

JOINT MAYOR AND COUNCIL  
SPECIAL MEETING

TRANSCRIPT  
OF  
PUBLIC MEETING

May 18, 2023

B E F O R E:

MAYOR LORETTA GLUCKSTEIN  
MAYOR CAROLYN BROULLON  
MAYOR BRIAN KELLY

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JOSEPH VERRUNI, Administrator, Sea Bright  
CHRISTINE PFEIFFER, Borough Clerk, Sea Bright

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APPEARANCES CONTINUED:

For Atlantic Highlands:

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COUNCILMAN VITO COLASURDO  
COUNCILWOMAN EILEEN CUSACK  
COUNCILMAN BRIAN DOUGHERTY  
COUNCILMAN LORI HOHENLEITNER  
COUNCILMAN JAMES MURPHY

For Highlands:

COUNCIL MEMBER KAREN CHELAK  
COUNCIL MEMBER DONALD MELNYK  
COUNCIL PRESIDENT JO-ANNE OLSZEWSKI

For Sea Bright:

COUNCILMAN ERWIN BIEBER  
COUNCILMAN JEFFEREY BOOKER  
COUNCILWOMAN HEATHER GORMAN  
COUNCILMAN JACK KEELER  
COUNCILMAN JOHN LAMIA

### ADDENDUM

Individuals identified within the text of the following transcript do not represent, necessarily, all of the individuals in attendance at this meeting. Their presence, speaker identification and other information regarding title page and appearances, along with various words, proper nouns and other spellings found within this transcript were able to have been extrapolated from minutes of the meeting and discussions with the Board Secretary and of course that which is evident and that which can be concluded by way of the audio recording itself which is of **GOOD** quality.

Areas on the recording which were unable to be discerned were identified by placing the word (indiscernible) followed by a short explanation.

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## Colloquy

## (Silent Prayer/Pledge of Allegiance)

MAYOR GLUCKSTEIN: And there's a few people that I would like to thank before we move on. Father Jarlath in Saint Agnes for letting use this Parish Center. I'd also like to thank Rob Ferragina, Michelle Clark and Brian Dougherty for helping move this forward too. So, thank you. Mr. Ferragina, roll call for each town?

MR. FERRAGINA: Yes.

MAYOR GLUCKSTEIN: Okay, roll call Atlantic Highlands.

MS. CLARK: Mr. Colasurdo.

COUNCILMAN COLASURDO: Here.

MS. CLARK: Mr. Crowley.

COUNCILMAN CROWLEY: Here.

MS. CLARK: Ms. Cusack.

COUNCILWOMAN CUSACK: Here.

MS. CLARK: Mr. Dougherty.

COUNCILMAN DOUGHERTY: Here.

MS. CLARK: Ms. Hohenleitner.

COUNCILWOMAN HOHENLEITNER: Here.

MS. CLARK: Mr. Murphy.

COUNCILMAN MURPHY: Here.

MS. CLARK: Mayor Gluckstein.

MAYOR GLUCKSTEIN: Here.

## Colloquy

MS. CLARK: This meeting is officially open for Atlantic Highlands.

MS. TRAN: I will now do roll call for the Borough of Highlands. Council Member Cervantes. Council Member Chelak.

COUNCIL MEMBER CHELAK: Here.

MS. TRAN: Councilman Melnyk.

COUNCIL MEMBER MELNYK: Here.

MS. TRAN: Council President Olszewski.

COUNCIL PRESIDENT OLSZEWSKI: Here.

MS. TRAN: Mayor Broullon.

MAYOR BROULLON: Here.

MS. TRAN: This meeting is officially open for Highlands.

MS. PFEIFFER: And I will do the roll call for Sea Bright. Councilman Bieber.

COUNCILMAN BIEBER: Here.

MS. PFEIFFER: Councilman Booker.

COUNCILMAN BOOKER: Here.

MS. PFEIFFER: Councilman Catalano.

COUNCILMAN CATALANO: Here.

MS. PFEIFFER: Councilwoman Gorman.

COUNCILWOMAN GORMAN: Here.

MS. PFEIFFER: Councilman Keeler.

COUNCILMAN KEELER: Present.

## Colloquy

MS. PFEIFFER: Councilman Lamia.

COUNCILMAN LAMIA: Here.

MS. PFEIFFER: And Mayor Kelly.

MAYOR KELLY: Here.

MS. PFEIFFER: This meeting is officially open for Sea Bright.

MAYOR GLUCKSTEIN: Thank you. Mr. Ferragina.

MR. FERRAGINA: Good evening and welcome to the Borough of Atlantic Highlands and to the Hesse Center. Seated at the front are the following individuals: Bob Benecke, Atlantic Highlands financial expert; Matt Giacobbe, Atlantic Highlands special counsel; Atlantic Highlands Mayor Loretta Gluckstein; Highlands Mayor Carolyn Broullon; Sea Bright Mayor Brian Kelly; Vito Gagliardi, Highlands and Sea Bright special counsel, and Kerri Wright, Highlands and Sea Bright special counsel.

Seated to my far left are the three Borough clerks. From left to right, Michelle Clark of Atlantic Highlands, Nancy Tran of Highlands, and Michelle Pfeiffer of Sea Bright.

Seated in the front rows in front of the tables here are the Council members from the three Boroughs as well as the Borough administrators, Council members from all three municipalities and the Borough administrators from Sea Bright and Highlands. I believe there are a few Council members from the respective municipalities that are also patched in via conference call.

I'd like to go over a couple of housekeeping items before we begin. Please make sure everybody's phones are muted. There are four emergency exits, one at each

## Colloquy

of the corners of this room, two in the front and two in the back. For those individuals who may need restrooms, they are located in the entrance hallway.

I would like to also go over some meeting ground rules. After the resolutions are presented and voted on, the public will have an opportunity to comment. There will be a three minute time limit for those who wish to comment. This will assist with efficiency and time management. Before making a comment, please speak clearly and state your name and address. The Highlands clerk, Nancy Tran, will be monitoring the time. We ask everyone, both at the front table and those from the public, to please speak close to the microphones.

While this is a very passionate topic for many residents, as well as many of the elected officials, we ask everyone to please keep your comments professional, polite and cordial. I will now ask Bob Benecke to please explain the resolutions and update everyone as to where we are at in the process. Thank you.

