

**Mayor & Council
Regular Meeting
September 16, 2009**

Mayor Little called the meeting to order at 7:16 P.M.

Mrs. Cummins 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 Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Two River Times and the Asbury Park Press. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

Absent: Ms. Kane

**Also Present: Carolyn Cummins, Borough Clerk
Bruce Hilling, Borough Administrator
Scott Arnette, Esq., Borough Attorney
Stephen Pfeffer, Chief Financial Officer**

Executive Session Resolution:

Mrs. Cummins read the following Resolution for approval:

Mr. Urbanski 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.Litigation: AHHRSA, Jennings vs. Borough, Bayview Condo Service Agreement**
- 2.Contract: UFAC Contract**
- 3.Real Estate: Dan-Rob Property Lease, 2 Private Road, Clam Depuration Plan Lease**
- 4. Personnel Matters: Richard White, DPW (Riced)**
- 5.**

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:

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
- 4. Deals with collective bargaining, including negotiation positions.**
- 5. Deals with purchase, lease or acquisition of real property with public funds.**
6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
8. Related to investigation of violations or possible violations of the law.
- 9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.**

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- 10. Falls within the attorney-client privilege and confidentiality is required.**
- 11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.**
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Little called the Regular Meeting back to order at 8:21 P.M.

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

ROLL CALL:

Present: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

Absent: Ms. Kane

**Also Present: Carolyn Cummins, Borough Clerk
Bruce Hilling, Borough Administrator
Stephen Pfeffer, Chief Financial Officer
Scott Arnette, Esq., Borough Attorney**

Public Portion on Agenda Items:

There were no questions or comments from the public on agenda items.

Consent Agenda Resolutions:

Mayor Little offered a motion to add an item to the Payment of Bills for \$300.00 payable to the Brookdale Big Band, seconded by Mr. Francy and all were in favor.

Mr. Caizza offered the following Resolution and moved its adoption:

**R-09-165
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 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:

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BLOCK LOT YEAR AMOUNT NAME

100 26.34 2009 \$295.24 Dushock,Thomas

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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

**R-09-168
RESOLUTION
BOROUGH OF HIGHLANDS
RESOLUTION OF THE BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH, STATE OF NEW JERSEY, REJECTING THE
ATLANTIC HIGHLANDS/HIGHLANDS REGIONAL SEWERAGE AUTHORITY
INFILTRATION AND INFLOW GRANT AND ACCEPTING THE 171
ECONOMIC DEVELOPMENT UNIT (EDU) CALCULATED ASSIGNMENT**

WHEREAS, the Borough of Highlands applied to the Atlantic Highlands/Highlands Regional Sewerage Authority (hereinafter, AHHRSA) for an Infiltration and Inflow grant pursuant to a program offered by AHHRSA; and

WHEREAS, the Borough of Highlands fully complied with all of the terms and conditions of the grant; and

WHEREAS, the AHHRSA has awarded the grant to the Borough of Highlands but not in the full amount as indicated in the terms and conditions of the grant; and

WHEREAS, the Engineering Firm for the AHHRSA and the Borough of Highlands Engineering Firm, T & M Associates, calculated the number of Economic Development Units (EDU's) that would be available to Highlands for the reduction inflow that they have accomplished by the work that the Borough of Highlands has had performed, using AHHRSA guidelines; and

WHEREAS, the Engineering firm for the AHHRSA and the Borough of Highlands Engineering Firm has utilized the AHHRSA Rules and Regulations and have determined that the Borough of Highlands will be entitled to 171 EDU's for the reduction inflow that the Borough has accomplished.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Highlands hereby rejects the Infiltration and Inflow grant proceeds that the AHHRSA had intended to pay to them; and

BE IT FURTHER RESOLVED, that the Borough of Highlands hereby accepts the 171 EDU's that it is due for the reduction inflow, as calculated by the Borough's Engineering Firm using the AHHRSA's Rules and Regulations, in the place of the funds that AHHRSA had intended to pay from the Infiltration and Inflow grant.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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**INSERT R-09-169
EXCEL RESOLUTION HERE**

HIGHLANDSNJ.COM

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

**R-09-170
RESOLUTION
SUPPORTING 2010 MUNICIPAL ALLIANCE PROGRAM**

WHEREAS, the Municipal Alliance Program has provided a wide range of services to the people of the Borough of Highlands and Borough of Atlantic Highlands, supporting programs such as D.A.R.E., parent education programs, drug free recreational programs such as Project Graduation and Project Prom, senior citizens programs and other services to all student and residents in need;

WHEREAS, for 2010, with contribution of 25% matching funds from the Borough of Highlands and Borough of Atlantic Highlands, this program is eligible for a 75% Municipal Alliance Grant for most costs; and

WHEREAS, this contribution has been split evenly, 12.5% from each Borough, and will be used for programs that directly benefit students and residents with no portion of these funds being used for the compensation of any staff; and

WHEREAS, Karen Van Natten, the Substance Awareness Coordinator, requests the same amount of funding as last year and approval to file the Municipal Alliance Grant Application for 2010 which is now underway and due; and

WHEREAS, the Borough had contributed an additional \$4,246.00 last year for continued support of this Program.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the request for matching funds of \$4,410.00 and additional funds of \$4,246.00 totaling \$8,656.00 for 2010 is approved.

BE IT FURTHER RESOLVED that the request to prepare and file the Municipal Alliance Grant Application for 2010 is approved and the Mayor and Borough Administrator and Municipal Clerk are hereby authorized to sign the Statement of Assurances concerning the Municipal Alliance Grant.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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

**R-09-171
RESOLUTION AUTHORIZING AGREEMENT
FOR SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM (SCAT)
BETWEEN THE BOROUGH OF HIGHLANDS AND
THE BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, the Borough of Highlands has a need for eligible residents to have transportation to and from local food markets; and

WHEREAS, the Monmouth County Board of Chosen Freeholders has established the Special Citizens Area Transportation System (referred to as SCAT) which provides such transportation services at a rate of \$155.00 per half day.; and

WHEREAS, the Borough of Highlands has reviewed an agreement for said services for the period of January 1, 2010 through December 31, 2010 and finds it to be acceptable; and

WHEREAS, certification of availability of funds here hereby made contingent upon the adoption of the SFY 2010 Municipal Budget.

