

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
JANUARY 9, 2008**

This Meeting was held at the Community Center located on Snug Harbor Avenue, Highlands.

Mayor Little called the Workshop meeting to order at 7:22 pm.

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 posted on the public bulletin board and transmitted to the Courier, Asbury Park Press and The Two River Times.

Mr. Caizza, doesn't want his name first in roll call so a discussion was held regarding the order of roll call.

Roll Call:

Present: Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little

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

Executive Session Resolution

Mr. Manco recited an abbreviated resolution for executive session. Relating to pending litigation **Shadow Lawn rezoning and contract negotiations pertaining to hiring of labor counsel and the renewal of the cable television franchise.**

Mrs. Flannery - and the report form Exxon regarding the gasoline odor.

Mayor Litter offered the following resolution and moved on 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: RE: Shadow Lawn; Goldman Property; Kovic/Bahrs v. Borough/Mullen

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

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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:

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.

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

ROLL CALL:

AYES: Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little

NAYES: None

ABSENT: None

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Little called the Regular Meeting back to order at 8:22 PM.

Mayor Little asked all to stand for the Pledge of Allegiance.

ROLL CALL:

Present: Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little

Absent: None

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

Request from Woodland Street Resident for Property Vacation – D. & L. Shell

Mayor Little stated that we have a letter dated 12/7/07 from Lee and Dorothy Shell (phonetic). Discussion followed as to history of application of requesting a road vacation.

Governing Body determined that a meeting is to be set up between the Borough Engineer and Administrator to review this request.

Correspondence from Spring & Bay Corp Re: Street Flooding

The Governing Body reviewed and discussed road improvements and ongoing flooding problems and bonding.

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The Council discussed possible adding this to the road improvement program and bonding with Mr. Pfeffer.

Mayor Little – we need to look at the budget and to get an estimate.

Mr. Hilling – I will speak with the DPW and try to get the biggest holes with hole patches and then we will take a look into resurfacing the entire road there as part of a bond ordinance.

Mrs. Burton – and maybe South Second Street as well as North Street.

Committee Reports

FINANCE:

Mr. Pfeffer spoke about notice LFN2007-28 employment status, the State has yet to clarify this notice. The immediate impact is going to impact positions of Borough Attorney and Zoning Attorney.

PUBLIC SAFETY:

Chief Blewett gives yearend report for 2007. Neighborhood watch program up and running very strong a lot of participants. Monthly Meetings are held the 3rd Thursday of every month, next meeting is January 17th. There were 7,316 calls for service, 2,008 motor vehicle stops, 348 arrests, 52 driving while intoxicated.

Mr. Hilling OEM has moved to the Fire House and they are in the process of moving dispatch office to where the OEM office was.

DEPT. PUBLIC WORKS:

Mr. Urbanski gave an update on recycling yard and stated that by next summer its will be a top-notch recycling facility.

BUILDING & HOUSING

Mr. Nolan stated that he received a letter dated January 3rd, 2008 from Randy Takian regarding the creation of a Highlands Town Center, he then read the letter to the public.

Mayor suggests that the Borough Clerk contact Mr. Mullen to have address the Council at a workshop meeting about this matter.

PARKS & RECREATION:

Mrs. Burton program announcements "Kids on the Move" "Teen Zone", basketball league WNBA skills challenge February 1st, sign up for T-ball, baseball, softball, Adult basketball, Adult soccer, Adult volleyball.

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Mrs. Burton, advised council Memoria Project was not awarded Monmouth County Open Space grant that was applied for. Project - to improve notification between the Borough and residents, future newsletter.

Mayor Little - will schedules be available?

Mrs. Burton – it will be outlined in the newsletter, recycling information, Borough Meeting information, contacts, --

HIGHLANDS BUSINESS PARTNERSHIP:

No representative present from the Highlands Business Partnership.

Mayor Little attended meeting, end of 2007, Mayor is very excited about the work that they are doing regarding economic development.

Mrs. Burton, council representative, unsure of upcoming events.

Discussion on Parade.

Carol Bucco, in the process of getting Christmas decorations down.

Consent Agenda Resolutions

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

Mayor Little goes into the procedures/background of the Resolutions; tax overpayment refunds and the refund of escrows.