MR. BENECKE: I need to stand so everyone can see me. So just real quick, a little bit about what I do. My name is Bob Benecke from Benecke Economics, Riverdale New Jersey, about an hour and 20 minutes or so north of here.

I come from more of a municipal background than a school background, although I have worked for many school districts in the State of New Jersey. All of you who are familiar with municipal budgets and the like. When you take a look at your official budget you see this little thing called the FCOA with numbers all over the place. Well, I designed that.



I actually prepared it for the State about 20 years ago. It's called the flexible chart of accounts. It's very similar to what school boards go through but it's a little bit different twist because we don't use GAAP accounting on the municipal side.

In addition, I've written four textbooks for the Bloustein School of Planning at Rutgers. And I've been doing this unfortunately for about 47 years. So, this is my fifth public meeting this week. So if I seem like I've had too much caffeine, I probably have. I'll be glad to answer any questions that you can throw our way.

I've written a memo, legal base memo for Mr. Giacobbe who is the counsel to Atlantic Highlands to give some background and flavor to the referendum questions and also with respect to the State mediator and try to help the process along.

I have to say at the outset that the Porzio team and the Kean University team, especially Steve Cea, who has been assigned to be an intermediary on the Highlands side, if you will, and the Sea Bright side, have been extremely helpful. If you read the reports, they're on line, they're a couple years old but they're excellent and they give you a lot of background.

What Atlantic Highlands asked me to do and what some folks from Highlands have seen, is to distill some of the facts down to make it a little bit more understandable and to make a separate recommendation from a municipal perspective, and more importantly a taxpayer's perspective as to what does this all mean from the people paying taxes at home. So we've done that. And again, with relying on those two reports, we also rely a little bit differently on some tax data.

The big difference is, is that we use the State DCA property tax information that's really hidden inside the division of local government services website. And we use that, because that shows every municipality in the State year over year. We've actually done a database ourselves to try to fit pieces in together. So we use that database. Like Porzio and like Kean University, we also use the American Community Survey data and we use of course your CAPRAs from the school district, your budgets, etcetera.

One departure that we have from the Porzio/Kean teams is that we try to be a little bit more static. We don't finesse, predict projections as much in these types of settings because of the ultimate gotchas, right? I've been doing this over 40 years and I learned a long time ago that if you say we're going to save \$10 and we save \$9.50 it's going to come back and haunt you. So we try to avoid that. We tried to make sure that everyone has a reasonable expectation of what you're going to save and what's going to happen.

That said, Kean University especially spent a lot of time on the efficacy of the educational programs and moving the school district from a, what's called a non full inclusive district, a 7 to 12 district into an all-inclusive district under the statute which would be a Pre-K or K-12 district.

One thing that we look at just from a cost or financial perspective is what's called the number of movements from school to school. And what we have here with Henry Hudson and with Atlantic Highlands, at least in Highlands is that we have a nice seamless one movement. That's from sixth to seventh grade and then they move on.

Most districts, I'll give you a perfect example, Sparta in Sussex County. Beautiful town, nice town. They move a lot. They move three or four times and it's hurt their student population. And Kean University has catalogued some of the research on that and it's actually quite compelling. So that's an advantage of Henry Hudson and of your elementary schools as well.

In addition, we also look at the capacity analysis. The capacity is how many seats or how much classroom space do you have versus how many children are expected. And in the Highlands, Atlantic Highlands and Henry Hudson Regional, there's plenty of capacity to handle the children.

With that said, we estimate that right now in 2024 if this program were to be put into place with Sea Bright, Highlands and Atlantic Highlands you would save a minimum of \$3,172,000 in aggregate. That's a minimum. So the lowest amount you'll save is 3,172,000. That's our number. It does agree in certain respects to the Porzio/Kean numbers, but it's lower than theirs. Why? Because we don't impute or compute any additional savings from operational efficiencies.

The Henry Hudson Regional has many efficiencies built into it already. Any cost savings, for example the one study estimates \$404,000 of savings. We think that the school busing transportation programs and some of the transitional services that need to be provided to the Sea Bright students, and Kean brings this up as well, as well as the equalization of the salary guides between the districts will eat into any savings.

And we don't agree per se that there's going to be a significant savings. And by

the way, they acknowledge, both Kean and Porzio acknowledge that it's not an overwhelming savings because of the regionalization of the school district already. So that's why.

Number two is that we don't finesse the increases of the equalized value of the properties. We assume every town is going to go up at the same rate over time, whether it's two percent or three and a half percent. Some of you who follow real estate, Redfin and Case-Shiller came out with some pretty disturbing numbers nationwide on the two coasts with some decline in housing values. So we try not to finesse that.

We try to just deal with what we have today, assume an equal growth. And then as new building comes on or as new students come in, we try to deal with it. We understand that there may be a new development here, there may be a few extra kids there. But by and large it's going to stay within a certain banner.

And Porzio and Kean agree with that by and large as well. Although again, they do try to finesse some of that. The reason they try to finesse it is that there's a transition period for Sea Bright, where Sea Bright will have a five year period before they can fully take advantage of the regionalization program.

They're going to have a stay in place or a teach in place as it's called for at least five years, and maybe more or less, but it's going to be around five years. And I would assume it's at least five years and that's what Kean/Porzio developed as well.

Still, with the minimum 3,176,000, I spoke to Steve Cea this morning. We went

over the calculator and the calculator shows that at 15 percent of equalized value with 85 percent of new school enrollment ratio, that proportional increase, we will save, according to their calculator, and I think it's pretty accurate, \$4,172,000.

And that's a moving forward five year average compared to what they call the status quo, we call the current amount, versus what they estimate will be happening in year five into year six. So it's pretty reasonable because you have the tax levy cap and you have of course your base amount.

Of that amount, minimally Atlantic Highlands is scheduled to save 756 to \$760,000 depending upon the rounding; Highlands approximately 1.7 million and Sea Bright approximately 1.65 million. Perhaps a little bit more. When you roll that forward and you take a snapshot in year five, this is where it gets kind of interesting. And this might be the best case scenario.

As you move up in the savings, Atlantic Highlands actually saves more money. And the reason being is that they're paying more. So the more they pay, the more they save. Similar with Highlands. They pay more, they'll save a little bit more than Sea Bright. But Sea Bright still has a base. And that best case scenario we have going into the future in year six, \$4.8 million of savings. And \$4.8 million of savings would then turn into \$5.3 million of savings.

