

**MAYOR AND COUNCIL
REGULAR MEETING
June 20th, 2007**

Mayor O'Neil called the meeting to order at 7:12 P.M.

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

ROLL CALL:

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

Absent: Mr. Nolan

Late Arrival: None

Also Present: Nina Light Flannery, Borough Clerk
Bruce Hilling, Borough Administrator
Dominick Manco, Esq., Borough Attorney
Stephen Pfeffer, Chief Financial Officer

EXECUTIVE SESSION RESOLUTION:

Mrs. Flannery read the following Resolution for approval:

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

**RESOLUTION
EXECUTIVE SESSION**

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

1. Firehouse Project
2. Washington Street Reconstruction/Captains Cove Marina

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:

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

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

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ROLL CALL:

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

The Governing Body then entered into Executive Session.

Mayor O'Neil called the Regular Meeting back to order at 8:23 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: Nina Light Flannery, Borough Clerk
Bruce Hilling, Borough Administrator
Dominick Manco, Esq., Borough Attorney
Stephen Pfeffer, Chief Financial Officer

ORDINANCES:

O-07-07 Amendment to Zoning Ordinance

Mr. Manco stated that additional time has been requested by the Planning Board to review this matter.

Mayor O'Neil offered that, 2nd reading and Public Hearing of Ordinance O-07-07, as amended, be carried to the meeting of July 18, 2007 after publication according to law:

Mr. Urbanski offered a motion to amend Ordinance O-07-07.

ROLL CALL:

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

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.

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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

4. Relocation Rights and Non-severability

Any approval for development in the MH Mobile Home Residence District Zone, which results in the retirement of the Mobile Home Park or the removal of any residents of the Mobile Home Park shall contain a condition that the applicant shall provide proof, to the satisfaction of the Board of Original Jurisdiction, that adequate private residential facilities and circumstances exist for the relocation of those mobile park residents consistent with the requirements of N.J.S.A. 46:8C-21. Although N.J.S.A. 46:8C-21 is invoked by an application for one or more variance(s), the requirements of N.J.S.A. 46:8C-21 shall apply to the aforementioned circumstances regardless of whether or not the application requires one or more variance(s). For purposes of this Ordinance, ‘adequate private residential facilities and circumstances’ shall share the definition of ‘comparable housing or park site’ as provided in N.J.S.A. 2A:18-61.7(a). An applicant must provide proof of compliance with Section 15 to the Board of Original Jurisdiction prior to obtaining Final Approval. This Section is not severable from the other provisions of the Ordinance and the zoning of the property to the MH Mobile Home Residence District Zone is conditioned upon the above relocation provision.

Section 21-97 Conditional Uses

Add new Subsection to existing text:

I. Multi-Family developments in the MH Zone

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

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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, all ordinances inconsistent herewith are expressly repealed to the extent of such inconsistency.

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

Unidentified Person - will the reading on the 18th be a second reading and adoption or back to a first reading now that it is amended?

Mr. Manco stated that it would be a second reading/public hearing.

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Brief recess at 8:11.

Meeting called to order at 8:35.

CONSENT AGENDA - RESOLUTIONS:

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

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

**R-07-113
RESOLUTION - CANCELING VARIOUS GRANT FUND RESERVES**

WHEREAS, various reserve balances remain on the balance sheet of the grant fund;
and

WHEREAS, the Chief Financial Officer has investigated the reserve balances and has determined that these reserves should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the following reserves in the amount of \$22,829.48 be and the same are hereby canceled:

Summer Food – 2006	\$ 5,730.61
Alliance Grant– 2006	\$.50
Case Program – SFY 2006	\$10,307.14
Bayshore Saturation Grant	\$ 2,791.23
Click It or Ticket	\$ 4,000.00

Seconded by Mayor O’Neil 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:

**R-07-114
RESOLUTION - CANCELING GRANT FUND RECEIVABLES**

WHEREAS, various receivable balances remain on the balance sheet of the grant fund; and

WHEREAS, the Chief Financial Officer has investigated the receivable balances and has determined that these receivables should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the following grant receivable balances in the amount of \$12,675.58 be and the same are hereby canceled:

Bayshore Saturation Grant	\$2,791.23
2006 Summer Food Program	\$5,884.35
Click It or Ticket	\$4,000.00