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Account 1262 – 3805

Stephen Pfeffer, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the Mayor and Borough Clerk are hereby authorized to execute the attached agreement for the period of January 1, 2010 through December 31, 2010 at a rate of \$155 per half day for the purpose of providing transportation to eligible residents.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: None

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

**R-09-172
RESOLUTION APPROVING STIPENED
FOR ACTING DPW SUPERINTENDENT
FOR THE PERIOD OF
OCTOBER 1, 2009 THROUGH DECEMBER 31, 2009**

WHEREAS, Reggie Robertson of the DPW has been asked to perform additional Supervisory duties starting October 1, 2009; and

WHEREAS, the Borough has a genuine need for Reggie Robertson to continue with the duties of DPW Superintendent through December 31, 2009.

NOW, THEREFORE, BE IT RESOVLED by the Governing Body of the Borough of Highlands that Reggie Robertson be paid immediately a stipend in the amount of \$625 (non-pensionable) for his services as DPW Superintendent for the period of October 1, 2009 through December 31, 2009.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: None

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

**R-09-173
RESOLUTION ESTABLISHING THE AREAS OF
SPECIAL FLOOD HAZARD**

WHEREAS, the Federal Emergency Management Agenda (“FEMA”) has revised and updated Flood Plane Maps applicable to all communities in New Jersey, including the Borough of Highlands; and

WHEREAS, it is necessary that documents prepared by “FEMA” are to be retained and maintained on file in the office of the Construction Official for the Borough of Highlands.

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NOW, THEREFORE, BE IT RESOLVED that the area of special flood hazard for the Borough of Highlands, Community No. 345297 are identified and defined on the following documents prepared by "FEMA".

- (a) A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All jurisdictions)" dated September 25, 2009.
- (b) Flood Insurance Rate Map for Monmouth County, New Jersey (all jurisdictions) as shown on index and panels 34025C0067F, 34025C0069F, 34025C0086F, 34025C0088F, whose effective date is September 25, 2009.

The above documents are hereby adopted and declared to be part of this Resolution. The Flood Insurance Study and maps are on file at 171 Bay Avenue, Highlands, New Jersey 07732.

BE IT FURTHER RESOLVED by the Borough of Highlands that:

- 1. The above recitals are incorporated herein as thought fully set forth at length.
- 2. The Council hereby authorizes the Mayor, or his designee to execute any and all Documents and take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
- 3. This Resolution shall take effect immediately.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABENT: Ms. Kane

ABSTAIN: None

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

**Borough of Highlands
County of Monmouth**

R-09-174

Resolution Approving the Reappointment of Richard White to the Full-time Position of Sanitation Worker

Whereas, the Highlands Borough Council passed an Ordinance on December 17th, 2008 that eliminated garbage pick up for commercial establishments within the Borough effective May 1st, 2009; and .

Whereas, as a result of the elimination of services, the need for full time public works employees was reduced; and

Whereas, in February 2009 the Borough eliminated two full-time positions in the Public Works Department; and

Whereas, as result of the elimination of the two positions, Richard White was subject to a layoff from his full-time position of Sanitation Worker; and

Whereas, based on the upcoming retirement of a full-time employee in the Public Works Department there is now a need for a full-time employee;

Now, therefore Be It Resolved that the Highlands Borough Council approves the re-appointment of Richard White to his full-time position of Sanitation Worker effective October 1, 2009.

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

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ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: None

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

**R-09-175
RESOLUTION APPOINTING PERMANENT
PART TIME POLICE COMMUNICATION
OPERATOR**

WHEREAS, Nicole McClintick, Police Communications Operator (part-time) has resigned from her position with the department; and

WHEREAS, it will be necessary to replace Ms. McClintick on a permanent basis; and

WHEREAS, Prior to Ms. McClintick's resignation she was granted a three month leave of absence and Troy Hartsgrove covered her position and has proven to be a reliable and dedicated employee; and

WHEREAS, it is recommended by Chief Blewett and Councilman William Caizza (Chairman of the Public Safety Committee) that Troy Hartsgrove be hired;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Troy David Hartsgrove, 505 Ramapo Valley Road, Mahwah, NJ be and here is appointed as a permanent part-time Police Communications Operator effective August 4, 2009 at current rate as listed in the CWA SFY 2010 Contract.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: None

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

**R-09-176
RESOLUTION
RENEWING 2009-2010 LIQUOR LICENSE NO. 1317-33-006-004
JOHN TOMAINI**

WHEREAS, the Liquor License Renewal Application was filed for the year 2009-2010 by John Tomaini on June 5, 2009; and

WHEREAS, no objections were filed against the renewal of said license; and

WHEREAS, a Special Ruling was required for the renewal of said license due to its inactive status; and

WHEREAS, on September 10, 2009 the State of New Jersey Department of Law & Public Safety, Division of Alcoholic Beverage Control issued a Special Ruling authorizing the Borough to consider renewal of said license.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Liquor License of John Tomaini License No. 1317-33-006-004 is hereby renewed for the period of July 1, 2009 through June 30, 2010.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little
NAYES: None
ABSTAIN: None
ABSENT: Ms. Kane

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

**RECAP OF PAYMENT OF BILLS
09/16/09**

CURRENT:		\$	577,284.14
Payroll	(09/15/09)	\$	
Manual Checks		\$	126,690.38
Voided Checks		\$	-246.76
SEWER ACCOUNT:		\$	88,356.14
Payroll	(09/15/09)	\$	
Manual Checks		\$	3,853.05
Voided Checks		\$	
CAPITAL/GENERAL		\$	5,342.75
CAPITAL-MANUAL CHECKS		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	54,266.17
Payroll	(09/15/09)	\$	
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	6.00
GRANT FUND		\$	798.36
Payroll	(09/15/09)	\$	
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

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

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Supplemental List

Joseph Accurso - Brookdale Big Bank \$300.00

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Ordinances: 2nd Reading, Public Hearing & Adoption

Ordinance O-09-17

Mrs. Cummins read the title of Ordinance O-09-17 for second reading and public hearing.

Mayor Little opened up the public hearing on Ordinance O-09-17 but there were no questions or comments from the public.

Mayor Little closed the public hearing on Ordinance O-09-17.

Mrs. Cummins read the title of Ordinance O-09-17 for the third and final reading and adoption.