And we could estimate the proportion from there. That proportion from there may look something like this. Atlantic Highlands would get about \$2 million, Highlands would get about 1.9 million, and the balance somewhere in the neighborhood, and this is

\$5.3 million, somewhere in the neighborhood still of 1.6. The original \$1.6 million would accrue to Sea Bright. And it depends how the equalized value and the students flow in and out.

One little quibble we had with their report. We were off seven students. Out of 750, seven students really doesn't make much of a difference, except those seven students come from Sea Bright. So instead of their projected 47 we had 54. So there's a little bit of flux in the models, but not enough to cause any heartburn whatsoever. Those are the basic bottom line factors.

How did we get there? How did they get there? Their original study of just during the pandemic month, March of 2020 recommended 95 percent of the distribution would be based upon school enrollment. And that skewed the results at least going through time to be approximately where we ended up today at 85 percent student enrollment and 15 percent equalized value.

What that does, real quickly what that does is it allows Atlantic Highlands and Highlands to share in a better piece of the pie and yet give Sea Bright a solid savings coming into the program. Again, \$3.2 million is the base. Up to 5.3, perhaps as high as \$5.8 million would be the top line savings. And again, it's a little bit tricky because we have to have that teaching period, that transition period for five years with Sea Bright.

There's no question that this is a great program. The Porzio team, Mr. Giacobbe, the counsels all worked really hard on this. And you know, it shows in the

documentation, it shows in our memo, our write-up to Mr. Giacobbe. Everybody has really been at it for the last month. When we came to the realization that we have an opportunity here to create something special, 750 plus or minus children going to a unique school, getting quality education and yet saving money. For 40 years, 7 years I probably worked on a thousand projects, maybe more, I probably had five as good as this one. Maybe four as good as this one. That's how good this is.

And so I recommend that you vote for it. I'm sure the Porzio team recommends that you vote for it. I know Mr. Giacobbe does and the State Department of Education and their mediator is very supportive. I'll be glad to answer any questions you have. I don't want to go too much into rabbit holes and the gotchas.

MR. FERRAGINA: We'll do the questions after they vote.

MR. BENECKE: Okay. Fair enough. After they all vote, I'll be glad to answer any questions. I'll be around even after the meeting. If you have any follow ups or any thoughts. Thank you very much.

MAYOR GLUCKSTEIN: So at this time we will be taking our vote. Resolution 82-2023, approving tax allocation methods to be presented to the voters on a referendum for Atlantic Highlands. I need a motion and a second.

COUNCILWOMAN HOHENLEITNER: I'll move it.

COUNCILMAN DOUGHERTY: Second. Dougherty.

MAYOR GLUCKSTEIN: And roll call.

MS. CLARK: Mr. Colasurdo.

## Roll Call Vote

COUNCILMAN COLASURDO: Yes.

MS. CLARK: Mr. Crowley.

COUNCILMAN CROWLEY: Abstain.

MS. CLARK: Ms. Cusack.

COUNCILWOMAN CUSACK: Yes.

MS. CLARK: Mr. Dougherty.

COUNCILMAN DOUGHERTY: Yes.

MS. CLARK: Ms. Hohenleitner.

COUNCILWOMAN HOHENLEITNER: Yes.

MS. CLARK: Resolution 82-2023 has passed.

MAYOR GLUCKSTEIN: Thank you.

MS. TRAN: For the Borough of Highlands, Resolution 23-135 approving tax allocation methods to be presented to voters on referendum. Council Member Chelak.

Oh, I need a motion. Sorry.

COUNCIL MEMBER: I'll move it.

MS. TRAN: Thank you.

COUNCIL MEMBER: I'll second.

MS. TRAN: Thank you. Council Member Chelak.

COUNCIL MEMBER CHELAK: Yes.

MS. TRAN: Council President Olszewski.

COUNCIL PRESIDENT OLSZEWSKI: Yes.



## Roll Call Vote

MS. TRAN: Mayor Broullon.

MAYOR BROULLON: Yes.

MS. TRAN: Motion carries to adopt Resolution R 23-135.

MS. PFEIFFER: Resolution 104-2023, Borough of Sea Bright approving tax allocation methods to be presented to voters on referendum.

COUNCILMAN: So moved.

COUNCILMAN: Second.

MS. PFEIFFER: Okay. Councilman Bieber.

COUNCILMAN BIEBER: Yes.

MS. PFEIFFER: Councilman Booker.

COUNCILMAN BOOKER: Yes.

MS. PFEIFFER: Councilman Catalano.

COUNCILMAN CATALANO: Yes.

MS. PFEIFFER: Councilwoman Gorman.

COUNCILWOMAN GORMAN: Yes. And I would just like to say quickly, knowing that I'm (indiscernible) from a contract again in the future, as a community of these municipalities that work together this may be far beyond our time in the future should one of our communities become overly burdened as we are currently today, I hope we all can come together and find an agreeable resolution. I know this is a legally binding contract. So I hope we all will work together to look out for one another.

MS. PFEIFFER: Councilman Keeler.

## Roll Call Vote

COUNCILMAN KEELER: Yes.

MS. PFEIFFER: And Councilman Lamia.

COUNCILMAN LAMIA: Yes.

MS. PFEIFFER: Resolution 104-2023 is adopted.

(Public applause)

MAYOR GLUCKSTEIN: So now we are going to move into the public comment section. Please move forward to, we have two mics. State your name and address. And remember there is a three minute limit.

MS. TRAN: May I read my little blurb please? Individuals wishing to address the Council may be recognized by the presiding officer, shall give their name, address and the group, if any, they represent. Although the Council encourages public participation it reserves the right through its presiding officer to terminate remarks to and/or by any individuals not in keeping with the conduct of a proper and efficient meeting. If any individual refuses to conduct themselves in a proper manner they will be removed from the meeting.

The Council will not, during the public portion of this meeting, discuss matters involving employment, appointment, termination of employment, negotiations, terms and conditions of employment, evaluation of a performance of, motion or discipline of any specific or prospective or current employee. There is a three minute time limit for your comments.