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Seconded by Mayor O’Neil 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:

**R-07-115
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 -----
Community Center:		
Salaries & Wages	\$ 8,000	
Legal Services:		
Salaries & Wages	5,000	
Mechanical Garage:		
Salaries & Wages	8,000	
Municipal Court:		
Salaries & Wages	3,000	
Streets:		
Salaries & Wages		\$ 3,000
Police Dispatchers:		
Salaries & Wages		4,000
Beachfront Maintenance		
Other Expenses		3,000
Financial Administration		
Other Expenses		3,000
Accumulated Leave		11,000
	-----	-----
	\$ 24,000	\$ 24,000

Seconded by Mayor O’Neil 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

r. Nolan offered the following Resolution and moved for its adoption:

**R-07-116
RESOLUTION
AUTHORIZING PURCHASE UNDER STATE CONTRACT**

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WHEREAS, various departments/divisions utilize open-end contracts for routine, recurring items which may, in the aggregate, exceed \$29,000.00 per annum; and

WHEREAS, these purchases are permitted under 40A:11-12, the New Jersey State Cooperative Purchasing Program; and

WHEREAS, these purchases are made on a unit price basis with the certification of availability of funds being provided by the Chief Financial Officer on each Purchase Order/Voucher for such items,

NOW, THEREFORE BE IT HEREBY RESOLVED that the Governing Body authorizes purchasing under valid 2006 and 2007 State Contracts and subsequent renewals or extensions of the following companies:

CONTRACT	VENDOR	NUMBER
Automotive Lubricants, Engine Oils, Gear Greases 8/17/04 – 8/16/07	Total Lubrication Services	59993
Automotive Parts & Accessories 1/1/04-12/31/07	Air Brake & Equipment	57727
	F & C Automotive	57816
	International Trucks of Central Jersey	57750
	National Parts & Supplies	57789
	Naylors	57821
	Rittenhouse-Kerr Ford	57804
Minicomputer/Microcomputers & Associated Products 7/1/97 – 6/30/07	Bits & Bytes	81213
	Dell	81247
	Gateway	81239
Parts Only for Heavy Duty Equip. 6/1/03 – 5/31/07	Allied Diesel	55119
	F & C Automotive	55126
	Johnson & Towers	55121
CONTRACT	VENDOR	NUMBER
Police & Homeland Security Equipment & Supplies 10/7/04 – 01/31/07	General Sales Administration t/a Major Police Supply	60538
	Lanigans	60534
	Lawmen Supply Co.	60529
	Ray's Sport Shop	60531
Power Tools & Accessories 8/1/06 – 7/31/08	Snap-On Tools	66103
Sporting Goods 7/1/99 – 5/31/06	Leisure Unlimited	89613
Tires & Tubes 3/1/05 – 2/29/08	Edwards Tire Co.	61418, 61419 & 61420
	Goodyear Service Store	61419

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

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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-07-117
RESOLUTION APPOINTING TEMPORARY
FULL-TIME SUMMER EMPLOYEE BARRY J. McKELLAR
FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, there exists the need to appoint a full time (temporary) summer help for the Department of Public Works; and

WHEREAS, the Borough Administrator recommends the appointment of Barry J. McKellar as Temporary Full-Time Employee for the DPW; and

WHEREAS, the Mayor and Council of the Borough of Highlands agrees with this recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Barry J. McKellar is hereby appointed Temporary Full-Time Employee for the DPW; and

BE IT FURTHER RESOLVED that this appointment for Barry McKellar is effective Monday, June 11, 2006 and shall terminate on September 3, 2007 and compensation shall be set at \$09.00/hour; and

Seconded by Mayor O'Neil 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-07-118
RESOLUTION APPOINTING FULL-TIME PERMANENT
BUILDING DEPARTMENT SECRETARY**

WHEREAS, on December 6, 2006, Dawn Horniacek was appointed Provisional Building Department Secretary (full-time); and

WHEREAS, it has been recommended that Dawn Horniacek be appointed as Building Department Secretary full-time Permanent; and

WHEREAS, the Governing Body agrees with said recommendation and desires to implement same, subject to the laws and regulations of the State of New Jersey, Department of Personnel, as may be applicable;

NOW, THEREFORE, BE IT RESOLVED that Dawn Horniacek is appointed permanent Building Department Secretary; and