Mayor Little, discussion

Mr. Pfeffer, Highlands Business Partnership request to advance 1st quarter taxes.

Mr. Caizza Carla should have been here to explain.

Carla Cefalo-Braswell, HBP – the budget was prepared today to be submitted for the same \$95,000, waiting for approval at next week's board meeting.

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

**R-08-24
RESOLUTION AUTHORIZING
REFUNDS OF REMAINING
UNUSED GRADING REVIEW ESCROW FUNDS**

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WHEREAS, the Borough reviewed the following escrow account and has received authorization from the Borough Engineer that there are no outstanding invoices due to them; and

<u>Account #</u>	<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
9800-9863	Wells, Greg	111	2.01	\$38.75

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund the above referenced applicant his remaining escrow funds.

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

ROLL CALL:

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

Mr. Nolan offered the following resolution and moved its adoption:

**R-08-25
AUTHORIZING REFUND OF TAX OVERPAYMENT**

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes; and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals;

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
11.01	8	2007	\$1587.50	Wells Fargo Real Estate
72	16	2007	\$ 520.20	Michael Scarano

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

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ROLL CALL:

AYES: Mrs. Burton Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little
NAYES: None
ABSENT: None
ABSTAIN: None

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

**RECAP OF PAYMENT OF BILLS
01/09/08**

CURRENT:		\$	61,991.40
Payroll	(12/30/07)	\$	121,419.21
Manual Checks		\$	92,820.92
Voided Checks		\$	
SEWER ACCOUNT:		\$	98,431.46
Payroll	(12/30/07)	\$	6,365.00
Manual Checks		\$	3,951.68
Voided Checks		\$	
CAPITAL/GENERAL		\$	1,811.00
CAPITAL-MANUAL CHECKS		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	64,091.12
Payroll	(12/30/07)	\$	
Manual Checks		\$	1,080.00
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	5.40
Voided Checks		\$	
GRANT FUND		\$	
Payroll	(12/30/07)	\$	
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

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Supplemental Bill List for January 9, 2008**

Highlands Business Partnership	1 st Quarter 2008 Taxes	\$ 23,750
Total Supplemental Bill List		<u>\$ 23,750</u>

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

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

ROLL CALL:

AYES: Mr. Caizza, Mr. Urbanski, Mrs. Burton, Mr. Nolan, Mayor Little
NAYES: Mr. Caizza – Supplemental List for Highlands Business Partnership
ABSENT: None
ABSTAIN: Mrs. Burton abstained on the Payment of Bills portion

=====
Public Portion:

Mayor Little opened up the public portion of the meeting.

Tara Ryan, 17 Ocean Street – questioned the Monmouth County Open Space Grant.

Mrs. Burton spoke about the Memorial Project improvements to Veteran's Memorial Park.

Chris Francy, 36 Fifth Street - stated that with regard to the M&R letter pertaining to flooding issues, Mrs. Burton is right, there are flooding issues throughout the town.

Mrs. Burton stated that the pictures from the M & R letter are of are basically pictures of potholes she does not know why they name it flooding issues, because basically it's potholes.

Her business is on Bay Avenue and on Snug Harbor those are flooding issues and these are pictures of road problems, potholes, divits in the intersection, there is no storm drain in photos.

Mr. Nolan, agreed with Mr. Francy, every time it rains it's not a flooding issue. That's more of a grading road repair type of issue.

Mayor Little she is meeting with the Borough Engineer regarding sewage upgrades and storm drainage upgrades and will request a report as to status. The Mayor has identified a number of

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intersections where there are flooding issues at high tide or heavy rainfall. Intersections; Waterwitch, Shrewsbury Ave, Valley and Bay. Report on work that has been done in the last five years, on storm drain or sewer repairs. Two most important infrastructure items in the Borough.

Mr. Francy - Spring Street, is it the Towns or is it M&R's?

Mrs. Burton, it was vacated, the deeds were never changed. The follow through wasn't there.

Mr. Manco, we need to see the ordinance, was it recorded? There wouldn't be another deed unless there was a block and lot.

Mrs. Burton, we get something from Freehold .

Mr. Manco, Correct. We'll follow up on that.

Mr. Francy, my point is though, if it's not our street we should reply to M&R, fix your own street.

