2007-2008 has been presented to the Finance Committee (hereinafter referred to as "the Committee") of the Governing Body of the Borough of Highlands for its determination of the amount necessary to be appropriated for each item appearing in the General Fund Budget; and

**WHEREAS**, New Jersey State Statute requires the Governing Body to certify the amount of local tax revenue to support a thorough and efficient system of education where a tax levy referendum of the BOARD was defeated by the voters of a municipality; and

**WHEREAS**, in the course of reviewing the defeated school budget, the Committee conducted a meeting; and

**WHEREAS**, in fulfilling its obligations, the Committee and the Governing Body have discussed, in detail, the budget and its supporting documents; and

**WHEREAS**, the Governing Body finds that (1) the provision of a thorough and efficient system of quality education to the children of Highlands is of the highest priority and utmost importance to the Governing Body, the BOARD, the parents, children and all citizens of the Borough of Highlands and that (2) the provision of such land educational system is essential to the continued development of the community and the future of our children; and

**WHEREAS**, the Governing Body further finds that (1) the provision of educational services to our children, as the provision of all governmental services, should be rendered in a cost effective manner; that all reasonable and necessary administrative efforts should be made to realize economies in the provision of education services so as to avoid unnecessary expenditure of public funds which do not relate directly to the quality of education provided to our children; and (2) the BOARD is mindful of the fact that the ever increasing tax burden upon our taxpayers must not be unnecessarily increased; and

**WHEREAS**, the Governing Body has determined that certain line items in the annual school budget for the 2007-2008 school year may be reduced without any adverse effect upon the quality of education provided; and

**WHEREAS**, the reasons for each such reduction in the annual school budget has been considered and addressed by the Governing Body and is set forth in detail below; and

**WHEREAS**, the Governing Body has been both reasonable and conservative in its review of the recommended reductions in the line item specified;

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

- The Committee, after due consideration and consultation with the full Governing Body, hereby finds and determines that the following line item

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contained in the annual school budget for Highlands Elementary School for the academic year 2007-2008 can be reduced without negative effect upon the thorough and efficient provision of public education in the Borough of Highlands:

<u>LINE ITEM</u>	<u>DESCRIPTION</u>	
<u>REDUCTION</u>		
11-1XX-100-270	Health Benefits	-\$20,000.00

- The Governing Body hereby certifies to the Monmouth County Board of Taxation and to the Monmouth County Superintendent of Schools, the following amount relating to the General Fund to be raised by local taxation for the Highlands Elementary School District in the 2007-2008 school year is as follows:

The original tax levy for General Fund contained on the ballot pertaining to the 2007-2008 annual school budget for Highlands Elementary School Board of Education was: \$2,880,142.00

The total amount of the net reduction in the General Fund found by the Governing Body to be appropriated is: -\$ 20,000.00

The amount of the tax levy hereby certified by the Governing Body Of the Borough of Highlands to the Monmouth County Board of Taxation and to the Monmouth County Superintendent of Schools For the 2007-2008 General Fund is \$2,860,142.00

The Governing Body hereby certifies that the revised school budget for the Highlands Elementary School for the year 2007-2008 containing the line item reductions as noted above, in accordance with the reasons for such reductions as expresses here, is sufficient to provide a thorough and efficient system of education in the Highlands Elementary School for the 2007-2008 school year; and

**BE IT FURTHER RESOLVED** by the Governing Body of the Borough of Highlands, as follows:

1. The Municipal Clerk be and hereby is authorized and directed to file a certified copy of this Resolution with the Board of Education of the Highlands Elementary School no later than May 19, 2007.
2. The Municipal Clerk be and hereby is further authorized and directed to file two (2) certified copies of this Resolution with the Monmouth County Superintendent of Schools and with the Monmouth County Board of Taxation no later than May 19, 2007.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

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**Ordinances: 2<sup>nd</sup> Reading, Public Hearing, Adoption**

**Ordinance O-07-08**

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Mrs. Flannery read the title of Ordinance O-07-08 for second reading and public hearing and stated that it was published in its entirety in the May 8, 2007 edition of the Asbury Park Press.

Mayor O'Neil opened the public hearing on Ordinance O-07-08.

Mr. Nolan stated that Chief Blewett supports this Ordinance.

Tara Ryan of Ocean Street asked if this pertains to the amount of time the dumpster are allowed on street and property.

Mayor O'Neil – yes it does.

Ms. Thomas – explained that PODS are not allowed on the streets but dumpsters are and it effects how long a dumpster can be there.

There were no further questions or comments from the public; therefore Mayor O'Neil closed the public hearing on Ordinance O-07-08.