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BE IT FURTHER RESOLVED that said appointment is made pending State of NJ Department of Personnel approval; and

BE IT FURTHER RESOLVED that said position be effective June 6, 2007 and be compensated at a salary as provided in the current Salary Ordinance of the Borough of Highlands; and

Seconded by Mayor O'Neil 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-07-119
RESOLUTION APPOINTING TAX CLERK**

WHEREAS, MaryAnn Lawson has submitted her retirement papers effective June 30, 2007; and

WHEREAS, it is imperative that her position as Tax Collection Clerk be filled as soon as possible; and

WHEREAS, advertisement was made and interviews conducted by the Borough Administrator and presented to the Governing Body for their review; and

WHEREAS, Bruce Hilling, Borough Administrator has recommended the appointment of Donna Conrad as Tax Collection Clerk (full-time) provisional; and

WHEREAS, the Governing Body of the Borough of Highlands agrees with that recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Donna Conrad be and hereby is appointed Tax Collection Clerk (full-time) provisional;

BE IT FURTHER RESOLVED that compensation for said position be set at \$24,500 per year with full benefits according to Borough Policy;

Seconded by Mayor O'Neil 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 Bill and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
06/20/07**

CURRENT: \$ 58,852.27

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Payroll	(06/15/07)	\$	128,684.77
Manual Checks		\$	28,985.34
Voided Checks		\$	
SEWER ACCOUNT:		\$	1,589.80
Payroll	(06/15/07)	\$	6,305.33
Manual Checks		\$	8.50
Voided Checks		\$	
CAPITAL/GENERAL		\$	19,309.77
CAPITAL-MANUAL CHECKS		\$	83,493.60
WATER CAPITAL ACCOUNT		\$	1,415.75
TRUST FUND		\$	164,028.78
Payroll	(06/15/07)	\$	3,207.50
Manual Checks		\$	3,347.21
Voided Checks		\$	3,207.50
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	52.80
GRANT FUND		\$	
Payroll	(06/16/07)	\$	460.40
Manual Checks		\$	1,345.00
Voided Checks		\$	
DEVELOPER'S TRUST		\$	1,750.75
Manual Checks		\$	1,537.14
Voided Checks		\$	

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

Seconded by Mayor O'Neil 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

OTHER RESOLUTIONS:

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

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

**R-07-112
RESOLUTION
RENEWING 2007-2008 LIQUOR LICENSES**

WHEREAS, Liquor License Renewal Applications were filed for the year 2007-2008 for the following Liquor Licenses; and

WHEREAS, no objections were filed against the renewals of licenses listed below:

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following liquor licenses be renewed for the period of July 1, 2007 to June 30, 2008:

1317-31-027-001	American Legion Twilight Post 143 t/a American Legion Twilight Post 143	85-87 Bay Avenue
1317-31-028-001	Highlands Post 6902 VFW US t/a Highlands Post 6902 VFW	331 Bay Ave
1317-32-018-004	Wundebar, Inc. t/a Driftwood Liquors	300 Bay Ave
1317-32-021-003	Andy's Shore Bar, Inc. t/a Andy's Shore Bar	150-52 Bay Ave
1317-33-001-003	Bahrs Restaurant, Inc. t/a Bahrs Landing Mobys	2 Bay Avenue
1317-33-003-006	Claddagh of Highlands, LLC t/a The Claddagh	297 Bay Ave
	Claddagh of Highlands, LLC – Required to provide two bouncers when there is a band playing with two or more band members.	
1317-33-004-011	Bay Avenue Restaurant Co, LLC t/a Andretta's	123 Bay Ave
1317-33-007-003	Inlet Café, Inc. t/a Inlet Cafe	3 Cornwall Street
1317-33-010-006	J. Walker Black, LLC. t/a	409 Bay Avenue
1317-33-012-004	Dan-Rob Restaurant Assoc. t/a Windansea	56 Shrewsbury Ave
1317-33-015-007	Chilango's Restaurant, Inc. t/a Chilango's Restaurant, Inc.	272 Bay Ave
1317-33-016-003	Filip Enterprises Inc t/a Doris & Ed's Restaurant	348 Shore Dr
1317-33-017-002	L & P Tavern, Inc. t/a Ye Ole Cork & Bottle	Bayside Plaza
1317-33-019-010	Triple Beta, LLC t/a The Clam Hut	1 Atlantic Street
1317-33-022-010	M & D Inc. t/a Off The Hook	1 Navesink Ave
1317-33-024-011	STL, Inc. t/a Orleans Restaurant	128 Bay Avenue
1317-44-011-003	Monir Inc. t/a Bay Spirits	116 Bay Avenue

Seconded by Mr. Nolan and adopted on the following Roll Call Vote:

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ROLL CALL:

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

Chief Blewett stated that he objected to the use of outdoor speakers.