Mr. Caizza offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

O-09-17

**AN ORDINANCE AMENDING CHAPTER 10, SECTION 10-3
"RESERVED" OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF HIGHLANDS, 1975,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Mayor and Council of the Borough of Highlands that Chapter 10, Section 10-3, is hereby amended to include the following:

SECTION 10-2 RESERVED: shall be changed and amended as follows:

FEES:

A. PLAN REVIEW FEE shall be 20% of the amount to be charged for a new construction permit. Plan review fees are not refundable.

B. THE BASIC CONSTRUCTION FEE shall be the sum of the parts computed on the basis of the volume or the cost of construction, and the number of plumbing fixtures and devices, and the number of sprinklers, standpipes and the heat and smoke detectors at the unit rates provided herein plus any special fees.

C. NEW CONSTRUCTION based on the volume of the structure:

Building Fees

New Construction \$.025 per cubic foot

Use Groups A-1, A-2, A-3, A-4 F-1, F02, S-1 and S-2 structures on farms, including Farm Buildings \$.025 per cubic foot

D. ADDITIONS. The fees for additions shall be computed on the same basis as for new construction for the added portion.

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Renovations, alterations and repairs

Use Groups R-1 R-2, R-3 R-4 R-5

\$20 per thousand for the first \$50,000 of estimated costs

\$20 per thousand from \$50,001 to and including \$100,000

\$20 per thousand above \$100,001

Use Groups A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H, I-1, I-2, I-3, M, R-1, S-1 & S-2

\$20 per thousand for the first \$50,000

\$20 per thousand from \$50,001 to and including \$100,000

\$20 per thousand above 1000.00

Use Group U \$20 per thousand for the first \$50,000

\$20 per thousand from \$50,001 to \$100,000

The applicant shall submit to the Construction Code Official such data as may be available to provide a bona fide estimated cost. The Construction Official shall make the final decision regarding estimated cost.

COMBINATION FEE FOR RENOVATIONS & ADDITIONS shall be computed as the sum of the fees computed separately in accordance with C, D, & E.

Roofing and Siding Fees----As per alteration Fee

Minimum fee for Building permits-----\$50

Cost of Construction Alterations-----\$20 per thousand.

Installation of Swimming Pools: Construction of a Swimming Pool

\$20 per \$1000.00

Construction of Accessory and storage structures:

Construction of accessory storage sheds,

\$ 20 per \$1000.00 pool cabana or similar accessory structures over 100 square feet

Demolition and removal of structures:

Demolition or removal for a structure less than 4,000 square feet in area and less than 30 feet in height for one and two family residences (Use Groups R-3 and R-4) and structures on farms under NJAC 5:23-3.2(d) \$150

Demolition of farm out-buildings and minor \$150 Accessory structures (Use Group U)

Demolition of all other buildings, structures \$150 and use groups

Demolition or removal of tanks:

Demolition or removal of tanks up to 1000 \$75

Demolition or removal of tanks above 1000 \$125

Satellite dishes and radio transceiver equipment:

Installation of a satellite dish, radio, television or other transceiver equipment for residential use. Installation of a satellite dish, radio, television or other transceiver equipment for nonresidential or commercial use. \$40

Fences: To erect a fence in all use groups (not to exceed 6 feet in height) for which a permit is needed in accordance with Uniform construction Code regulations. \$50

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To erect a fence in all use groups (not to exceed 8 feet in height) for a permit is needed in accordance with Uniform Construction Code regulations \$50

Asbestos Hazard Abatement:

Asbestos Hazard Abatement for each Construction permit issued \$75

Lead abatement:

Lead Hazard Abatement \$75

Tents:

Tents without appurtenances in excess of 900 square feet or more than 30 feet in any dimension excluding canopies \$50

Signs:

The fee to construct a sign shall be in the amount of \$2 per square foot of surface area of the sign, computed on one side only for double-faced signs. Which are in allowance with the UCC regulations.

Temporary Structure:

The permit fee for a temporary structure used in the course of construction or other activities whose life is limited to not more than one year shall be \$75.

Certificate of Occupancy:

New construction/Additions/Tenant Fit Up	10% of total permit cost.
Change in use group	\$100
Continuation under NJAC 5:23-2.23(c)	\$120

Variation: Flat fee \$75 for submission, \$50 resubmission

Electrical Fees:

Switching, lighting and receptacle (devices of less than one horsepower or one kilowatt included):

One to 50	\$50
Each additional 25	\$10

Service panels, entrances and subpanels:

Each service panel, entrance or subpanel up to 200 amperes	\$65
Up to 201-400 amps	\$100.
Larger than above 401-1000	\$325

Transformers and Generators:

Up to 10 kilowatts	\$25
Up to 45 kilowatts	\$40
Up to 112.5 kilowatts	\$90
Larger than above	\$325

Motors and electrical devices

(control Equipment, heating, air handling, Compressor, heat pump, air handler, strip, Heater, water heater, dryer, oven, range, furnace and dishwasher):

Up to 10 horsepower	\$25
Up to 50 horsepower	\$40

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Up to 100 horsepower	\$90
Larger than above	\$325
Annual electrical inspection fee for bonding and grounding certificates for public swimming pools, spas and hot tubs	\$75

**The minimum fee for Electrical permits shall be: \$50
Furnace and Air Conditioner Replacement**

Furnace replacement for electric, fire and Plumbing	\$40 each.
Air conditioner compressor replacement for electric and plumbing	\$40 each

Fire Protection Fees:

Smoke, Heat and CO detectors/5 or less	\$40
Each additional 15	\$20
Alarm devices (heat pulls, water flow) 5 or less	\$40
Each additional 15	\$20
Supervisory devices (tamper, low/high air) Or signaling devices (horns/strobes, bells) 5 or less	\$40
Each additional 15	\$20
Sprinkler Heads (Wet or Dry):	
10 or fewer	\$50
11-100	\$120
101-200	\$250
201-400	\$600
401-600	\$1,000
Standpipes	\$150 each
Kitchen exhaust systems (Commercial)	\$50 each
Independent pre-engineered systems (C02, Halon, foam, wet or dry chemical, etc)	
All fire places (wood or gas)	\$45 each
Gas and oil-fired appliance That is connected to plumbing system	\$45 each
Tank Installation:	
Up to 550 gallons in water capacity	\$50 each
Over 550 gallons in water capacity	\$75 each
Incinerators	\$260 each
Crematoriums	\$260 each
Alarm panel	\$50 each
Fire pumps	\$200 each
Preaction valves	\$40 each
Dry pipe/alarm valve	\$25 each
Smoke Control Systems	\$65 each