Mrs. Flannery read the title of Ordinance O-07-08 for the third reading and adoption.

Mr. Nolan offered the following ordinance pass third and final reading and moved on its adoption 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 of 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:**

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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 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



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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.

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 than \$500.00 nor more than \$1,000.00.

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

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**Ordinance O-07-09**

Mrs. Flannery read the title of Ordinance O-07-09 for the second reading and public hearing and stated that it was published in its entirety in the Asbury Park Press May 8, 2007 edition.

Mayor O'Neil opened the public hearing on this ordinance but there were no questions or comments from the public; therefore Mayor O'Neil closed the public hearing on Ordinance O-07-09.

Mrs. Flannery read the title of the Ordinance O-07-09 for third reading and adoption.

Miss Thomas offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

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**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:

**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

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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 tat 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

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 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

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**Other Business:**

**Borough Engineers Status Report**

Catherine Britell, P.E. of T & M Associates stated the following:

1. Community Center Project – this project is substantially complete the contractor is just finishing the punch list items. Additionally T& M has submitted a proposal for the emergency generator.
2. Community Center Playground/Sports Courts Improvements – that project was recently awarded to Whirl Construction and a preconstruction meeting is scheduled for May 18<sup>th</sup>.
3. Firehouse – we are close to finishing this job. The contractor is saying he will be done within the next two weeks.
4. NJDEP Stormwater Management Regulations – we responded to a violation notice submitted by the DEP and we understand that the Borough is working to correct the deficiencies.
5. South Bay Ave Pumpstation – we submitted a quote to the Borough from Pumping Services to repair portions of the existing control panel. If approved they will repair the items outlined in their proposal. If after repairs we find that we still have problems then we have to do some further investigations.
6. Valley Ave Emergency Sewer Repair – PMK will be out there within the next two weeks to start their investigation.

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7. Sanitary Sewer Repair of Bay Ave & Jackson Street – the contractor completed the paving work that was outstanding so final payment is pending and the project is complete.
8. Sanitary Sewer Investigation at Waterwitch Ave & Route 36 – we submitted a Traffic Control Plan to the NJDOT as required and are waiting to hear from them soon and at that point we can investigate the area.
9. Valley Street Pump Station Rehabilitation – At this point we found the contractor to be nonresponsive so we are drafting a letter to the bonding company.
10. 2006 Road Program – Washington Ave and Miller Street she wants to defer any questions to Mr. Bucco.
11. Basin 8 Sanitary Sewer Rehab – Bids were received on May 3<sup>rd</sup> and we are going to recommend that Proposal A and C be awarded at this time but Proposal B needs to go back out to bid because there was a problem with the low bidder.
12. Basin 2 Sanitary Sewer Rehab – that job was authorized and we are currently working on it.
13. NJDOT Application – nothing new on this item.

Mr. Bucco further explained the need to draft a letter to the Bonding Company for the Valley Street Pump Station Rehabilitation.

Mr. Bucco stated the following:

1. Emergency Generator for the Pump Station – we just put in a proposal to design that and inspect it.
2. Emergency Generator for Waterwitch Pump Station – we just put a proposal in to design that and inspect it.
3. South Bay Pump Station – Pumping Services has provided a proposal to do the work that they have identified as a problem. He would recommend that the Borough do that and if there is any subsequent problems with the electrical panel then we can determine if it's under EDC's bond and then they would be responsible to do the rest.
4. Emergency Generator for Community Center – that is a design and construction proposal for us to do that.

#### **Scaturro Vacation Request**

Mrs. Flannery stated that this was carried over from the last meeting. The applicant is seeking preliminary approval of his request for a vacation.

Mr. Hilling stated that he is working on this.

#### **Application for Social Affair Permit for American Legion**

Mr. Urbanski offered a motion to approve the application for a Social Affairs Permit for the American Legion, seconded by Mr. Caizza and all were in favor.

#### **South Bay**

Mr. Hilling wanted to get a consensus of the Governing Body as to South Bay Avenue and if they wanted to go for the \$1,000 contract for the South Bay Ave Pump Station.

The Governing Body agreed to this.

#### **Mackiewicz & Sim Vacation Request**

Mrs. Flannery stated that this matter has been removed from the Agenda because they are not ready.

Mr. Manco – the engineer has recommended it, however we are still waiting for a sight triangle description that they haven't provided yet.

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Mr. Bucco – I don't see a problem with it but I need to see exactly what they want to have the town vacate, it needs a metes and bounds description.

Mrs. Flannery stated that the description came in today via fax but the engineer has not had time to review.