The owner of the Claddagh stated that the speakers are not intended for band music to be played outside but for light music. He stated that the music played outside will be at or below the limit of 75 decibels.

Chief Blewett stated that he was still opposed to this and that there are several residences nearby and he is concerned about the noise. He spoke about the bouncers and stated that reason being is that there have been fights recently, underage drinking, etc., and he is concerned with the outdoor dining and things spilling out into the street.

Ara Jamgochian, owner stated that the outdoor dining is on the side of the building of the parking lot and not on the sidewalk. He also stated that he will be putting in a six foot fence, which is not see-through, to contain the area. He added that there has not been any underage drinking, that he is aware of, since taking over.

The Mayor and Council discussed the bouncers and the size and placement of the fence.

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

**R-07-120
RESOLUTION AUTHORIZING EXTENSION OF PREMISES
TRANSFER OF LIQUOR LICENSE 1317-33-003-007
CLADDAGH OF HIGHLANDS, LLC
TRADING AS CLADDAGH OF HIGHLANDS**

WHEREAS, an application has been filed for a Place-to-Place transfer of Liquor License 1317-33-003-007, hereto issued to CLADDAGH OF HIGHLANDS, LLC at 297-299 Bay Avenue, Highlands for an expansion of premises; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the application for expansion has been approved by the Planning Board of the Borough of Highlands and the Governing Body of the Borough of Highlands;

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Highlands does hereby approve, effective June 21, 2007, the Place-to-Place transfer of the aforesaid Liquor License #1317-33-003-007 as an extension of premises for the Claddagh of Highlands, LLC, at 227-229 Bay Avenue, Highlands, NJ.; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to forward the documentation to the ABC.

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

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ABSENT: None
ABSTAIN: None

**R-07-121
RESOLUTION APPOINTING ENVIRONMENTAL COMMISSION**

Tabled to the August 15th, 2007 meeting.

ORDINANCES: Introduce & Set P.H. Date

Mrs. Flannery read the title of Ordinance O-07-10 for introduction and setting of a public hearing date.

Mr. Nolan offered the following Ordinance pass introduction, that the Clerk publish according to law and that a public hearing date be set for July 18, 2007 at 8:00 p.m.

O-07-10

**ORDINANCE AUTHORIZING THE GUARANTY BY THE
BOROUGH OF HIGHLANDS, NEW JERSEY OF PAYMENT OF
PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT
LEASE REVENUE BONDS, SERIES 2007 (HIGHLANDS
PROJECT), OF THE MONMOUTH COUNTY IMPROVEMENT
AUTHORITY**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF HIGHLANDS, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 *et seq.*, the Borough of Highlands, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2007 (Highlands Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled, "Capital Equipment Lease Revenue Bond Resolution (Highlands Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Municipality pursuant to a lease and agreement to be entered into by the Authority and the Municipality (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Municipality's equipment which will be subject to the Lease and to pay the Municipality's share of the costs of issuance, but in no event shall such principal amount exceed \$270,000.

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(2) The Bonds shall mature within eleven years of the date of issue.

(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond Law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond Law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

Seconded by Mayor O'Neil 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

Mr. Pfeffer explained that this Ordinance guarantees that the Borough will make the debt service payments on a timely basis.

ENGINEER'S STATUS REPORT:

GENERAL

Community Center Improvements: The contractor is currently completing the remaining punchlist items.

Community Center Playground/Sports Courts Improvements: The plans have been approved. The bids were received on May 3rd, 2007 and the contract awarded to Whirl Construction. A pre-construction meeting was held on May 17th, 2007. Construction is scheduled to begin on August 17th, 2007 and there should be no interference with the summer programming provided by the Recreation Department.

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Firehouse: The contractor has received a Certificate of Occupancy for the building and is currently completing punchlist items for the building and the site.