MS. DRECKSAGE: Hi. Can you hear me? My name is Allison Drecksage, I live

## Public Commentary

at 12 Garden Way in Sea Bright. I'm here on behalf of Sea Bright students. I don't think that this regionalization is a wonderful idea and I understand that it's going to be going to vote. It seems very premature for several reasons and I just wanted to speak about this quickly. I know I have three minutes.

The declining levels of enrollment that we've seen in the townships seems unlikely that in the future this entire scenario would have to happen again, and which we'd have to have a financial analysis, the legalities of again merging new districts. So I don't know if this is the sustainable path forward for us.

Savings won't be seen for five years, so at that time that could be something where we're addressing a larger regionalization because Sea Bright is currently a part of a regionalized school system. We are affiliated with both Oceanport and then the Shore Regional school system.

My understanding is that this regionalization was to save larger amounts of taxes and to provide children more opportunities. I don't know why it wouldn't be considered that Highlands and Atlantic Highlands would merge for elementary and middle schools and then all townships could go to Shore Regional, affording all students better education and also additional programs that they're now going to have to cut.

I don't know how we're supposed to vote as taxpayers, not understanding exactly what the math is. As mentioned, transportation, special services, things like that aren't factored in what the actual costs are. And so I think that's very premature to be voting on something that you actually can't speak to.

## Public Commentary

And it was mentioned just a few minutes ago that moving students several times is disruptive. The students that will be impacted by this merger will have already been impacted by things like COVID and now have to move an entire new school district. It seems really unfortunate for the kids that are currently part of the school district.

And if you take into consideration the average taxpayer in 2022 and the average, not my taxes, not anyone specifically in Sea Bright, it's about 8,500, Highlands 7,400, Atlantic Highlands 9,800. On paper the savings sound amazing if you can get deductions on your taxes. But you can claim up to \$10,000 on your property taxes.

So you're actually not saving anything in your pockets if your tax rate is lower than that. So I hope that that's something that people are recognizing, to be affiliated with a school system that might not be as healthy for your property tax values.

Last night was my daughter's 10th birthday. She decided to spend it at the Board of Education to celebrate the teachers that were retiring. She sang in the chorus. She spent two hours of the night there. The Sea Bright students feel at home there. Their friends are there, the family is there.

I don't know why we would not make some type of allocation to have the current children move through their school year. It just seems really unfair. And I think that in terms of the overall merger situation, I don't know, maybe re-looking at it so that all of the kids can go to Shore Regional. That would then allow them to make the ratio for Sea Bright more equitable. It seems like a better solution rather than a smaller school system with less opportunities for all.

## Public Commentary

MAYOR GLUCKSTEIN: Thank you.

MS. DRECKSAGE: Thank you.

MR. GAGLIARDI: On the issue of the education of the children, if I could speak to that. So, I believe Mr. Benecke made reference to the transition but I want to be clear particularly for those who either live in Sea Bright and/or care about children.

So the model that you heard described and the model that has been under study from the get-go does not involve forcibly removing any children from the school that they currently attend. So that five year transition period where Sea Bright is continuing to pay to Oceanport and to Shore Regional while beginning to contribute to Henry Hudson when its children begin to attend that school is based upon the premise that the children will be allowed to complete the schools where they're currently being educated.

So that is part of the study. No child is being forcibly moved. So if you just think about the high school scenario for a second, where graduating eighth graders from Oceanport would then go to high school at Henry Hudson if this were to be approved by the voters. And then there would be three grades of Sea Bright students at Shore Regional. And then the following year there would be two, 11th and 12th graders. The last year there would be 12th graders. So children are not being moved.

And the only other thing I want to say, simply because I don't know if I'm going to have a chance to speak again, is what you saw here happen was both of historical significance and yet a decision that isn't doing anything. The historical part is where the three municipalities whose interests are similar but not identical, have taken a step

## Public Commentary

under a statute that is brand new, designed to do exactly what you see here, promote the creation of K-12 districts and allow communities to save substantial amounts of money.

But all the towns have agreed to do is to fight for the opportunity for the voters to decide how their children are educated and how their tax dollars are spent. This is about as motherhood and apple pie as you can possibly get. Whether you agree or disagree, these folks didn't make a decision as to where your kids are educated. These folks didn't make a decision as to how your tax dollars are going to be spent. You're going to make that decision, if they can convince the Commissioner of Education to allow you to do so.

In addition to the discussions we've had with counsel for Atlantic Highlands, we've been in discussions with counsels for the Boards of Education as well. My expectation is that they're going to support what we did here this evening. But all we're agreeing to do is to fight together to convince the Department of Education to allow you to vote on something of historic significance. And I have found it, as I know Kerri Wright has, a privilege to be part of this.

It is a remarkable event to work so hard simply to allow the voters to make a decision that they didn't get a chance, at least in Sea Bright, a chance to make a decision in the first place. The forcible merger of their elementary population with Oceanport was forced by the State. Voters didn't have a chance to be heard. The change in the funding mechanism for the regional school district was forced by the State. They didn't

have a chance to be heard.

This is remarkable what's gone on here tonight. And I look forward to continuing this dialogue, to playing a role in making sure the voters are as informed as possible and to working with the Department of Education to make sure that those voters get a chance to be heard.

So thank you for the folks in Sea Bright and Highlands who allowed us to be a chance of this, to be a part of this historic event. And certainly for Mr. Giacobbe and the folks in Atlantic Highlands to the cooperative discussions we've had over the past few weeks.

MAYOR GLUCKSTEIN: Thank you. Anyone else?

PUBLIC MEMBER: (indiscernible), Atlantic Highlands. First of all, congratulations all of you. Congratulations all of you for making a decision. And may I be among the first to welcome Sea Bright to a terrific school district that we have right now. It will only be better if you come with it too, so congratulations to Sea Bright for wanting to come in with us.

I would like to ask Mr. Benecke, what was the driving thing that made you finally decide that this is a good thing, that they would be saving this much money? Was it the mediation or was it something else?

MR. BENECKE: I think it was when we first read the documents of Kean and Porzio, that they were overwhelmingly well done. And we then did our own blind study. That blind study was, what we typically do is Town A, Town B and Town Z. And

we did our own study and we came up with very, very similar results using census data, using the State database, etcetera.

With respect to the cost, and the speaker before you, the budgeted costs are, we tend to be more conservative. We don't like to add savings on transitions like this because you just don't know what you don't know. So we just err on the conservative side.