**Release of Guarantees for Robert Aragon for 1 Willow Street**

Mr. Bucco – he received an approval from the Planning Board in 1996. He didn't do anything, he didn't even ask for an extension of time from the Planning Board. So in effect he does not have an approval anymore and he believes that he sold the property. His concern is that if back in 1996 to now he owes the borough any money he recommends that the borough not release it until all outstanding fees are satisfied.

Mayor O'Neil – how do you keep a bond running for 11-years. So what do you recommend.

Mr. Bucco – the Bonding Company will not release unless the Borough authorizes the release via a resolution.

Mr. Urbanski – does the new owner have an obligation to have the site right for what he does because he has the same uses going on as the previous owner did. So how do we guarantee to the borough that these bonded items will be done.

Mr. Bucco – he had an approval and he did nothing to perfect that approval

Mr. Urbanski - well I guess that he can't get the bonds released.

The Governing Body had a brief discussion on this matter and no decision was made on this matter.

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**Approval of Minutes**

Mrs. Flannery stated that the March 7, 2007 minutes had a typo on page one of the Resolutions it should be "PMK".

Mayor O'Neil offered the approval of the March 7, 2007 minutes with the correction on first page of resolutions, seconded by Mr. Nolan and all eligible Governing Body Members were in favor.

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**Washington Street Borough Engineer Status Report**

Mr. Bucco stated that at the last Council Meeting there were some questions as to what the proposed construction is for the road and a question of what was constructed on private property. They did go out and survey the right of way line and the current construction there is, in fact on private property so that has to be removed. We are going to remove that curb and we are going to be putting that curb in the borough right of way which will then give the borough roadway an effective width of about 21 ½ feet which is sufficient enough for any of the residents who will be backing up fully and maneuver turns. With a 21 ½ foot roadway parking will have to be restricted on one side of the street. We cannot have parking on both sides of the street, you will not be able to get a vehicle down the street with parking on two sides. If you restrict parking to one side of the street you will have about 14 feet from curb to the parked car which gives you enough space to get an emergency vehicle down the roadway. So the road will be curbed, the cross section will have a crown in the road which means that the road as it sits today is flat and its all uneven and we are going to put a crown in the road of about 4-inches to direct water to the existing inlet. So with that the borough will have to pass an ordinance restricting parking on one side of the road but all of the improvements will be within the borough right of way.

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**Public Portion:**

Art Cavallo of 33 Washington Ave – why is the town putting a curb in where there was never a curb?

Mr. Bucco explained that the curb is being put in to direct runoff to the inlet that is in the street.

Art Cavallo discussed the curbing with Mr. Bucco and Mr. Bucco explained that the Borough can't spend public funds for improvements being placed on private property.

Art Cavallo stated that we haven't had a problem on Washington until the engineer put the curb in. He then continued to question Mr. Bucco about the curbing and one side parking on Washington Street.

Donna Conrad stated that with the new curb it is harder and tighter to get down the street and asked the Governing Body to hold off on one side parking and asked them to pave up to the bulkhead.

Fred Rosiak of Captains Cove Marina on Washington Avenue questioned Mr. Bucco about the curb for the Washington Avenue project and questioned the Council about the one side parking on Washington Avenue which Mr. Bucco responded to.

Mr. Bucco explained that the curb has to be removed because it's on private property, so there is an additional cost to remove the curb but there is also an additional reduction from changing it from a straight curb to the proposed.

Mr. Rosiak continued to have a discussion with Mr. Bucco and the Governing Body about the Washington Avenue Project and he expressed his frustration with the Governing Body about the Washington Avenue curbing and one sided parking. Mr. Rosiak stated that he believes that he submitted a survey of his property to the Council earlier on during the design phase of this project.

Mrs. Thomas explained that the Borough can't spend money to pave private property.

Carla Cefalo-Braswell begged the Council to reconsider the decision about the curbing on Washington Avenue because it will put the Marina out of business. Maybe if Mr. Rosiak is willing to put up private money could the council work out a happy medium.

Mr. Rosiak questioned a possible option of a depressed curb.

Mr. Bucco explained that the reasoning that the curb is designed the way it is is because the parking is going to be restricted on the one side.

Jim Prime of 1 Bedle Place – do we know how many parking spots will be lost on Washington Avenue?

Mr. Bucco explained that you take the length of the street then divide it by 22.

Jim Prime expressed his frustration with the proposed loss of off street parking for Washington Avenue

Mr. Rosiak questioned Mr. Bucco about the parking standards and stated that if he emptied the parking lot out by the marina they would only be able to provide eight parking spots.

Mr. Urbanski spoke with Mr. Rosiak about the parking lot at the Marina.