NJDEP Stormwater Management Regulations: We have recently responded to a violation notice submitted by the NJDEP pertaining to stormwater compliance. The Borough is currently working to correct all deficiencies. The deficiencies have to do with labeling inlets and addressing the storage issue by the deadline.

South Bay Avenue Pumpstation: Pumping Services is coordinating with the DPW and plan to start work in the next week or two. It should be noted that if the panel is not made operational by these repairs, then the repair/replacement of the remaining items may fall under the maintenance bond posted by the original contractor.

Valley Avenue Emergency Sewer Repair: PMK has been authorized to perform the subsurface investigation, which they have completed and they have submitted a draft report.

Sanitary Sewer Investigation at Waterwich Avenue and route 36: Waiting for approval of the traffic plan from the DOT.

CAPITAL IMPROVEMENT PROJECTS

Valley Street Pumpstation Rehabilitation Project: The project has been awarded to EDC Electrical Contractors. The pump is currently on-line and has been operating as necessary. The contractor is currently completing the remaining punchlist items.

2006 Road Program: The curb was poured earlier today. Work is expected to continue on Miller tomorrow. We expect the contractor, weather permitting, to begin paving Washington next week.

Washington Avenue Phase II: Verbal authorization to proceed. Working on the design for the second phase at this time.

Basin Eight Sanitary Sewer Rehabilitation Project: Proposals A and C have been awarded. Currently preparing Proposal B for re-advertisement and anticipate advertising the contract by the end of the month.

Basin Two Sanitary Sewer Rehabilitation Project: Authorized to begin investigation work, work is currently underway. Anticipate completion tomorrow or by Friday.

GRANTS AND LOANS

FY2008 Community Development Block Grant: Currently preparing the grant application which is due by the end of the month. The grant request is for the installation of emergency generators at the Waterwich Avenue and South Bay Avenue pump stations and at the Robert D. Wilson Community Center.

FY2008 NJDOT Municipal Aid: We have been advised by the NJDOT that these applications are due August 24th, 2007. The Governing Body should determine which road(s) they wish to apply for funding in this cycle.

Rural Development Program: This program is formerly known as the Farmers Home Administration (FHA) Grant Program and is a possible source of funding for sanitary sewer rehabilitation work associated with Physical Investigation of Basin Two.

Mayor O'Neil asked if the storm drains were cleaned out after the water main break on Bay and Shrewsbury.

Mr. Urbanski stated that they have not been cleaned out.

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Mayor O'Neil stated that it needs to be done, and that it is the County's responsibility.

OTHER BUSINESS:

Application for Social Affairs Permit - VFW for Clam Fest

Mr. Nolan offered the approval of the Social Affairs Permit for the VFW, seconded by Mr. Caizza 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

Offered by Mayor O'Neil:

HBP Application for Raffle License

Mayor O'Neil offered the approval of the HBP Raffle License, seconded by Miss Thomas 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

Sandy Hook Foundation Application for Raffle License

Mr. Urbanski offered the approval of the Raffle License for the Sandy Hook Foundation, seconded by Mr. Caizza 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

Offered by Mr. Nolan:

Highlands Fire Department Application for Raffle License

Mr. Nolan offered the approval of the Highlands Fire Department Raffle License, seconded by Miss Thomas 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

PUBLIC PORTION:

Carla Braswell - with regard to the smoke testing, how can she find out the results of the testing?

The engineer stated that the final report will be submitted to the Mayor and Council.

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Chris Francy - 36 5th Street - he stated that there are issues getting to the pump at the Valley Street Pump Station. He asked if there are temporary plans to jet out the storm sewer between -- he said that when the pump comes on, the storm drain at Valley and 5th drops three feet, at Valley and 4th, the water level drops approximately 12 inches. He added that at Bay and Valley, the water drops interceptively (sic). So the problem is between Bay and 4th.

Carla Braswell - Regarding the County GIS Office, in a conversation with someone there, she discovered that there had only been one other person from Highlands to come to the GIS Office, and she asked if he knew who it was, and he told her that it was a woman from Rutgers. Ms. Braswell asked if anyone can -- turns out the reason the woman was there was to help Highlands in direct conflict with the Master Plan -- what is the protocol?

Mr. Hiling stated that he would check into this.