The minimum fee for Fire permits shall be \$50

Plumbing Fees:

Fixtures and appliances Connected to or components of a Plumbing system	\$20 per fixture/appliance
Waste/vent stacks	\$20 each

Special devices including, but not limited
to: grease traps, separators, Interceptors, air conditioning units,
Refrigeration units, sewer connections, Water service connections,
backflow preventors, sewer pumps and fuel oil piping, pool drains. \$50 each

Steam/hot-water boilers	\$50 each
Gas piping service	\$50 per system

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Appliances added to a gas piping system	\$20 per appliance
Hot water heaters	\$50 each

The minimum fee for plumbing permits shall be \$50

Waiver of building permit fees:

\$50 administration fee for all permits

No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing private structure on any of the facilities contained herein.

A disabled person or a parent sibling or child of a disabled person shall not be required to pay a municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement designed and/or undertaken solely to promote accessibility to his or her living unit.

“Disabled person” shall mean any person who meets the requirements as set forth in the definition of NJSA 52:27D-126e and NJSA 40:55D-8 as the same may be amended from time to time.

Annual review of fee schedules

The Construction Official shall, with the advice of the subcode officials, prepare and submit to the borough Council, annually, a report recommending a fee schedule based on the operating expenses of the agency and other expenses of the municipality attributable to the enforcement of the State Uniform Construction Code Act and subcodes.

State of New Jersey Permit Fees

The fees shall be in the amount of \$.334 per cubic foot volume for new buildings and additions. Volume shall be computed in accordance with NJC 5:23-2-28. The fee for all other construction, except pre-engineered systems of commercial farm buildings, shall be \$1.70 per \$1,000 of value of construction. No fee shall be collected for pre-engineered systems of commercial farm buildings.

BE IT FURTHER ORDAINED that this Ordinance Shall take effect after publication in accordance with law.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: None

Ordinance O-09-19

Mrs. Cummins read the title of Bond Ordinance O-09-19 for the second reading and public hearing.

Mayor Little opened up the public hearing on Ordinance O-09-19 but there were no questions or comments from the public.

Mayor Little closed the public hearing on Bond Ordinance O-09-19.

Mrs. Cummins read the title of Bond Ordinance O-09-19 for third and final reading and adoption.

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Mr. Urbanski offered the following Bond Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

O-09-19

**BOND ORDINANCE AMENDING BOND ORDINANCE
NUMBER 09-03 FINALLY ADOPTED BY THE BOROUGH
COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW
JERSEY ON MARCH 18, 2009**

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

Section 1. The Bond Ordinance of the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") entitled "Bond Ordinance Providing An Appropriation Of \$86,500 For Rehabilitation of Storm Sewer on Valley Avenue For And By The Borough Of Highlands In The County Of Monmouth, New Jersey And, Authorizing The Issuance Of \$82,000 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation," finally adopted on March 18, 2009 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. The second sentence of Section 1 of the Ordinance is amended in its entirety as follows:

"For the said Improvements there is hereby appropriated the amount of \$200,000, such sum includes the sum of (a) \$60,000 expected to be received from the New Jersey Department of Transportation and (b) \$6,500 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law")."

The Ordinance is hereby further amended by (a) deleting the reference to "\$86,500" for the appropriation and estimated cost and "\$82,000" for the estimated maximum amount of bonds or notes and substituting in lieu therefor "\$200,000" and "\$133,500"; (b) deleting the reference of "\$4,500" for the down payment and substituting in lieu therefor "\$6,500"; and by (c) deleting the reference to "\$26,500" for expenses permitted under Section 20 of the Local Bond Law and substituting in lieu therefor "\$60,000".

Section 3. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$133,500.

Section 5. All other provisions of the Ordinance shall remain unchanged.

Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: None

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Ordinance O-09-21

Mrs. Cummins read the title of Ordinance O-09-21 for the second reading and public hearing.

Mayor Little opened up the public hearing on Ordinance O-09-21.

Maureen Kraemer of 200 Portland Road questioned the reason for the proposed sewer rate increase.

Mr. Pfeffer explained the need for the proposed increase in sewer rates.

Mr. Francy stated that it appears that Highlands has a higher percentage of flow verses Atlantic Highlands.

Donald Manrodt of 268 Bayside Drive stated that the Borough of Highlands has about 900 more connection than Atlantic Highlands. He then suggested that the Borough mail out sewer bills annually verses mailing them out quarterly.

Arnie Fuog questioned inactive sewer status billing.

Roberta McEntee of Fifth Street stated that Highlands needs to be more active in enforcing the grease trap ordinance to reduce outflow into the Sewerage Authority.

There were no further questions or comments from the public on Ordinance O-09-21.

Mayor Little closed the public hearing on Ordinance O-09-21.

Mrs. Cummins read the title of Ordinance O-09-21 for the third and final reading and adoption.

Mr. Urbanski offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

O-09-21

**ORDINANCE AMENDING "THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHLANDS, 1975 CHAPTER IX, WATER AND SEWER SECTION 9-
8.1 SEWER RATES AND CHARGES**

WHEREAS, the Borough of Highlands is required to establish sewerage service charges for the use or services of the municipal sewer collection system; and

WHEREAS, said rates shall be equitable and uniform for the same type, class and amount of usage based upon the considerations as required by law; and

WHEREAS, said rates shall be in amounts sufficient so that the revenues shall at times be adequate to pay the expenses of operation and maintenance of the utility system and to pay the debt service thereon; and

WHEREAS, the connection charges for the sewer collection system shall be fixed in amounts sufficient to pay for the costs of the physical connection and those amounts set forth in NJSA 40:14B-22.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Highlands that the above entitled ordinance of the Borough of Highlands is hereby amended and supplemented in its entirety to read as follows:

1. Section 9.8.1 SEWER RATES AND CHARGES

Sewer service charges shall be as follows:

User Classification	Quarterly Rate
Residential	\$100.00

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Non Residential (including schools)

Quarterly sewer charges herein imposed shall be based upon water consumption of the property served, as hereinafter set forth. The charges for each quarter shall be a minimum charge of \$100.00 per quarter for up to 31,938 gallons of water usage. Over 31,938 gallons of water usage, additional charges shall be based on \$.00316 per gallon for the excess. Sewer charges shall be based on water usage from the prior quarter.

