

**BOROUGH OF HIGHLANDS  
SPECIAL MEETING  
WEDNESDAY, SEPTEMBER 27, 2007**

Mayor O'Neil Calls the meeting to order at 6:05 p.m.

The Borough Clerk made the following statement: The Clerk made the following statement: Per P.L. 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Mayor and Council of the Borough of Highlands. All requirements have been met and notice has been posted on the public bulletin board and transmitted to the Asbury Park Press, the Courier and the Two Rivers Times.

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

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

**PRESENT: Miss Thomas, Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**  
**ALSO PRESENT: Nina Light Flannery, Borough Clerk; Bruce Hilling, Borough Administrator; Dominick M. Manco, Esq. – Borough Attorney; Dale Leubner, Borough Engineer**

Mayor O'Neil opens the public hearing on Veteran's Memorial Park (Veteran's Park). Mr. Jim Fox, Project Coordinator and Mr. Stephen Shaheen, explain the plan for the Memoria Project which is located at Veteran's Park. Mr. Fox explains points of interest on the artist rendition that they brought with them this evening.

Dolores Francy

36 Fifth Street – requests more information on the marble plaques on the last rendering. Mr. Shaheen explains that there are now 4 stones with the names and a lower wall that says Veterans Memorial Park.

Donna O'Callahan – asks if the trees that are there will remain.

Mr. Shaheen responds that indeed they will remain.

Patty Giebler

25 Bay Street – speaks about the amphitheater being at a low level and requests to know how it is accessed.

Mr. Shaheen explains that it is a natural amphitheater and it will be terraced from the mound that currently is in the park.

Mike Kovic – asks if the amphitheater faces or is by the Cottrell property. Mr. Shaheen explains that yes it is. Mr. Kovic states that he is no longer sure how many large granite stones there will be and their size.

Mr. Shaheen explains that there are 5 stones, each 2' – 3' wide and 4' high.

Mr. Kovic is concerned they will be climbed on at concerts. Mr. Shaheen explains that they are away from the theatre. Mr. Kovic is concerned that the concert area is smaller than previously.

Chris Francy

36 Fifth Street – states that he feels “snookered” because he thought the project at Snug Harbor was going to be submitted. With a match from the town there would be a passive beach project. He feels that the Memoria Project is using a Green Acres grant that would have belonged to the town. They were going to install the Memoria Project anyway with funds from the town or Green Acres.

Tim Hill, Recreation Director – explains that the Grant is not from Green Acres funds, rather from the Monmouth County Open Space Grant Program. He adds that there are and will be no funds dedicated from the Borough.

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Discussion followed regarding losing the grant dollars if the project cannot be completed.

Mr. Francy adds that he is in favor of the project but feels that the Borough has lost a grant opportunity.

Miss Thomas Miss Thomas explains that there will be no cost to the Borough for the funds to complete the project and in return the Borough is getting very good park improvements.

Mayor O'Neil adds that there was no time to put together another project package. This project was on-line and the Borough went with it to help the project get up and running as early as possible. Miss Thomas explains that there will be no cost to the Borough for the funds to complete the project and in return the Borough is getting very good park improvements. He adds that the delay was partially because the Cottrell project was worked on even though there was no support for it so time was lost there.

Mr. Francy asks about what happens if the grant is not obtained. Is the borough obligated to kick in the \$250,000.

Mr. Hill responds that there is no obligation on the part of the Borough.

Jim Parla

16 Portland Road - asks about the type material for the board walk.

Mr. Fox and Mayor O'Neil explain that the material is a new wood called Ipe which is a very strong and very long lasting wood.

Michelle Pezzullo

115 Highland Ave. – asks about the wood being from the rain forest.

Mr. Fox, Shaheen and Hill respond that the wood is “farmed” in the rain forest for use in construction.

Roberta McEntee

55B Fifth Street – the only thing ringing in her ears is that the project was not going to cost the Borough a dime and that was a big selling point. Also, it has taken so much time to even get started.

Council explains that it is still not going to cost the Borough any funds.

Steve Shaheen responds that all these workers are volunteers and it will take a while to get the project completed and asks if the residents please be patient. He apologizes for the time delays.

Mayor O'Neil adds that personally he feels that there is no need for an apology for this project.

Dean Benson

30 South Bay Avenue – (cannot hear recording)

Jim Parla

16 Portland Road – asks what will happen to the statues if they are removed from the park.

Steve Shaheen – responds that other towns have indicated an interest in having the project in their town.

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Miss Thomas thanks the artist and Mr. Fox and adds that they are doing a great job even if some of the townspeople don't see the progress and that she is very thankful for their work, adding that they are welcome here.

There being no further questions, Mayor O'Neil closed public hearing on the Veteran's Memorial Park Open Space Grant Application and asked for a Council vote to approve the application for this project.

Offered by Miss Thomas and seconded by Mr. Nolan then approved on the following roll call vote:

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

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**RESOLUTIONS:**

The Clerk explains that a protest petition regarding this resolution and ordinance was received this afternoon. The petition cited insufficient notice to property owners within 200 feet and was signed by two residents.