Ms. Braswell had one last issue, and that was with regard to code enforcement. E.J. Soloman was paid a visit today by Mr. Murphy who asked that she sign a mercantile application. Ms. Braswell was under the impression that if you hold a state license you are not required to have a mercantile application. With all the other things to worry about within the town, how is there time for this?

Mayor O'Neil said that he would look into this for her.

Maureen Kramer – 200 Portland Road - with regard to the meeting scheduled for tomorrow regarding the bridge, she was a little upset to see that Highlands was second to Sea Bright on the list. She feels that Highlands has more to lose and has more at stake than the Borough of Sea Bright.

Miss Thomas stated that she too was upset, but that Sea Bright had scheduled the meeting before highlands did.

Ms. Kramer also had a concern with regard to minutes of meetings she read from July 26th of last summer regarding traffic and she was wondering when are the people in the Borough going to be told about the Highland Avenue situation, where in these minutes it states, limited parking, restricted parking, one way - where are people supposed to park their cars?

Another issue pertains to emergency vehicles, they can get an emergency vehicle to the bridge but they don't know how they are going to get it over - so in parenthesis there is a section that says there can be the use of marine transportation to Long Branch for traffic victims, not anything about residents. The number one issues, she said, on their minds was getting traffic out of Sandy Hook in a timely fashion, especially on a Sunday afternoon, considering that Route 36, at that time, would be one lane in each direction. Ms. Kramer feels that this question should come from the Mayor and/or Council to the DOT.

Mayor O'Neil stated that perhaps he could call and ask that question so as to not waste time at the Bridge Meeting, where the residents of Highlands can ask their own questions.

Tara Ryan - 17 Ocean Street - she made a statement regarding that Bridge Meeting urged everyone to come to the meeting and to have questions ready.

Donna - 29 South Bay - please elaborate a little more regarding how long it may take what exactly is going to happening --

The engineer stated that Pumping Services is working directly with the DPW on the South Bay Avenue issues, and the last update is that they were going to start work next week. She anticipates the repairs to take no more than a week or two.

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Mayor O'Neil anticipates a couple of days.

Donna also asked with regard to the fencing that it seemed off or rusted or something.

Mr. Nolan stated that he would look into that.

Donna inquired as to clean-up of the beach areas.

Mayor O'Neil said that someone will be sent down.

Mr. Hiling stated that the beach area will be done by a cleaning service from the County starting Monday.

Shirley Olmans - Portland Road - will the beaches be cleaned continuously, on a regular basis, or is this a one time thing?

Mr. Hiling stated that he will try and get them here as much as he can.

Donna asked if the beach will be manned by a lifeguard this year.

Mayor O'Neil stated that he did not believe so.

Roberta McEntee - 5th Street - she inquired as to whether or not the people responsible for the revitalization of Sandy Hook are behind this bridge so as to help with the traffic in and out of Sandy Hook. If that is the case, then they should pay for the bridge.

Mayor O'Neil does not believe that to be the case.

Tara Ryan - 17 Ocean Street - she stated that she is involved in a lawsuit regarding the Sandy Hook revitalization and one of the things they are seeking is information to find out if that is the case.

Phil - 4 Ralph Street - First question - is there a speed limit on Linden Avenue?

Chief Blewett stated that the speed limit is 35.

Phil stated that he has seen cars going what seems to be 60 mph at times.

Mayor O'Neil asked Chief Blewett to look into that area.

Mr. Jennings - he suggested that perhaps some maintenance of the sidewalk area may improve the width, there is a lot of overgrowth.

Mayor O'Neil suggested that the code enforcement officer take a look there.

Unidentified person stated that her neighbor asked her to mention that the Careless Navigator has garbage cans in the back full of garbage and could the Mayor send someone out to look at the condition of the whole property.

Mayor O'Neil thanked everyone for coming tonight and remind all about the Bridge Meeting scheduled for the following evening at Henry Hudson at 7:30.

Maureen Kramer asked if there would be someone there organizing so when someone signs up for a question, the questions may not get repeated.

Mrs. Flannery stated that it was first come, first serve.

The Governing Body then entered into Executive Session at 9:47.

Mr. Nolan offered authorization for Washington Street Reconstruction Project.

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

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

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

The Meeting adjourned at 10:12 P.M.

NINA LIGHT FLANNERY, BOROUGH CLERK

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