Houses of Worship (including but not limited to
Churches, rectories and convents): \$35.00

2. Any portion of the above entitled ordinance which is inconsistent herewith is hereby rescinded and repealed. In all other respects the aforesaid ordinance is ratified, confirmed and approved.

3. This ordinance shall take effect after final adoption and advertisement in accordance with law on

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski

NAYES: Mayor Little

ABSENT: Ms. Kane

ABSTAIN: None

Ordinances: Introduce, Set Public Hearing Date for October 21, 2009

Ordinance O-09-22

Mrs. Cummins read the title of Ordinance O-09-22 for introduction and setting of a public hearing date for October 21, 2009.

Mr. Caizza offered the following ordinance pass introduction and set a public hearing date for October 21, 2009 at 8:00 P.M. after publication according to law:

O-09-22

**AN ORDINANCE AMENDING CHAPTER VII, SECTION 7-3.4
OF THE CODE OF THE BOROUGH OF HIGHLANDS**

BE IT ORDAINED by the Mayor and Council of the Borough of Highlands that they hereby **DELETE** that portion of the following section of Chapter VII of the Borough Code identified hereinafter:

7-3.4 Regulate Public Parking

Section 7-3.4, Traffic, Schedule 1 "No Parking" shall be amended to include the additional location on Cornwell Street as follows:

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Cornwell Street the	Both	From the corner of Shrewsbury Avenue to foot of Cornwell where it meets the river.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Highlands that they hereby amend Chapter VII of the Borough Code identified below to include the following:

7-3.4 Regulate Public Parking

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Section 7-3.4, Traffic, Schedule 1 "No Parking" shall be amended to include the additional location on Cornwell Street as follows:

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Cornwell Street	N/A	26 feet across the bulkhead at the terminus of Cornwell Street and the Shrewsbury

River.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Ordinance O-09-23

Mrs. Cummins read the title of Ordinance O-09-23 for introduction and setting of a public hearing date.

Mr. Francy offered the following Ordinance pass introduction and authorized a public hearing date be set for October 21, 2009 at 8:00 P.M. after publication according to law:

**O-09-23
ORDINANCE AMENDING ORDINANCE O-99-11
PART 7
FLOOD DAMAGE PREVENTION
ARTICLE XXIV – ADOPTED 8/18/99**

21-109 SHORT TITLE

This section shall be known and may be cited as the "Floodplain Ordinance of the Borough of Highlands".

21-110 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor & Council of the Borough of Highlands, of Monmouth County, New Jersey does ordain as follows:

21-111 FINDINGS OF FACT AND STATEMENT OF PURPOSE

[1] The flood hazard areas of the Borough of Highlands are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental

services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

[2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

[1] To protect human life and health;

[2] To minimize expenditure of public money for costly flood control projects;

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[3] To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

[4] To minimize prolonged business interruptions;

[5] To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;

[6] To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

[7] To ensure that potential buyers are notified that property is in an area of special flood hazard; and

[8] To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

21-112 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

[1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

[2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;

[3] Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

[4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,

[5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

21-113 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the Building Official's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Areas of special flood related erosion hazard" is the land within a community which is most likely to be subject to severe flood related erosion losses. After a detailed evaluation of the special flood related erosion hazard area will be designated a Zone E on the Flood Insurance Rate Map.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

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"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Digital Flood Insurance Rate Map" (DFIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Elevated building" means a non-basement building (i) built in the case of a building in a Coastal High Hazard Area to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

"Erosion" means the process of the gradual wearing away of landmasses.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Study" (FIS) means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

"Flood plain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

[a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

[d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved State program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in States without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access

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or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

"Recreational vehicle" means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of Construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

21-114 APPLICABILITY

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Highlands, Monmouth County, New Jersey.

21-115 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Highlands, Community No. 345297, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- 1.) A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009.
 - (a) A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009
 - (b) Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34025C0067F, 34025C0069F, 34025C0086F, 34025C0088F; whose effective date is September 25, 2009

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 171 Bay Avenue, Highlands, New Jersey 07732-1405.

21-116 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

21-117 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than (\$1,000.00) or imprisoned for not more than (180) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Highlands from taking such other lawful action as is necessary to prevent or remedy any violation. involved in the case. Nothing herein contained shall prevent the Borough of Highlands from taking such other lawful action as is necessary to prevent or remedy any violation.

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21-118 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

21-119 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Highlands, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

21-120 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 21-115. Application for a Development Permit shall be made on forms furnished by the Building Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 21-125.2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

21-121 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

21-122 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Building Official shall include, but not be limited to:

21-122.1 PERMIT REVIEW

- [1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- [3] Review all development permits to determine if the proposed development is located in the floodway.
- [4] Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.
- [5] Review plans for walls to be used to enclose space below the base flood level in accordance with Section 21-125.6 (4).

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21-122.2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with Section 21-115, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 21-125.1, SPECIFIC STANDARDS, Residential Construction, and 21-125.2, SPECIFIC STANDARDS, Nonresidential Construction.

21-122.3 INFORMATION TO BE OBTAINED AND MAINTAINED

[1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

[2] For all new or substantially improved floodproofed structures:

[i] verify and record the actual elevation (in relation to mean sea level); and

[ii] maintain the floodproofing certifications required in Section 21-120 (3).

[3] In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 21-125.6 (1) and 21-125.6 (2)(i) and (ii) are met.

[4] Maintain for public inspection all records pertaining to the provisions of this ordinance.

21-122.4 ALTERATION OF WATERCOURSES

[1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

21-122.5 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 21-123.

21-123 VARIANCE PROCEDURE

21-123.1 APPEAL BOARD

[1] The Planning Board as established by the Governing Body shall hear and decide appeals and requests for variances from the requirements of this ordinance.

[2] The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Governing Body, as provided in N.J.S.A. 40:55D-17.