Mrs. Burton, part of this issue is Bay Ave, the issue of the puddling.

Mr. Francy suggested that the Borough fire a warning shot across their bow, fix Spring Street, if you don't like it.

Rick O'Neil, 224 Navesink Ave explained that he was here years ago, and answered a complaint, and Spoke to Mr. Gill, the father regarding ownership of that street for the grant for Shore Drive.

Donald Manrodt, Sr., 268 Bayside Drive - Spring St. that was vacated when I was on the council with the idea that he was going to build a strip mall there. And then when he didn't build it, we said we were going to take the street back. It never came back to the town, he never signed the deed over. Second thing, Memorial Grant money, the sculpture is here, he had five other towns that wanted it, and if he didn't get the money the 250,000 he was going to look into the other five towns. Let's let him go. We want it back for the veterans.

UNIDENTIFIED: Go back to the minutes from the meeting, I don't remember those exact words.

Mr. Manrodt, he said I have five other towns, we shook hands on that deal with the Welsh guy.

Shirley Olman, 30 Portland Rd. - Citizens for Rationale Coastal Development. During the campaign it was legally possible to save the drawbridge. We were wondering what your plans were at this point.

Mayor Little, definite plans, has met with the administrator on the issue. There is an injunction pending a decision made on behalf of DOT not to meet with us until late in January due to the

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injunction. DOT wants injunction handled first and then DOT will sit down. After that meeting, she will report back to the public.

Ms. Olman, according to the administrative code governing land diversion, we have proof that there were five regulations that were violated involving public participation when the Green Acres application was made, involving the South Bay Ave property,

Mayor Little, included in legal documents pertaining to the injunction? It sounds like a legal argument to me. Provide any information that you think would be necessary for the Mayor to properly evaluate and will carefully consider information that is made available.

Ms. Olman - we've done a lot of research OPRA requests and actually attended the State House commission,

Mayor Little, she is aware of meeting.

Ms. Olman, public interest was violated enormously.

Mr. Caizza, if we could all get copies of what you just said. The only documents we ever got from anybody, from Maureen. If we can get more documentation -- if Ms. Olman can supply the documentation.

Ms. Olman, - the application that Highlands made to green acres was approved but there were a lot of things that were wrong with the application.

Mr. Caizza, - that's what I'm saying, do you have a paper ?

Ms. Olman, - in writing from the Borough Clerk that these regulations were violated.

Mr. Caizza, - I never got a copy of that paper, that's all I'm --

Ms. Olman, - you didn't make the OPRA request -

Ms. Flannery -- I didn't say violated I probably said there was no record of that, having happened.

Ms. Olman, - discuss the semantics at this point, I'm telling you that --

UNIDENTIFIED: These are all points that I brought up when it was before the table to vote.

Mayor Little, with the prior council -- well going forward, I'm definitely interested in seeing any of the information that you feel it appropriate to provide me with.

Ms. Olman, - will speak with attorney and possible set up a meeting.

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Mayor Little, - lawsuit pending from your group with the Borough?

Ms. Olman, - there is, yes, it's not this issue.

Mayor Little - tread carefully, will look into the issue on behalf of Borough.

Ms. Olman - clarify meet with DOT after injunction settled.

UNIDENTIFIED: - clarify. DOT would like to come down and talk to us and give us time lines , next steps going about building the bridge. First of the year, holding because of law suit, after court date, they will discuss time line.

Mayor Little, I will attend that meeting

UNIDENTIFIED: will it be a public meeting?

UNIDENTIFIED: to be determined. I'll take my guidance from the Mayor and council

UNIDENTIFIED: make it public if you can.

Maureen Kramer, 200 Portland Road, questions received book regarding Minutes of meeting, steering committee. Nov 28th 2005, NJ DOT, Steve Lavel (phonetic) pedestrian overpass,

maintenance of pedestrian overpass, -- June 9, 2006 - who is responsible for cleaning, bad weather etc.,

Mayor Little, referring to structure located in Sea Bright not Highlands, maintenance snow removal, DOT isn't going to clean the snow. Sea Bright will do it, or close overpass. Liability a litigation issue, cleaning of the snow, municipal, faulty construction DOT etc.,

Ms. Kramer, is Highlands responsible to assist?

