

**BOROUGH OF HIGHLANDS
PLANNING BOARD MEETING
JANUARY 11, 2007**

Mr. Stockton called the meeting to order at 7:38 P.M.

Mr. Stockton asked all to stand for the Pledge of Allegiance.

Mr. Stockton 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 Borough of Highlands Planning 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. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Bahrs, Mr. Schoellner,
Mr. Nolan, Mr. Cefalo, Mr. Stockton

Late Arrival: Mayor O'Neil arrived at 7:40 P.M.

Absent: Mr. Harrison

Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq., Board Attorney
Don Norbut, P.E., Acting Board Engineer

REORGANIZATION

Mr. Serpico administered the Oath of Office to both Frank Nolan and Peter Mullen

Mr. Manrodt offered the following Resolution be memorialized and moved on its adoption:

**BOROUGH OF HIGHLANDS
PLANNING BOARD RESOLUTION
DESIGNATING CHAIRPERSON
FOR THE YEAR 2007**

BE IT RESOLVED by the Borough of Highlands Planning Board that **Andrew Stockton** be appointed Chairperson of the Planning Board for a term of one (1) year expiring December 31, 2007.

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

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs,
Mr. Schoellner, Mr. Nolan, Mr. Stockton**

NAYES: None

ABSTAIN: None

Mr. Bahrs offered the following Resolution be memorialized and moved on its adoption:

**BOROUGH OF HIGHLANDS
PLANNING BOARD RESOLUTION
DESIGNATING VICE CHAIRPERSON
FOR THE YEAR 2007**

BE IT RESOLVED by the Borough of Highlands Planning Board that **Michael Kovic** be appointed Vice Chairperson of the Planning Board for a term of one (1) year expiring December 31, 2007.

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

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs,
Mr. Schoellner, Mr. Nolan, Mr. Cefalo, Mr. Stockton**

NAYES: None

ABSTAIN: None

Executive Session Resolution

Mr. Stockton 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. Pending Litigation Regarding a Board Member**
- 2.**
- 3.**

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:

9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.

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

Mr. Manrodt stated that he did not believe that the Board should go into Executive Session for this matter.

Mr. Bahrs expressed his support for an Executive Session.

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs, Mr. Schoellner, Mr. Nolan, Mr. Cefalo
NAYES: None
ABSTAIN: None

The Planning Board entered into Executive Session at 7:45 P.M.

Mr. Stockton called the meeting back to order at 7:57 P.M.

REORGANIZATION

Mr. Manrodt offered the following Resolution be memorialized and moved on its adoption:

**BOROUGH OF HIGHLANDS
PLANNING BOARD RESOLUTION
APPOINTING BOARD SECRETARY
FOR THE YEAR 2007**

BE IT RESOLVED by the Borough of Highlands Planning Board of the Borough of Highlands that **Carolyn Cummins** be appointed Secretary of the Planning Board for a term of one (1) year expiring December 31, 2007.

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

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs,
Mr. Schoellner, Mr. Cefalo, Mr. Stockton**

NAYES: None

ABSTAIN: Mr. Nolan

Mr. Manrodt offered the following Resolution be memorialized and moved on its adoption:

**BOROUGH OF HIGHLANDS PLANNING BOARD
RESOLUTION APPOINTING BOARD ATTORNEY
FOR THE YEAR 2007**

WHEREAS, there exists the need for the professional legal services to be provided to the Planning Board of the Borough of Highlands for the calendar year 2007; and

WHEREAS, such professional legal services can only be provided by a licensed professional and **Jack Serpico, ESQ.**, is so recognized;

WHEREAS, law office of **Jack Serpico, Esq.** has completed and submitted a Business Entity Disclosure Certification which certifies that the law office of **Jack Serpico, Esq.** has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year (Reportable contributions made prior to January 1, 2006 are not considered for the purposes of determining whether a contractor is prohibited from being awarded a contract.), and that the contract will prohibit **Jack Serpico** from making any reportable contributions through the term of the contract; and

WHEREAS, the determination of value has been placed on file with the resolution with the Board Secretary; and

WHEREAS, **Jack Serpico, Esq.**, has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005, c271, s2).

WHEREAS, the Local Public Contract Law N.J.S.A. 40A:11-1 et. seq., requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised; and

WHEREAS, the Local Public Contracts Law, NJSA 40A:11-1 et. seq., requires that notice with respect to contract for professional services awarded without competitive bids must state the circulation not more than (10) days after the passage of the Resolution is an official newspaper;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Highlands that **Jack Serpico**, Esq., from the firm of Jack Serpico, Esq., be appointed Planning Board Attorney for the term of one (1) year expiring December 31, 2007. The person appointed is a member of a recognized profession and it is not possible to obtain competitive bids; and

BE IT FURTHER RESOLVED that a copy of this Resolution be published in an official newspaper of the Borough within ten (10) days of its passage.