It may be that there's additional savings, and we hope that there are. But we're not going to count on it so we try to be conservative. We let everyone know that, hey, don't count on it, you may not get a full savings of 4.8 or 4.2 million. But you're going to get a minimum of 3.2. And part of that is services for the Sea Bright children to have a really good quality transition. Yeah, in five years as, you know, everyone has said here. But it's going to be a good transition.

What caused us to really do this and really come home with it, and really just be a cheerleader for the program, is that at the end of the day you're going to have a quality school district and you're going to save money. That's just a win/win. No matter how you look at it, it's a win/win.

Now, I'm not going to diminish being a parent and having a child that may not be -- be caught up in the transition. And we're going to make sure that that doesn't happen. Everybody at this table and everyone at the school district will make sure that doesn't happen. The transition will be quality and will be well served. All the children will be well served.



## Public Commentary

PUBLIC MEMBER: Terrific. Thank you. And can somebody say what happens next and what are the chances of it being on the November ballot? We have to wait till the Commissioner approves this? And when will you be sending this to her?

MR. GIACOBBE: Vito.

MR. BENECKE: Sure.

MR. GIACOBBE: There's a little speculation, but Vito has a wealth of experience to this and a part of drafting legislature that ultimately enabled this. And Kerri Wright too. Frankly, to be quite honest with you, Kerri Wright is much smarter than Vito. He just takes all the credit. So I think Vito would be the best person to answer your question.

MR. GAGLIARDI: That wasn't covered by the mediation, Matt. So I think this will be in the hands of the Commissioner within days. As I said, we've been in some dialogue with the Boards of Education. So I'm hopeful that within the next few days we will be sending mutually agreeable correspondence on behalf of the three towns and the Boards of Education asking the Commissioner to move forward with this. We're at the mercy of the County Office and the Department of Education after that. And as you know from our last meeting, we would need a green light by the end of August in order to get this on the November ballot.

I don't see a reason why it couldn't happen. But if it's not, you can have a special school election, and I remember going over this with you last time, the second Tuesday in December 4th, Tuesday in January. So I don't know if it's going to be on the

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ballot in November, but if it's not I expect this to be approved. Because I cannot see any legal reason why it wouldn't be. And if it is approved, I expect if it's not voted on in November to be voted on shortly thereafter in December, January or March on one of the dates set forth by statute.

PUBLIC MEMBER: And it would then be put into effect?

MR. GAGLIARDI: Well, if it's approved in that window, right, I don't know a reason why the municipalities and the Boards of Education couldn't make sure that the budgeting starts to allow the transition to occur. Obviously the Boards of Education have been very much interested in consolidation. So assuming that they can prepare a budget in a timely fashion, you have to have the budget prepared and approved in order for it to take effect July 1st.

So based upon the track we're on now, assuming the Department of Education is cooperative, it is not out of the question to have this in place for July 1 of 2024. If that doesn't happen, then certainly by July of 2025. But that requires cooperation by people who are A) not in this room, and B) who are not in the control of anyone in this room.

PUBLIC MEMBER: Okay, thank you. Thanks.

MR. GAGLIARDI: Thank you. Kerri, just, did I get anything wrong there?

MS. WRIGHT: No.

MAYOR GLUCKSTEIN: Any questions?

MS. KOZIC: Hello. Hi. My name is Claire Kozic. Do I have to say my

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address? I wasn't paying attention.

MAYOR GLUCKSTEIN: Yes.

MS. KOZIC: 16 East Avenue, Atlantic Highlands. I might have missed something in all the articles, but did Sea Bright get out of their agreement with Oceanport School District?

MR. GAGLIARDI: So, first of all there's no agreement with Oceanport. As I said, they were put together by statute. And second of all, the way the new Legislation that I've made reference to works, you don't need Oceanport's permission if you are forming a -- If you're going to be part of a K-12 regional district and the Department of Education approves that being submitted to the voters and the voters approve it, it happens as a matter of law.

MS. KOZIC: And we think the Commissioner of Education is going to be okay with that.

MR. GAGLIARDI: We do. That's exactly what the Legislation was designed to permit, to facilitate the creation of K-12 school districts. So it's both the letter and the spirit of this Legislation that the Commissioner should green light this.

The Commissioner is not looking at how this affects the average assessed home in Oceanport. The Commissioner looks at broader issues like if this is approved does it affect anyone's ability to get a thorough and efficient education, is there going to be a seat for every student, is any school district going to be left with an unacceptable debt limit and that sort of thing.

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There are none of those present in any of the studies you heard Mr. Benecke review. So I do not see a legal reason why the Commissioner wouldn't submit this to the voters.

MS. KOZIC: It just seems like the Commissioner has been kind of stalemating, so to speak, with any correspondence.

MR. GAGLIARDI: So, I understand how that impression has been created. But I should point out that we have never pressed the Commissioner for action because the petition that was filed last July said we have everything lined up except the tax levy, and we'll get that to you, I don't remember the phraseology. Forthwith. Right?

So forthwith took like 10 months. So until we do what we did tonight, we couldn't press the Department of Education for action because they can't assess those things I identified for you.

MS. KOZIC: So you truly believe that this will make them move faster.

MR. GAGLIARDI: Absolutely. This was the missing piece, and it's no longer missing.

MS. KOZIC: Okay. Okay.

MR. GIACOBBE: Vito, I think the other thing that you noted was, there was litigation commenced and the Commissioner did rule on it. There's a pending appeal, the Commissioner has ruled on that litigation.

It was Shore Regional. That's now out of the Commissioner's office.

So again, I also agree and concur with Vito and Kerri, actually really Kerri, that

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once this gets down there, there's really no hold up whatsoever for the Commissioner to approve it. And just so folks understand, the Commissioner of Education is appointed by the Governor of the Executive Branch. Their job is to implement law.

So this is a law that's not only been passed by the Legislature, it was signed by the Governor who has appointed this Commissioner. So I think there's a high likelihood that it will move relatively quickly and hopefully we can get it on for the November ballot.

MAYOR GLUCKSTEIN: Yes, ma'am.

MS. MULVANEY: Hi. I'm Tracy Mulvaney, 25 4th Street in Highlands. And I'm really happy to hear that this agreement came into play. So thank you very much for all your work on that.