[4] In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) the compatibility of the proposed use with existing and anticipated development;

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(viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of Section 21-123.1 [4] and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Building Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

21-123.2 CONDITIONS FOR VARIANCES

[1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 21-123.1 [4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

[2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[5] Variances shall only be issued upon:

- (i) a showing of good and sufficient cause;
- (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 21-123.1 [4], or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

21-124 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

21-124.1 ANCHORING

[1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

21-124.2 CONSTRUCTION MATERIALS AND METHODS

[1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

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[2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

21-124.3 UTILITIES

[1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

[2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

[3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

[4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed to prevent water from entering or accumulating within the components during conditions of flooding and located a minimum of one (1) foot above the base flood elevation.

[5] All utilities shall be flood proofed at least two (2) feet above the base flood elevation.

21-124.4 SUBDIVISION PROPOSALS

[1] All subdivision proposals shall be consistent with the need to minimize flood damage;

[2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

[3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

[4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

21-124.5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade and there must be one opening within three (3) feet of any building corner. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

21-125 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 21-115, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in Section 21-122.2, Use of Other Base Flood Data, the following standards are required:

21-125.1 RESIDENTIAL CONSTRUCTION

[1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, one (1) foot above base flood elevation;

[2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

21-125.2 NONRESIDENTIAL CONSTRUCTION

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In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall:

[1] either have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated one (1) foot above the base flood elevation; and

[2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

[1] be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

[2] have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

[3] be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in Section 21-122.3 [2] [ii].

21-125.3 MANUFACTURED HOMES

[1] Manufactured homes shall be anchored in accordance with Section 21-124.1 [2].

[2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

21-125.4 COASTAL HIGH HAZARD AREA

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in Section 21-115. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

21-125.5 LOCATION OF STRUCTURES

[1] All buildings or structures shall be located landward of the reach of the mean high tide.

[2] The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home subdivision.

21-125.6 CONSTRUCTION METHODS

[1] ELEVATION

All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated one (1) foot above the base flood level, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in Section 21-125.6 [4].

[2] STRUCTURAL SUPPORT

(i) All new construction and substantial improvements shall be securely anchored on piling or columns.

(ii) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(iii) There shall be no fill used for structural support.

[3] CERTIFICATION

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A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of Section 21-125.6 [1] and 21-125.6 [2] (i) and (ii).

[4] SPACE BELOW THE LOWEST FLOOR

(i) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

(ii) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

(a) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

(b) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

(iii) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

(iv) Prior to construction, plans for any breakaway wall must be submitted to the Building Official for approval.

21-126 SAND DUNES

Prohibit man-made alteration of sand dunes within Zones VE and V on the community's DFIRM which would increase potential flood damage.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Ordinance O-09-24

Mrs. Cummins read the title of Ordinance O-09-24 for introduction and setting of a public hearing date for October 21, 2009.

Mr. Urbanski offered the following Ordinance pass introduction and set a public hearing date for October 21, 2009, after publication

**FAILED INTRODUCTION
O-09-24
AN ORDINANCE RESCINDING CHAPTER 17,
OF THE CODE OF THE BOROUGH OF HIGHLANDS
AND DISSOLVING AND DELETING THE BUSINESS IMPROVEMENT DISTRICT
AND DISTRICT MANAGEMENT CORPORATION**

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WHEREAS, Chapter 17 of the Code of the Borough of Highlands created a Business Improvement District as an area in which a special assessment on property would be imposed for promoting the economic welfare of the entire District; and

WHEREAS, the provisions of Chapter 17 contemplated a temporary existence of the Business Improvement District and the special assessment tax upon the businesses within the district and specifically indicated that the Chapter was to expire in three years unless re-enacted by the Mayor and Council of the Borough of Highlands prior to March 17, 2001; and

WHEREAS, the Governing Body of the Borough of Highlands have determined that the need for the Business Improvement District within the Borough of Highlands no longer exists; and

WHEREAS, the Governing Body has decided that it shall cease the taxation and special assessments that it imposes on all of the businesses within the Business Improvement District and terminate the funding of the District Management Corporation, the Highlands Business Partnership, Inc., by the Borough of Highlands as of November 1, 2009; and

WHEREAS, the Governing Body of the Borough of Highlands have determined that the Business Improvement District, created pursuant to Chapter 17 shall cease to exist on November 1, 2009, and that the funding of the Highlands Business Partnership, Inc., shall terminate.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands that:

1. Chapter 17 is hereby deleted in its entirety from the Code of the Borough of Highlands.
2. The zone and area within the Borough of Highlands that had heretofore been designated by Chapter 17 as the Business Improvement District, an area in which special assessments on property within the district was imposed for the purposes of promoting the economic and general welfare of the designated Business Improvement District, is hereby dissolved and rescinded and released from any such special assessment and taxation as of November 1, 2009.
3. That the Highlands Business Partnership, Inc., its predecessor or successor, shall no longer be designated or considered as the "District Management Corporation" for the District as a consequence of the rescission and deletion of Chapter 17. The District has hereby been deleted, and this management corporation shall no longer conduct any business as the Business Improvement District Management Corporation.
4. Any powers that had been heretofore created, designated or delegated to the District Management Corporation that had been created by Chapter 17 of the Code of the Borough of Highlands are hereby rescinded, revoked, deleted and taken from the District Management Corporation, the Highlands Business Partnership, LLC, its Steering Committee, members or any individual or entity associated therewith. There shall be no entity that shall be lawfully known as the District Management Corporation of the Business Improvement District of the Borough of Highlands hereafter, as a consequence of the recession and deletion of Chapter 17.
5. That the deletion of Chapter 17 of the Code of the Borough of Highlands, negates the need for the Borough of Highlands to require and receive an annual audit of the District Management Corporation.
6. Nothing herein shall in any way effect the power and authority of the Borough of Highlands to exercise legislative authority or its police power over any of the area, lands, or buildings within its Jurisdiction.
7. If any provisions of this Ordinance deleting Chapter 17 of the Code of the Borough of Highlands or the application thereof, to any person or circumstance is held invalid, such holding shall not effect other provisions of this Chapter and to this end the provisions of this Chapter are severable.

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This Chapter shall take effect immediately after passage and publication is required by Law.

Seconded by Mr. Caizza and NOT INTRODUCED on the following roll call vote:

ROLL CALL:

AYES: Mr. Caizza, Mr. Urbanski
NAYES: Mr. Francy, Mayor Little
ABSENT: Ms. Kane
ABSTAIN: None

Mr. Arnette – the motion does not carry, the ordinance is not introduced.