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

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs,
Mr. Schoellner, Mr. Nolan, Mr. Cefalo, Mr. Stockton**

NAYES: None

ABSTAIN: None

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

**RESOLUTION APPOINTING PLANNING BOARD ENGINEER FOR THE
CALENDAR YEAR 2007
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, the Borough of Highlands has a need for professional engineering services as a non-fair and open contract to be provided to the Planning Board for the calendar year 2007 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services and flood plain review services can only be provided by licensed professionals and **Robert Bucco, P.E.** of the firm of T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized;

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WHEREAS, the Board Secretary has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, T & M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T & M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year (reportable contributions made prior to January 1, 2006 are not considered for the purpose of determining whether a contractor is prohibited from being awarded a contract), and that the contract will prohibit T & M Associates from making any reportable contributions through the term of the contract; and

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure Form in accordance with P.L. 2005, c271; and

WHEREAS, T & M Associates has submitted that attached contract for Professional Engineering services for the calendar year 2007; and

WHEREAS, the Planning Board has reviewed attached contract for Professional Engineering Services for 2007; and

WHEREAS, certification of the availability of funds is hereby provided by the Chief Financial Officer.

Planning Board Budget
Account #1141-3757 - \$2,200.00

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board as follows:

1. Robert Bucco, P.E. of T & M Associates is hereby appointed as Planning Board Engineer for the calendar 2007.

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2. The attached Professional Engineering Contract is hereby approved and the Board Chairman and Secretary are hereby authorized to sign the contract.
3. This contract is awarded without competitive bidding as “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O’Neil, Mr. Bahrs,
Mr. Schoellner, Mr. Nolan, Mr. Cefalo, Mr. Stockton**

NAYES: None

ABSTAIN: None

Mr. Manrodt and Mr. Kovic both left the meeting at 8:01

Mr. Mullen offered the following Resolution be memorialized and moved on its adoption:

**RESOLUTION SETTING THE SCHEDULE FOR REGULAR
MEETINGS OF THE BOROUGH OF HIGHLANDS
PLANNING BOARD
FOR THE YEAR 2007**

BE IT RESOLVED by the Borough of Highlands Planning Board that the following schedule is hereby designated as the official Regular Meeting Calendar of the Planning Board for the year 2007. The official meeting days shall be the second Thursday of each month unless otherwise noted.

February 8, 2007
March 8, 2007
April 12, 2007
May 10, 2007
June 14, 2007
July 12, 2007
August 9, 2007
September 13, 2007
October 11, 2007

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November 8, 2007
December 13, 2007
January 10, 2008 Regular/Reorganization Meeting

BE IT FURTHER RESOLVED that all meetings will be held at the Highlands Municipal Building, Council Chambers, 171 Bay Avenue, Highlands, NJ at 7:30 p.m.

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

ROLL CALL:

AYES: Mr. Mullen, Mayor O'Neil, Mr. Bahrs, Mr. Schoellner, Mr. Nolan,
Mr. Cefalo, Mr. Stockton

NAYES: None

ABSTAIN: None

Mr. Mullen offered the following Resolution be memorialized and moved on its adoption:

**BOROUGH OF HIGHLANDS
PLANNING BOARD RESOLUTION
DESIGNATING THE OFFICIAL NEWSPAPER
FOR THE YEAR 2007**

BE IT RESOLVED by the Borough of Highlands Planning Board that the **Courier, the Asbury Park Press and the Two River Times**, are hereby designated as the official Newspaper for the Borough of Highlands Planning Board publications which are required by law for the year 2007.

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

ROLL CALL:

AYES: Mr. Mullen, Mayor O'Neil, Mr. Bahrs, Mr. Schoellner, Mr. Nolan,
Mr. Cefalo, Mr. Stockton

NAYES: None

ABSTAIN: None

**PB#2006-1 Fleming, Daniel – Request for Postponement to March 8, 2007
Without the Need for Further Notice
Block 26 Lot 12 – 127 Highland Avenue**

Mr. Stockton stated that the Board received a written request for an adjournment from Attorney, Mike Irene.

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Mr. Mullen offered a motion to postpone the Fleming Public hearing to March 8, 2007 without the need for further notice, seconded by February 12, 2007 and all were in favor.

Mr. Stockton advised the public that the Fleming Public Hearing has been postponed to March 8, 2007 and that there were be no further public notice on this matter.