I do have the question though. Mr. Giacobbe, you just talked about the appeal. So, how will the appeal affect moving this forward so we're all very clear on that. Because now that's with, my understanding, is the Appellate Court, as I read it.

MR. GIACOBBE: So understand, a commissioner of education, any of the State agencies, commissioner of education, commissioner of environmental protection, commissioner of banking and insurance, they're known under the court's jurisprudence as the experts in their field. And so when you appeal a commissioner's determination, decision, a final decision which this is, the standard to overturn a commissioner's decision is a very high burden. And the burden, it's known as, they have to demonstrate that the commissioner's decision was arbitrary, capricious or unreasonable.

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And if you read any Appellate Division case that, when you're seeking to overturn a commissioner, it's not just a commissioner of education, it's any of the State agencies, they say that they give great deference to the expertise of that commissioner and their department. Because they are the people who are driving, in this case the educational system of New Jersey, and enforcing the laws, Title 18A and the regulations Title 6, on behalf of the Legislature and the Governor.

And you know, not to speak out of school, I do argue in the Appellate Division occasionally and I can tell you that it's a long, long process. And that won't not hold this up whatsoever.

MS. MULVANEY: So the way that I read the Commissioner's decision was that she wasn't ruling on that part as it wasn't covered under this. Is that a misunderstanding of how that was written? I just want to make sure, because I'm going to be -- I'm on the Henry Hudson School Board and I want to have all sides of this to make sure I have a very clear understanding of this. And that's not how I understood her decision.

MS. WRIGHT: So her decision basically was not to invalidate the resolutions that were passed by the municipalities and the Boards of Education. What she indicated in her decision was that the next phase, which Vito explained a little while ago, which is that the County Office is now going to review the petition, is going to review all the feasibility studies that were submitted, many hundreds of pages, and will apply the statutory criteria to this situation. That's what will happen next.

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And she didn't make a substantive decision on whether Sea Bright has met that standard that's in the statute. But the standard that's in the statute doesn't look at Oceanport or Shore Regional or the impact on Oceanport or Shore. As Vito mentioned, it looks at more broader specific things. And the finances, they're not a piece of that as far as Oceanport and Shore Regional --

MS. MULVANEY: I understood that.

MS. WRIGHT: Okay.

MS. MULVANEY: Okay. I just wanted to see. Because the appeal seemed, and the decision did not seem as easy as what I'm hearing it right now. So I am optimistic of this in fact. But because all this is so new and this Legislation is new, I feel like there's, you know, this could be something that's open to a lot of interpretation or a lot of nuances.

MS. WRIGHT: So it definitely is new. And the Commissioner has authority to look at things a little bit differently than maybe the lawyers here do. But the substantive pieces in the statute are written in a way to make it easier to do exactly what the communities here want to do, which is give the voters the opportunity to vote on this.

It is meant to be a gatekeeper function. So the Commissioner looks at it and says, so long as these terrible things are not going to happen if we let the voters vote on this, the voters should get a chance to vote on it.

MS. MULVANEY: Okay. Thank you.

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MR. GIACOBBE: Just one other thing to follow up with what Kerri and Vito said.

The Courts in New Jersey, the Appellate Division and Supreme Court, they like to enfranchise the voters. They don't like to disenfranchise them. So, as Kerri said, if the Commissioner and the County Office finds that the statutory criteria were satisfied in the proofs, they want to empower voters. Because this is ultimately -- It's not anyone's decision up here, it's the voter's decision. The voters will vote and you have to have a collective, positive vote in the three municipalities. And they will be ultimately the decision makers of their taxes and their children's futures.

UNIDENTIFIED: Will we have a copy of the referendum?

MAYOR GLUCKSTEIN: Yes. Is there anyone else?

THE CLERK: Just let everyone know that the copy of the resolutions will be on our Borough websites tomorrow.

MAYOR GLUCKSTEIN: Yes, sir.

MR. HESPE: Bob Hespe, 142 East Washington, Atlantic Highlands. What happens if some towns approve and some don't?

MR. GAGLIARDI: By approve, you mean the voters.

MR. HESPE: Yeah, yeah. The referendum.

MR. GAGLIARDI: So the way the questions have been phrased, if Atlantic Highlands and Highlands voters vote to form a regional school district, they'll form the regional school district. If the Sea Bright voters vote to approve it, the Sea Bright community will join that regional school district. If the Sea Bright voters vote it down,



that regional school district is formed without Sea Bright.

So this was set up in such a way to facilitate the possibility that the vote wouldn't be the same in all of the towns. It's not likely that that will happen, but it is structured so that it is taken into account. Obviously Highlands and Atlantic Highlands both have to vote in favor or nothing happens.

That is to say you can't form the regional school district no matter how overwhelming the vote is in one town unless it also passes in the other town. And if there's no regional school district to join, then Sea Bright, operating under this new statute, is not going to be able to leave the Oceanport and Shore Regional structures.

MAYOR GLUCKSTEIN: Thank you. Any more comments, questions?

MR. BURTON: Bob Burton, 22 Atlantic Street. One question is if this goes through how is the Board of Education comprised? How does that factor in? How does that play out? And then secondly, with this formula, we talked about three prior to this, how does this formula affect the teachers' contracts?

MR. GAGLIARDI: Do you want to take either one of those?

MS. WRIGHT: Sure. I can take the teachers' contract. So the way that the resolution and the agreement originally with the Boards of Education, is that this would expand the Henry Hudson regional school district. So there are two options, right? Dissolve the Henry Hudson and create a brand new one, in which case all of the collective bargaining agreements are dissolved and you start from scratch.

In this case though, the agreement was to expand Henry Hudson. So the Henry

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Hudson collective bargaining agreement would be controlling and the elementary teachers and staff members would join that collective bargaining group. So that should answer that specific question.

MR. GIACOBBE: Kerri, just to -- So in the law, another State agency called the Public Employment Relation Commission will help assist the parties in combining the contract. Because right now, as you know, Henry Hudson is a high school. And I can tell you, negotiating lots of teacher contracts, K to 8 have different prep periods, all types of things. So you'll have to take the language and integrate that into the contract. But that happens all over.

One example, probably the most famous one in New Jersey is five towns up in Hudson County, it's called the North Hudson Regional Fire and Rescue. They had five separate fire departments. And they literally had fire departments that were like next door to each other on the borders. They merged that in to have a five town fire department and PERC assisted in combining the contracts.