Ordinance O-09-26

Mrs. Cummins read the title of Ordinance O-09-26 for introduction and setting of a public hearing date of October 21, 2009.

Mr. Urbanski offered the following ordinance pass introduction and set a public hearing date for October 21, 2009 at 8:00 P.M. after publication.

**O-09-26
ORDINANCE AMENDING THE BOROUGH OF HIGHLANDS
CODE TO ADD THE FOLLOWING REGULATIONS ON
“GARBAGE COLLECTION”**

WHEREAS, the Borough of Highlands has maintained garbage collection for both residential and commercial uses within the Borough, providing much greater individual pick-up services for the commercial uses when compared to the residential use pick-up; and

WHEREAS, residential garbage collection and/or reimbursement is required under N.J.S.A. 40:66-1.2 et seq., and is provided by the Borough and limited to Four (4) receptacles that shall not exceed 40 pounds in weight each; and,

WHEREAS, there is no similar statutory obligation to provide the same type of garbage collection for commercial uses within the Borough; and

WHEREAS, the Borough of Highlands seeks to reduce municipal expenses by applying uniform pick-up procedures and quantities for both residential and commercial use garbage collection.

BE IT ORDAINED, by the Borough Council of the Borough of Highlands that the Code of the Borough of Highlands be amended and supplemented as follows, and all parts inconsistent herewith are hereby deleted:

SECTION 3-7A

NONRESIDENTIAL GARBAGE

A. The Borough of Highlands shall collect four (4) receptacles, not to exceed 40 pounds in weight each, for the removal of garbage, trash and refuse from business or commercial establishments. The collection of garbage beyond the four (4) receptacles per pick up shall be the responsibility of the owners and occupants thereof to provide for private collection of garbage, trash and refuse and to comply with all applicable Federal, State and Borough laws, rules and regulations regarding such collection. All businesses and commercial establishments shall also be entitled to four (4) receptacles of 40 pounds in weight each for recycling as required by law. The remaining recycling must be disposed of by the owner or occupant of the establishment through private collection to comply with all applicable Federal, State and Borough laws, rules and regulations regarding such collection.

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B. For purposes of this ordinance, businesses and commercial uses shall be designated as any business or commercial operation having a mercantile license issued under Section 4-9.1 of the Code of the Borough of Highlands.

SECTION TWO

If any section or provision of this ordinance shall be held invalid in any court, the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid and shall be inseparable from the remainder or any portion thereof.

SECTION THREE

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FOUR

This ordinance shall take effect immediately after passage and publication as required by law.

Seconded by Mr. Francy and introduced on the following roll call vote:

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

OTHER BUSINESS:

Engineers Report

Dale Leubner of T & M Associates reviewed the following report with the Council:

HGHL-G0901

September 11, 2009

Via Facsimile (732) 872-0670 and First Class Mail

Mr. Bruce Hilling
Borough Administrator
Borough of Highlands
171 Bay Avenue
Highlands, New Jersey 07732-1405

Re: Engineer's Status Report

Dear Mr. Hilling:

The following is the status of various projects in which we are involved as Borough Engineer:

General

1. **Valley Avenue Drainage Repairs:** We have been authorized by the Governing Body to proceed with design of this project. The project design has been completed and approved by the NJDOT. The project is currently advertised for bidding and bids will be received on July 9, 2009 at Borough Hall. Two bids were received and both costs were above the Engineer's Estimate and were formally rejected by Mayor and Council on July 15, 2009. The current bond is in the process of being amended to increase the amount due to the values of the bids previously received. Once the amended bond is in place, we will re-advertise the project upon authorization from the Governing Body.

The Council authorized the Borough Engineer to rebid this project.

Capital Improvement Projects

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1. **Basin Two Sanitary Sewer Rehabilitation Project:** T&M Associates has prepared a design to implement the recommended improvements outlined in the initial investigation report. The design of this project is complete and has been sent to the Borough for signature and authorization to bid. This project is on hold due to funding.
2. **Emergency Generators Project:** A Generator Committee meeting was held on August 26, 2009 to identify project direction with regards to utilizing permanent or portable generators. It was decided that portable generators will be utilized and permanent wiring will be installed at all sites. This direction will be formally proposed to and discussed with the County. We have since provided the Borough with all anticipated construction costs associated with the wiring for all sites. Once the County provides a response, the project will proceed accordingly.

The Council had no objection to authorizing Borough Engineer to submit letter to the County to move forward with portable generators.

3. **Roadway Improvement Program (South Linden Avenue area):** As authorized, we have completed the design of the improvements of the roadways within this project. They include Waddell Street, Rodgers Street and South Linden Avenue. The sanitary sewer mains within the project area have been televised and appropriate repairs of the mains have been included on the plans. These roadways have been combined with the Shore Drive Improvements (FY 2008 NJDOT Municipal Aid).

Bids Date: March 13, 2009

Contractor: S. Brothers, South River, NJ

Amount: \$316,533.58.

The Borough awarded the project to S. Brothers in this amount at the March 18, 2009 Council Meeting. Contracts have been processed and a pre-construction meeting was held on May 12, 2009. The contractor has substantially completed the work associated with Shore Drive. However, there are still a couple of concrete repairs that remain and we have followed up on the Borough's concerns regarding the pavement rideability quality along Shore Drive as well. NJDOT approval to commence work on the three remaining streets along NJDOT right-of-way for Route 36 has been granted. The Contractor will be returning to the site on or about September 11, 2009 with the required traffic control measures required by the NJDOT and will resume construction on the project.

4. **Highlands Firehouse Apron Replacement:** The project has been completed and closed out.
5. **Cornwall Street Emergency Sanitary Sewer Repair:** This project has been completed and closed out.
6. **Portland Road Rehabilitation Project:** As requested, we have completed a FY 2009 NJDOT Discretionary Aid application for this project and submitted it to the NJDOT on behalf of the Borough for consideration.
7. **Flood Reduction Program:** At a public meeting held on June 20, 2009, we presented the Borough's anticipated flood reduction program and the various components.
8. **Army Corps of Engineers (ACOE) Proposed Flood Mitigation Project:** On Thursday, July 2, 2009, the ACOE along with the NJDEP presented a proposed flood mitigation project to Borough Officials. The project is currently in the conceptual design stage. At the meeting, we gave a presentation on the Borough's flood reduction project to the ACOE and the NJDEP. ACOE stated that they would be interested in possibly combining components of the Borough's project with the ACOE project. As requested at this meeting, the ACOE has provided the Borough with hard copies and electronic copies of their conceptual plans for this project. We are providing the ACOE with information pertaining to the Borough's stormwater system and pump stations as they request it.