AHHRSA – Approval of Resolution

Mr. Mullen offered a motion to move on the adoption of the following Resolution:

BOROUGH OF HIGHLANDS PLANNING BOARD

WHEREAS, the Planning Board has received from the Atlantic Highlands/Highlands Regional Sewerage Authority a Capital Improvement Project for improvements to the Authority's pumping station and site located in the Borough for Board review and recommendations pursuant to NJSA 40:55D-31. Representatives of the Authority appeared at the Board meeting held on December 14, 2006; and

WHEREAS, the Planning Board is required by the Municipal Land Use Act to review all capital improvement projects and set forth its findings and recommendations in the form of a resolution.

NOW, THEREFORE, BE IT RESOLVED by Planning Board of the Borough of Highlands, assembled in public session on January 11, 2007, that the following findings and determinations are hereby adopted by the Planning Board:

1. The Board finds that it has jurisdiction to act upon the review of the Specifications and the Plans pursuant to the Municipal Land Use Act of the State of New Jersey.
2. The Planning Board finds that the plans and specifications submitted and explained by the testimony of the witnesses is informed by and consistent with the master plan of the Borough of Highlands.
3. The Board recommended that the proposed improvements be as attractive to the community as possible.
4. The Board recommended that the Authority remind the Tax Assessor to keep the tax maps of the Borough up to date.
5. The Board recommended that the Authority provide the Board with a memo regarding Authority requirements for 3 or more new units being approved by the Boards. The information supplied will be used by the Board in the approval process as a condition of approval.

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

ROLL CALL:

AYES: Mr. Mullen, Mr. Schoellner, Mr. Cefalo, Mr. Stockton

NAYES: None

ABSTAIN: None

**PB#2006-3 Catsaros, Gregory – Request for Extension of Time to Perfect Sub.
Block 14 Lot 3.01 (30 Grand Tour)
Request for Board to Sign and Approve Subdivision Deeds**

Mrs. Cummins stated that she spoke with the Jackie Flor, Board Engineer and she has stated that Catsaros is not in compliance with their Resolution of approval at this time.

The Board had a discussion on this matter.

Mayor O'Neil offered a motion to grant the applicant a 90-day time extension to perfect his subdivision, seconded by Mr. Mullen and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mayor O'Neil, Mr. Schoellner, Mr. Cefalo

NAYES: None

ABSTAIN: Mr. Bahrs, Mr. Nolan, Mr. Stockton

The Board Attorney will prepare a Resolution for Catsaros for the next meeting.

Approval of Minutes

Mayor O'Neil offered a motion to approve the December 14, 2006 Meeting Minutes, seconded by Mr. Mullen and all eligible board members were in favor.

Communications:

The Board reviewed the following documents which required no formal action:

1. T & M letter dated 1/4/04 RE: Catsaros Block 14, Lot 3.01.
2. Letter from Freehold Soil RE: Roadway Improvements
3. Up coming Board Member Training Courses.

Atlantic Highlands/Highlands Regional Sewerage Authority New Rules & Regulations

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Mr. Serpico explained that the Sewerage Authority sent the rules and regulation to us so that we can implement a certain portion of that into the Planning Board Resolutions.

Mr. Stockton suggested that the Board modify the Planning Board Check List to include provisions for AHHRSA rules.

Mrs. Cummins stated that David Palmara of the AHHRSA will be sending the Planning Board a letter on what needs to be done by the Planning Board.

Mr. Serpico recommended to the board that if we come up with a condition of approval for an applicant that it should be recorded in a deed and that the bylaws should be updated to include the same.

Mr. Stockton suggested that the Board review the Bylaws.

Mr. Mullen suggested that the Planning Board look into the definition of building height in terms of steep slope which he further explained.

Communication from the Highlands Business Partnership

Mr. Nolan stated that he has a memo from the Highlands Business Partnership regarding a pending Zoning Board Application for development at the corner of Waterwitch and Bay Avenue. The HBP is recommending that the Borough create an overlay zone at the Huddy Park area or a new commercial zone which he further explained.

Mr. Serpico advised Mr. Nolan that this request should be directed to the Governing Body. The Governing Body can then direct the board to review and make recommendations to them.

Mr. Mullen explained that the Zoning Board Applicant, meaning Duane Realty was asked at the Zoning Board Meeting to go to the Governing Body for rezoning and he declined.

The Board had a discussion on this matter.

Rice Restaurant

Mayor O'Neil explained that the owner of the Rice Restaurant, Randy Takian asked what would be required to enclose the outside.

Mr. Stockton stated that he believes what happened at the Rice Restaurant is that he does not believe that they ever made an application to the Planning Board for the

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improvements that were made to the outside patio area. He stated that he believes that any building addition would require the applicant to obtain site plan approval.

Mr. Serpico explained that the first place for the applicant to go would be the Zoning Officer.

Mr. Bahrs offered a motion to adjourn the meeting, seconded by Mr. Schoellner and all were favor.

The Meeting adjourned at 8:27 P.M.

CAROLYN CUMMINS, BOARD SECRETARY