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Carla Cefalo requested that a meeting be set up between herself and Mr. Rosiak and the Governing Body to come up with an agreement.

Mayor O'Neil explained that the Governing Body has a responsibility to do something for the town that has legal limitations on it and there are restraints that are put on this job.

Donna Conrad of Washington Avenue – why are we here, it seems like the Council has already decided on this matter.

Mr. Bucco – when a town decides to improve a street, it has to improve it to the standards set by the NJDOT and other requirement for street improvements. If that street is built to a substandard condition and someone got hurt the town and himself would be liable to the injured individual. If we build the street in compliance to the standards and someone is injured then the town is protected.

Mr. Rosiak – if you weren't instructed that there was going to be a parking restriction on one side the barrier curb is not something that would have to be put in.

Mr. Bucco – well there would have to be some sort of curbing there to direct the drainage to the inlets.

Unidentified Man – questioned the Borough Engineer about putting the curbing on private property.

Mr. Urbanski had a discussion with Mr. Rosiak about the Marina parking and how he does not use his lot for parking for his customers.

Catherine \_\_\_\_\_ wanted to know if one side parking is mandatory.

Mr. Urbanski explained that there is not enough room.

Mr. Bucco stated that if we curb the street you will have to restrict the parking.

Mr. Bucco stated that if we were aware of the right-of-way line during the design this would never had happened. He then explained that there is not going to be enough room to park a vehicle by the bulkhead.

Miss Thomas stated that this project is a lot different than what the Council voted on here at the table. The curb is different and no ever voted on one sided parking, it was just determined. This project should come back to the table with a legitimate design and it should be voted on again.

Mayor O'Neil stated that the engineer gave us the boundaries of the road.

Mr. Bucco – I never knew that the right of way is where it is at and if I knew that the survey existed prior to preparing the plans we would not be here having this discussion.

Mayor O'Neil spoke about the surveys and the dimensions.

Mr. Rosiak stated that T & M was sent a copy of the survey.

Paul Hess – would it be possible for Mr. Rosiak to grant an easement onto his property in order to widen the road to allow for parking on both sides.

Mr. Manco – technically its possible but when it's all done we don't know if there would be room to do that.

Catherine \_\_\_\_\_ wanted to know if Barberie and Seadrift have a similar roadway width.

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Mayor O'Neil – being that we are improving the street, we have to improve it correctly.

Mr. Bucco – parking on both sides of the street is a minimum of 30-feet of paved area.

Miss Thomas – what about making parking on both sides of the street and making the street a one way?

Mayor O'Neil – making it a one way does not affect the width of the street if you are parking on both sides.

Brian Hoffman of 315-B Shore Drive - we are here to talk about the Shore Drive hill that has failed. He expressed his safety concerns with the stability of the hill behind the Hillside Village Condos.

Mayor O'Neil – I don't know how it works when there are two private property owners. The town has no ownership of property on that hill, so he is not sure how it works. He is not sure how all of the trees got cut down up there.

Brian Hoffman – we are trying to root off a problem here. Worse comes to worse the hill comes down and we lose a street down there.

Mayor O'Neil – we will have to look and see because he is not sure who is responsible there.

Kim Smirgna of 315 Shore Drive expressed her concerns and the efforts that she has made to try to figure out what they need to do save lives from the hill. She just wants answers of what to do, who to contact.

Mayor O'Neil – we will look into it and the Borough Administrator will be the point of contact.

Mr. Bucco – it's a question of getting an engineer involved.

Carol Bucco of 330 Shore Drive – we have had a problem at Bayview Condos with a neighbor that complains every time it rains our property floods his. This has been going on since 1987 and all of a sudden we received a summons from the Code Enforcement Officer because this guy complained to the Code Enforcer. Since 1987, his complaints have been unfounded but now we received a summons. We have no evidence that our property is causing his property to flood and she was going to ask if the engineer could take a look at this to see.

Mayor O'Neil – no, he can't.

David Tauro – the building in the back should be done within the next month. The people that live next to him moved out and left there furniture in his driveway and he received a ticket for not throwing it out.

Mayor O'Neil explained to Mr. Tauro that he would have to explain that in Court.

Mr. Tauro then suggested that people be able to park along the bulkhead where they have all of those light houses that have never been fixed.

Don Manrodt of Bayside Dive commented about people removing trees on the hill and how it affects the stability of the hills. He then stated that he and neighbors are being flooded by people pumping from the Bayview Condos.

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

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The Meeting adjourned at 10:47 P.M.

**CAROLYN CUMMINS, DEPUTY CELRK**

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