Here, generally teacher -- So Henry Hudson is the expanded one and then you'll work to modify it to make it a PreK-12 to address what's contained in Highlands and Atlantic Highlands, K-8 districts right now.

MR. BENECKE: And by the way, that's one of the reasons why we don't think that there's going to be a lot of savings. Because when you equalize those contracts its bound to cost something.

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MR. GAGLIARDI: Go ahead.

MS. WRIGHT: Let me address the --

MR. GAGLIARDI: The contracts.

MS. WRIGHT: Okay. No, the other question. Do you want me to go back to that?

MR. GAGLIARDI: How the Board is formed.

MS. WRIGHT: Oh, the Board. So the other question you asked was how the Board is formed. So the new statute provides that when you are expanding a limited purpose regional school district, you take a combination of the Board members from each of the current Boards of Education. So there will be, forgive me, I think it may be three, three and three. But there is a specific percentage in the statute.

So certain of the Board members will come from the Henry Hudson Board, certain will come from the Atlantic Highlands Elementary Board, and certain will come from the Highlands Elementary Board. And then Sea Bright, who does not have its own Board of Education now, would obviously get a seat selected I believe by the municipal governing body.

MR. GAGLIARDI: But typically when they do that, and I don't know if the county superintendent will do it by lots or whatever, to provide for continuity three of those seats would be three year seats, three would be two year seats, and three would be one year seats so that you don't have a Board of Education in the first year after the Board is formed where everybody is running.

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So the statute doesn't spell out how that methodology is. But in the handful of times new regional districts has been formed, that's the way county offices have handled it.

MAYOR GLUCKSTEIN: Any more questions, comments?

MR. WINGERTER: Cory Wingerter, 7A Harborview Drive. So this is for Mr. Benecke. So you stated some of your numbers when you were going over the savings and you accounted for 54 children coming from Sea Bright?

MR. BENECKE: No, we used the 47 coming --

MR. WINGERTER: You used 47.

MR. BENECKE: Yeah, we used the same numbers. Wherever there was a distinction with no difference, so to say, we just defaulted to the Porzio/Kean study. Because we want to be seamless. We're not going to start to do quibbles and bits, as I call it, with the numbers. We just wanted to keep it static and straightforward.

MR. WINGERTER: So I guess the LEAP study was not looked at by anyone else?

MR. BENECKE: I'm sorry?

UNIDENTIFIED: -- LEAP studies.

MR. WINGERTER: The LEAP graph, the one that was recently (indiscernible) for the Board of Ed.

UNIDENTIFIED: That's the Kean study.

MR. GAGLIARDI: That's the one he's calling the Kean study because some of the consultants were at Kean University.

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MR. WINGERTER: Oh, okay.

UNIDENTIFIED: Both the Porzio study and the Kean study were both done with LEAP graphs.

MR. WINGERTER: Okay. So then in 2014 Sea Bright had 73 students, in 2017 they had 71, in 2022 they had 42. But you think they're going up in numbers?

MR. BENECKE: Yeah, I do. And actually Porzio/Kean came up with 47 using, you know, a statistical analysis. We did a different statistical analysis blindly. We think it could be as high as 54. But again, 47 seems to be the current number. Right now it is 47, by the way.

MR. WINGERTER: It's 47 right now.

MR. BENECKE: Right now.

MR. WINGERTER: Yeah, okay. So then in the 85/15 split which is recommended by you guys, that's 85 percent enrollment, 15 percent equalized valuation, correct?

MR. BENECKE: No. 85/15?

MR. WINGERTER: Yes? You just said no, he's saying yeah. Wait, what? It's a switch from the 100/zero that's going on now, the other direction.

MS. WRIGHT: Correct.

MR. WINGERTER: Right. He just said no.

MR. BENECKE: 15 percent on equalized value, 85 percent on enrollment.

MR. WINGERTER: Yeah, I just said it --

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MR. BENECKE: I thought I was having a twilight moment there.

MR. WINGERTER: No, no, no worries.

MS. WRIGHT: Just to be clear, we're all in agreement.

MR. WINGERTER: Okay. So at 85/15, that means that 85 percent of the taxes is based on the enrollment from the students. So in the next five years you said there's a five year teach in place? Which means that no --

MR. BENECKE: Transition. It's a transition period so that the current Sea Bright students will have a transition to stay with their current classes, with their current schools, maybe a little bit longer than that. I doubt it will be shorter than that. And we'll work with the school district obviously to make sure it happens correctly.

MR. WINGERTER: Do you have your ramp-up for how you got to the number of students across those five years? Were you assuming --

MR. BENECKE: Well, I'm assuming it's going to stay at 47.

MR. WINGERTER: So you're assuming every single thing --

MR. BENECKE: Everything is going to be static.

MR. WINGERTER: Every student is going to come from Sea Bright over. Even those that are --

MR. BENECKE: Not only that, it's not necessarily every student. Mrs. Smith and Johnny Jones, but it's going to be 47 students static. So that if Sea Bright went down to say 42, 10 percent less, everybody else would go down to 10 percent less.

And by the way, that's what the Kean study showed as well. Because they have

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it going down ultimately to about 705 children from the current 753 children. About a seven percent decline over the next six or seven years. We don't agree with that. We think it's going to stay relatively static.

MS. WRIGHT: If I can just add something. Because your question seems to be about that five year transition period where Sea Bright will be paying to leave Oceanport and Shore and there will still be students at Oceanport and Shore Regional.

MR. WINGERTER: Right.

MS. WRIGHT: The resolution that was passed, and not everyone has it, specifically provides and a request to the Commissioner that the per pupil number be based on the number of students, just for Sea Bright be based on the number of students that actually attend the new K-12 Henry Hudson in any given year and the students in the other grades from Shore and Oceanport. So that there is --

So when he says it's 47 and we're assuming 47, there's a certain level of certainty because you're looking at both the students over here as well as over here.

MR. WINGERTER: So we don't need 47 students enrolled to get the 85 percent.

MR. BENECKE: Correct.

MS. WRIGHT: Correct. Correct.

MR. WINGERTER: That was if no one comes over and then we're on the hook for the 85 percent.