Mayor Little, No. At no time did we discuss any obligation financial or manpower. Discussion coming from Highlands towards Sea Bright indicating safety issue, --

Ms. Kramer, answer is no.

Mayor Little, as of three years no, what has happened since that date.

Ms. Kramer, put in writing from DOT

Mayor Little, jurisdictional agreement. Typically agreement is between municipal and the party (DOT) so the two parties would be Sea Bright and DOT.

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Ms. Kramer questioned jersey barrier bus stops.

Mayor Little, walking across highway, move the bus stop or change the cross walk.

Ms. Kramer, not a jersey medium barrier. Has about 60 concerns out of book,
Re: Roadway paving should be done prior to construction of bridge replacement. Miller Street,
Portland Road, - roadwork prior to big construction.

Mayor Little, rotational roadwork.

Re: Monument "Doe Boy"

Mayor Little, directed to Veterans, Veterans monument, re: tiles Historical Society of Highlands,
participate with the steering committee on aesthetics, uncertain as to results.

Ms. Kramer unsatisfied with answer, a lot of serious concerns, about how an ambulance would
get to her house up on the hill. For two years I've been trying to get this information.

Mayor Little, very direct and forthright, - I've explained my circumstances. Committee for
construction phase management, include borough police fire, residents Chief Blewett, Safety
traffic committee.

Ms. Kramer, if it wasn't for Shirely's group having this lawsuit

Mayor Little, action was in advance of construction beginning. She admires action taken by
Shirely and Maureen.

Dolores Francy, 36 Fifth St. Re: reorganization meeting, need better communication and change
of venue.

Mayor Little, good suggestions and stated that they will add amplification system to the
Reorganization Meeting.

Audio/visual department. Re: Electronic bulletin board about reorganization meeting not on the
website.

Re: separate primary for President. If you want to change your party, must do that by Jan 15th.
Mayor Little, is appropriate to put that on website. Definitely at County Clerk website.

UNIDENTIFIED: I run the bulletin board, and I will be happy to _____ I take input from
the public continuously.

Mayor Little, public position, church matters, completely inclusive of all religions.

Ms. Francy, it should all be listed on the electronic board.

UNIDENTIFIED: It just hasn't been implemented as a weekly sort of calendar.

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Ms. Francy, bulk pick up notice is very helpful.

UNIDENTIFIED: Added a lot of things,

UNIDENTIFIED: Addition of a newsletter, it can only get better.

Mayor Little, publically thanks administrator for all his work with the bulk schedule newsletter.

Michele Pezzulo, 115 Highland Avenue spoke about Communication outside council meeting, methods or tools in utilizing communication, Storm drain upgrade, Bayshore Watershed Organization, Catch Basins and Public Safety, sidewalks.

UNIDENTIFIED: responds signs, drainage, road signage.. repaved new sidewalks in conjunction with bridge project. Speeding, etc.,

Ms. Pezzulo, has to be noted in records that narrow roads are an issue.

Mayor Little, information from engineer -- grant money that may have been applied for.

Re: Traffic, not much to do with width of roadway, private property.

Re: Gateways into town

Mayor Little, gateways into town need to be unified.

Carol Bucco, 330 Shore Drive, Re: Spring Street, agreed with Chris Francy and Don Manrodt.

UNIDENTIFIED: reiterated that again,

Paul Mazzella, 330 Shore Drive spoke about the Newsletter.

Ms. Burton stated that it was similar to Sea Bright's.

Re: zoning change trailer park. Update

Mayor Little, no additional information discussed as part of litigation in Executive Session.

Re: Business partnership v. Chamber of Commerce structure

Mayor Little; will be at the meetings, She stated that communication is a two-way fashion.

Regarding assessment, BID partnership is limited with Borough. They work together for economic development of businesses. Business partnership is beneficial to the Borough of Highlands. It provides events which bring people into town.

UNIDENTIFIED: spoke about prior Chamber of Commerce being too small. Bid assessment guaranteed source of income which the Chamber did not provide. Then unidentified person discussed various issues surrounding the creating of the Business Improvement District.

Paul Mazzella, make partnership better after ten years.

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Mayor Little, Borough of Highlands, doesn't have jurisdiction to dictate what the Highlands Business Partnership does, it's governed by people who make up the assessments.
More discussion about history and obligations of HBP.