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

**R-07-175**

**RESOLUTION RESCINDING OPPOSITION TO THE PROPOSED RT 36  
BRIDGE CONSTRUCTION PROJECT**

**WHEREAS**, the Borough Council of the Borough of Highlands, during the calendar year 2007 adopted resolutions in opposition to the construction the presently contemplated RT 36 Bridge Construction Project connecting the Boroughs of Highlands and Sea Bright and authorized expenditures in furtherance of this cause, including but not limited to the payment of legal fees to special counsel; and

**WHEREAS**, the Borough of Highlands has reconsidered these actions and now wishes to facilitate the construction of a new fixed span bridge on Route 36, upon terms and conditions to be finalized, and rescind all resolutions heretofore adopted in the calendar year 2007 which are inconsistent herewith;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands in the County of Monmouth and State of New Jersey, that all resolutions and/or other actions heretofore adopted and/or taken by the Governing Body of the Borough of Highlands in the calendar year 2007 which are inconsistent with the construction of the aforesaid fixed span bridge be and hereby are rescinded.

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

**ROLL CALL:**

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

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Mayor O'Neil offered the following ordinance pass introduction and that a public hearing date be set for Wednesday, October 17, 2007 after publication according to law:

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**O-07-26**

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE COUNTY OF  
MONMOUTH AND STATE OF NEW JERSEY AUTHORIZING THE  
CONVEYANCE OF TAX BLOCK 8, LOTS 2 & 2.01 IN THE BOROUGH OF  
HIGHLANDS, AND AUTHORIZING THE ACCEPTANCE OF AND  
DEDICATION OF BLOCK 40, LOT 1.01 IN THE BOROUGH OF HIGHLANDS  
BY THE BOROUGH PURSUANT TO N.J.S.A. 40A:12- 1, ET SEQ. IN  
CONNECTION WITH THE ROUTE 36 HIGHLANDS BRIDGE  
CONSTRUCTION PROJECT, AND ALL AGREEMENTS BETWEEN THE  
STATE OF NEW JERSEY AND THE BOROUGH OF HIGHLANDS IN  
CONNECTION THEREWITH**

**WHEREAS**, the State of New Jersey and the Borough of Highlands have entered into agreements to facilitate the construction of a new fixed span bridge on Route 36 connecting the Boroughs of Highlands and Sea Bright, which require, among other things, the use of Borough owned property known as Block 8, Lots 2 & 2.01; and

**WHEREAS**, said premises is encumbered by the NJ DEP Green Acres Program and is subject to a diversion application, which requires, among other things, the replacement of diverted land; and

**WHEREAS**, the State of New Jersey is the owner of Block 40, Lot 11.01 which is proposed as replacement land, in addition to other significant enhancements to Borough owned park land, as consideration for the conveyance of said land, in whole or part to the State of New Jersey in connection with the aforesaid project; and

**WHEREAS**, the Borough Council has considered the above and concluded that the dedication of Block 8 Lots 2 & 2.01 to the State of New Jersey, and acquisition of Block 40 Lot 11.01 by the Borough from the State in accordance with the above terms and conditions is in the public interest,

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Committee of the Borough of Highlands in the County of Monmouth and State of New Jersey, as follows:

1. That the dedication of aforementioned Borough owned premises to the State of New Jersey be and hereby is authorized on behalf of the Borough pursuant to and in accordance with N.J.S.A. 40A:12-1, *et seq.* N.J.S.A. 27:12-4 *et seq.*, *inter alia*.

2. That the acceptance of the dedication by the State to the Borough of Block 40 Lot 11.01 be and hereby is authorized.

3. That the Mayor and Borough Clerk be and hereby are authorized to execute, accept and record any and all documents necessary to effectuate the above in a form approved by the Borough Attorney, including but not limited to the deeds appended hereto as Exhibits 1,2 & 3.

4. That this Ordinance shall take effect after final and adoption and publication.

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

**ROLL CALL:**

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

**NAYES: Miss Thomas, Mr. Nolan**

**ABSENT: None**

**ABSTAIN: None**

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**PUBLIC PORTION:**

Jim Parla

16 Portland Road – reads into the record the full content of the protest petition presented to the Clerk this afternoon.

For the following but not limited to reasons the petitioners assert that:

\*there has been insufficient notice to property owners within 200 feet and adjacent municipalities.

\*an EIS is required to analyze drainage, areas of disturbance and impacts on water courses, flood plains and private properties that will cause irreparable harm to land/home owners within 200 feet resulting from the change of use, zoning and boundaries of Block 8 Lot 2

\*the disposal or diversion from public recreation and conservation uses are amendments to and inconsistent with the Park, Recreation and Open Space, Conservation & Community Facilities Plan element, Highlands Flood Damage Prevention Ordinance, Critical Environmental Sites and Historic and Cultural Sites sections of the Borough of Highlands 2004 Master Plan.

The undersigned property owners within 200 feet declare that they will suffer irreparable harm, undue hardship and do hereby protest resolutions to change of use, transfer and/or disposal for Block 8 Lot 2 in the Borough of Highlands.

There being no further comments or questions from the public, Mayor O’Neil closes public portion.

Mayor O’Neil offers a motion to adjourn. Seconded by Mr. Caizza.

AYES: ALL IN FAVOR

NAYES: NONE

Meeting adjourned at 8:42 p.m.

RESPECTFULLY SUBMITTED,

Nina Light Flannery  
Borough Clerk