MR. BENECKE: And it's still 85/15. And that's a key point. And that's why we didn't want to start to get into finessing the numbers. Because if you got too tricky

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with those numbers going out six to 10 to 12 years, you could be caught in a statistical waiver-skewed analysis.

So what we did is we just assumed the same ratios would stay in place for the next 10 years. And it seemed to work out with the Porzio/Kean study. At the end of the day it's about the same.

MR. WINGERTER: So then regardless of the number of students that actually enroll in the new expanded Henry Hudson region, you're still going to get 85 percent of the tax dollars from enrollment from Sea Bright.

MR. BENECKE: Well, from enrollment and then from --

MR. WINGERTER: The enrollment is always based on 47 by these calculations.

MR. BENECKE: Well, no, it's always based on 85. If enrollment goes down --

MR. WINGERTER: 47 children.

MR. BENECKE: 47 children. But if enrollment goes down to 32 and the other ratios stay the same, in other words everyone goes down by that same ratio, it doesn't matter. The same amount of savings is going to be distributed amongst the three districts.

If it goes down more or less, or if equalized value goes up more or less, you're going to have a difference or wave in that data. But it gets too much of a finesse to do that because you have, for example you may have Town A going up 11 percent in three years under equalized value --

MR. WINGERTER: My concern is Sea Bright doesn't send anyone because they



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have a five year teach in place, and Atlantic Highlands and Highlands is on the hook for the money that they were going to send in that --

MR. BENECKE: You're still going to save money.

MR. WINGERTER: I know we're still going to. But not as much.

MR. GAGLIARDI: But Sea Bright doesn't control that. In other words, the submission --

MR. WINGERTER: Well, technically they do because it's their kids. Right?

MR. GAGLIARDI: No, sir, they don't. They can't tell their children --

MR. WINGERTER: No, I'm saying the 47 kids that are in Sea Bright right now, their parents cannot send them to this region.

MR. GAGLIARDI: They're not going. They're staying exactly where they are. But when that --

MR. WINGERTER: Right. Because they know if they don't send them we still get the tax dollars from Sea Bright.

MR. GAGLIARDI: Let me just be clear. Sea Bright doesn't --

MR. WINGERTER: The town, the town. Yeah, yeah.

UNIDENTIFIED: The Borough.

MR. GAGLIARDI: Sea Bright doesn't make a decision as to where, whether those kids come to the new Henry Hudson or not. If this were approved by the voters, when that -- You're one.

When the eighth graders graduate from the school in Oceanport, they are then as

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a matter of law, to matriculate as freshman at the new Henry Hudson school. So we may not know exactly how many children are going to be attending, you know, five or 10 years from now. But there's no variable about well, we're going to see what happens. As a matter of law, if this petition is approved by the Commissioner and the voters, when those eighth graders graduate they're going to Henry Hudson.

MR. WINGERTER: Right.

MR. GAGLIARDI: No question.

MR. WINGERTER: Short of private school.

MR. GAGLIARDI: What's that?

MR. WINGERTER: Short of private school.

MR. GAGLIARDI: Short of private school. But your question was what if Sea Bright makes a decision. Parents can make a decision any time they want.

MR. WINGERTER: Right.

MR. GAGLIARDI: But there's no decision to be made by Sea Bright. That decision has already been made. In that transition period, Sea Bright is going to be paying money to both Oceanport and Shore Regional as well as Henry Hudson. And you say well, how could they do that? They can do that because the current system is so excruciatingly unfair to Sea Bright --

MR. WINGERTER: Right.

MR. GAGLIARDI: -- they're paying more than \$2 million than they agreed to pay when they formed the district and they were going to be charged per pupil. So they

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can live through that five years. We've gained these numbers out.

But there is a, there's more certainty to those five years than your question suggests because Sea Bright is not involved in making any decisions for those kids. If the voters approve it, we know what's happening.

MR. WINGERTER: Got you. All right. That's it. Thanks.

MR. GAGLIARDI: Thank you, sir.

MAYOR GLUCKSTEIN: Just make it short, please.

MS. MULVANEY: I have a very quick question for Mr. Gagliardi. Tracy Mulvaney, Highlands. Sorry.

I just have a -- You said that the petition or the referendum was written so that if Sea Bright does not vote for it that the two Boroughs can still, the two districts can. So what is -- Is the 15/85 still the same? What happens then in terms of the apportionment? That you're recommending.

MR. GAGLIARDI: Right. So the current proportionment where Highlands and Atlantic Highlands are at Henry Hudson now is 100 percent equalized property value and that would continue because the district is simply expanding. If Sea Bright is a part of it, then it's the 85/15. And these negotiations which we discussed at the last public meeting were really about Highlands and Atlantic Highlands sharing the savings that Sea Bright brings to the table. Right?

Almost all of the savings that we talked about are coming from Sea Bright's participation because the current structure with Highlands, Atlantic Highlands and Henry

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Hudson, there's so much shared services, there's not much money to be saved if they just merge together.

This is State aid that will kick in for a short period of time because the State is looking to encourage this. But the savings really comes from Sea Bright's participation. So the tax levy does not change much without Sea Bright, and the formula doesn't change at all.

MS. MULVANEY: Okay. I just wanted to be sure. Thanks.

MAYOR GLUCKSTEIN: Comments, questions? Okay. So we're going to start with Atlantic Highlands. I need a motion and a second to adjourn.

COUNCILWOMAN: I'll move it.

COUNCILMAN DOUGHERTY: Second. Dougherty.

MAYOR GLUCKSTEIN: All in favor.

(All affirmative)

MAYOR GLUCKSTEIN: Okay, thank you. Highlands? A motion and a second.

COUNCIL MEMBER: I'll second.

THE CLERK: All in favor.

(All affirmative)

THE CLERK: Thank you, everyone.

MAYOR GLUCKSTEIN: Thank you, everyone.

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**CERTIFICATION**

I, SUSAN WALSH, Certified Agency Transcriber, do hereby certify that the foregoing is prepared in full compliance with the current Transcript Format for the Judicial Proceedings and is a true and accurate transcript of the proceedings in the matter of the Joint Mayor and Council Special Meeting on May 18, 2023 and recorded by that Board.

/S/ SUSAN WALSH

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AOC No.

June 8, 2023

TRACY GRIBBEN TRANSCRIPTION, LLC

Date