Grants and Loans

1. **FY 2009 NJDOT Municipal Aid – Waterwitch Avenue:** The Borough was recently notified that they received funding for this project in the amount of \$192,000.00. On March 27, 2009, we notified the NJDOT in writing that the Borough is requesting to reduce the limits of this project to the area between N.J.S.H. Route 36 and Linden Avenue and are currently preparing the NJDOT requested paperwork. At the May 20, 2009 meeting, Mayor and Council requested that the sanitary sewer improvements be added into the request. The paperwork was submitted to the NJDOT on June 19, 2009 for consideration. On July 16, 2009, the NJDOT sent a letter to our office stating that they approve the request to reduce the project limits. As requested, we are currently preparing

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a design/contract administration proposal to submit for consideration from the Governing Body.

2. **NJDOT Grant Applications:** The NJDOT recently advertised that they are accepting grant applications for the following types of projects: Municipal Aid, Bikeway, Centers of Place, Transit Village and Safe Streets to Transit. The applications are to be submitted electronically through SAGE by June 12, 2009. A resolution was adopted by Mayor and Council at the meeting held on June 3, 2009 to submit a Municipal Aid application for the reconstruction of Bay Avenue between Waterwitch Avenue and the western terminus. The application was prepared and submitted to the NJDOT for consideration prior to the deadline.

If you have any questions or require additional information, please do not hesitate to call.

Very truly yours,

T&M ASSOCIATES

ROBERT R. KEADY, JR. P.E., C.M.E.
HIGHLANDS BOROUGH ENGINEER

Army Corp of Engineers

Mr. Francy stated that we heard from the Army Corp of Engineers this afternoon that there is no further information forthcoming except those maps that they did give us regarding their plans for the water's edge of Highlands. At this point he would like to share that information with public by repeating the Flood Control Meeting and combining the two topics which he further explained. He is requesting that a meeting be held and is comfortable with having another Saturday meeting.

Mayor supported another meeting for the two topics.

Mr. Urbanski suggested to Mr. Francy that a separate weeknight meeting be held.

Mr. Francy – we will pick a date and set a meeting for a Monday or Tuesday. They will publish and advertise a meeting date to invite the public.

The Governing Body briefly continued discussions on this subject.

Fire Department Raffle License

Mr. Caizza offered a motion to approve the Raffle License for the Fire Department for a November 10th raffle, seconded by Mr. Urbanski and all were in favor.

Change of Corporate Structure for Liquor License 1317-33-004-011 Bay Ave Rest. Co.

Mr. Francy offered a motion to authorize the Borough Clerk to send a letter to the NJABC that the Borough has no objection to the change of corporate structure, seconded by Mr. Caizza and all were in favor.

Authorize Borough Attorney to send letter to AHHRSA Detailing Executive Session Discussions

Mr. Francy offered a motion to authorize the Borough Attorney to send a letter to the AHHRSA detailing discussions from Executive Session, seconded by Mr. Caizza and all were in favor.

Resolution R-09-177

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Mayor Little read the following Resolution for approval:

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

**R-09-177
A RESOLUTION SUPPORTING THE ATTEMPTS OF
ATLANTIC HIGHLANDS-HIGHLANDS SEWERAGE AUTHORITY
TO SECURE A FAIR ARBITRATION**

WHEREAS, the Borough of Highlands is a constituent member of the Atlantic Highlands-Highlands Regional Sewerage Authority; and

WHEREAS, the Borough of Highlands believes it crucial to have the dispute between Atlantic Highlands-Highlands Regional Sewerage Authority and the Township of Middletown Sewerage Authority fairly and impartially arbitrated and resolved.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that:

The Governing Body of the Borough of Highlands hereby supports the Atlantic Highlands-Highlands Regional Sewerage Authority's attempts to obtain a fair and impartial Arbitration of their dispute with the Township of Middletown Sewerage Authority.

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

ROLL CALL:

AYES: Mr. Francy, Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

PUBLIC PORTION:

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Donald Manrodt of 268 Bayside Drive stated that he would like to see annual billing for sewer. He stated that some trees on Bayside Drive are high and will be uprooted due to rain.

Mr. Bruce stated that he will look into the trees.

Arnie Fuog of Valley Avenue stated that it's good that the Pompamora Park is now open.

Donna O'Callaghan of 29 South Bay Avenue expressed her complaints with regard to the signage for the closing of Portland Road. She stated that we need to be more proactive because there is no advanced notice of Portland Road being closed.

The Governing Body had a discussion regarding the lack of notice for closing Portland Road with regard to the bridge project.

Roberta McEntee of 55-B Fifth Street – had no comment.

Lori Dibble of 32 Paradise Park requested that manufactured housing be added back into the Zoning for Paradise Park.

Mayor Little explained the public hearing process for ordinances.

Maureen Kraemer of 200 Portland Road suggested that with regard to meeting being set up for the Flood Drainage & Army Corp. of Engineers plans for Highlands recommended that the meeting be posted and differently to inform the public. She then expressed her frustration with the lack of notice for closing Portland Road.

Tara Ryan of 17 Ocean Street also expressed her frustrations with the closing of roads and the lack of signage.

Michelle Pezzullo of 115 Highland Avenue spoke about the BID and questioned if dissolved what would happen.

Mayor Little explained how the Bid was created and how the taxes are collected. She also spoke favorably about how the BID promotes the Borough.

Michelle Pezzullo stated that there were a lot of people who did not receive the recent Borough Newsletter.

Arnie Fuog of Valley Street asked if the Bid were to be dissolved what would be the other option.

There were no further questions or comments from the public.

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Mayor Little offered a motion to adjourn the meeting, seconded by Mr. Caizza and all were in favor.

The Meeting adjourned at 9:30 P.M.

CAROLYN CUMMINS, BOROUGH CLERK

HIGHLANDSNJ.COM

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