UNIDENTIFIED: Thanked the Mayor and Council and stated that the corporation runs Jan to Dec, opposite of Borough.

Arnie Fuog, 50 Valley St., questions which two lots on Huddy,

UNIDENTIFIED: catty-corner from the hardware store. This person also stated that on Woodland and Bay there are 2 vacant lots and condemned house.
Discussion about location of lots.

Mr. Fuog spoke about Verizon's payphones.

UNIDENTIFIED: I'll take care of that Mayor.

Mr. Fuog commented on the flooding at Valley and Bay. He also spoke about the trash spewed up and down on Bay Ave and questioned the ordinance for stores to manage trash.

Mayor Little, stated that she would look into an ordinance for street clean up on regular basis.

UNIDENTIFIED: suggested that the Borough continue to utilize County prisoners.

Roberta McEntee of Fifth Street spoke about the BID and its history. She stated that 45 businesses have closed within the past three years, criticizing BID. She was suggesting ways to start at one end of Bay Ave.

Mayor Little, spoke about application for façade improvement, which will probably address some issues. Based on getting money from the County.

Ms. Braswell, the County_____.

Ms. McEntee spoke about the Bridge Construction, Project.

Bernadine Hartford of 168 Highland Avenue spoke about Highland Ave., converted to one-way street.

Chief Blewett responds until are lawsuits are resolved there are no committees. Intersection at Off the Hook taken down to one lane each way.

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Connor Jennings of 27 Ralph St., spoke about dissemination of information to public. He spoke about a list of several issues regarding lack of open government. Mayor's recent appointments, were strongly partisan, open appointment ordinance.

Mayor Little does take exception to some of the statements that Mr. Jennings made on the record as far as appointments. This is public portion and you have the right to say whatever you please.

Michele Pezzulo of 115 Highland spoke about one lane, one way and only have off street parking on Highland Avenue. She thanked Mayor for saying that she represents the people of Highlands and that she will do what the people of Highlands want. But in the past, as far as she knew there was regarding the Bridge there was no public hearing, no vote and no ordinance or no Public Question on ballot.

Mayor Little stated that she likes the idea and wants an improvement in the system as it exists. Regarding the Bridge, there are public meeting advertised in legal section of paper. Broader cross section of the public read local section, legal section very small print. Design change in Bridge. Re: Referendum issue.

Mr. Manco explained problem with Referendum that this governing body has power to take action on. Even if it's a non binding referendum etc.. wording is crucial

Ms. Pezzulo questioned the Environmental Commission and stated that Mrs. Burton had tried to put a committee together..

Mrs. Burton; Re: update, resumes are still coming in for interested parties and that the borough needed extra time but that she is hoping to have it by first meeting in February or the next meeting in two weeks.

Mrs. Burton to Maureen, volunteer to compare notes, familiar with the Bridge. Re: Police presence.
NJAW is covering costs.

Mayor Little, motion to adjourn.

Ms. Olman, say that it doesn't appear to me Re: DOT slowing the process down for Bridge.

Mayor Little putting together that committee to communicate with DOT are going to be protected by us to the extent permitted by law. Couple of questions, DOT has jurisdiction for the highway, I don't believe we can stop them, from taking the action they believed they are entitled to take without filing the injunction you filed.

Carolyn Conover, _____ traffic committee Twin Lights Terrance the forgotten step sister of the Hill, Highlands Ave., traffic pattern changes.

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Mayor Little, speak with the Chief at a later time.

Ms. Conover; Get on the list for repaving. Re: Bridge monthly status report.

Ms. Francy; council proceedings to be done on a more business like level, we have consultants that don't have a bullet point presentation. Re: Professional contractors he questioned pensions.

Mayor Little explained that we don't give pensions the state gives pensions to all government employees. She stated that the Pension is a State law issue, this is not something that this council governs, it impacts us but it comes down from above.

Ms. Francy, Re: engineering company, attorneys looking into this key issues on Bridge, oil and gas reports in writing.

Mrs. Burton offered a motion to adjourn, seconded by Mr. Nolan and approved on the following roll call vote:

Roll Call:

AYES: Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little

NAYES: None

ABSTAIN: None

The Meeting adjourned at 11:33 p.m.