

**Borough of Highlands
Mayor and Council
Regular Meeting
April 21, 2010**

Mr. Nolan called the meeting to order at 7:14 p.m.

Mrs. Cummins read the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Regular Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Mr. Nolan, Mr. Francy, Ms. Kane

Absent: Mr. O'Neil, Mayor Little

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

Executive Session Resolution:

Mrs. Cummins read the following Resolution for approval:

Mr. Nolan 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:**
- 2.Contract: CMX Eng. Contract, Dan-Rob Parking Lot Lease**
- 3.Real Estate: Land Acquisition of Careless Navigator Property**
- 4. Personnel Matters: Paul Murphy & Bruce Hilling**
- 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.

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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.
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 Ms. Kane and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O'Neil, Mayor Little

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mr. Nolan called the Regular Meeting to order at 8:00 p.m.

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

ROLL CALL:

Present: Mr. Nolan, Mr. Francy, Ms. Kane

Absent: Mr. O'Neil, Mayor Little

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

Public Participation on Agenda Items:

Tara Ryan of 17 Ocean Street spoke about Resolution R-17-94 and stated that if adopted they will be reopening the Library for about 8 hours per week.

Consent Agenda:

Resolution R-10-91 was removed from the Consent Agenda.

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

R-10-55

Resolution

Urging the State Legislature to Reform Interest Arbitration

WHEREAS, the Interest Arbitration Process was intended to fairly and adequately give all due consideration to the interest and welfare of the taxpaying public and support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities and Police and Fire Department personnel; and

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WHEREAS, the New Jersey Employer-Employee Relations Act, adopted in 1968, was amended in 1977 to provide for interest arbitration as the statutorily imposed terminal step in the collective bargaining process for Police and Fire personnel as defined by the Act; and

WHEREAS, the Police and Fire Interest Arbitration Reform Act (L.1995, c. 425) was signed into law by Governor Christine Todd Whitman and became effective on January 10, 1996; and

WHEREAS, in 2005, the League of Municipalities' Arbitration Reform Committee suggested a number of Legislative reforms to the Interest Arbitration Process among the changes proposed by the Reform Committee were that: (1) the Arbitrator may not award salary increases in excess of the expenditure cap (N.J.S.A. 40A:4-45 et seq.); (2) the Arbitrator's Award may provide for salary increases limited to the budget cap imposed by the State of New Jersey and/or any lawful adjustment adopted by the public employer; and (3) the Arbitrator's award may provide for salary increases limited to the percentage established by the State or the lawful adjustment adopted by the public employer, as may be appropriate, on a department line basis; and

WHEREAS, in 2007 the Police and Fire Interest Arbitration Statute was amended to add a new ninth factor of the 4% Tax Levy Cap which resulted in 4 of the 9 statutory factors in Interest Arbitration addresses the employer's fiscal situation; and

WHEREAS, Municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy caps and it is the norm rather than the exception for State approved arbitrators to award raises for Police salaries at rates that exceed the annual caps; and

WHEREAS, binding arbitration awards in excess of the caps forces Municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pension increases, to Police and Fire personnel, and cost for Police and Fire services continue to spiral at an unacceptable rate; and

WHEREAS, the State approved Interest Binding Arbitration Process is inconsistent with the State Cap Laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility; and

WHEREAS, Interest Arbitration should be reformed to provide that the cost of living and the employer's ability to pay should be given greater weight and the total costs of the Arbitrator's award, including steps and cost of living (COLA) increases, should not exceed the cost of living; and

WHEREAS, Arbitrators should be required to evaluate and analyze the total cost of the salaries and benefits, including step increases, and must provide a detailed line item analysis and explanation of the costs in the award; and

WHEREAS, Arbitrators must also evaluate and analyze the overall compensation received by the bargaining unit, including vacations, longevity, holidays, excused leave, medical and pension benefits; and

WHEREAS, Arbitrators should be required to live in New Jersey and the process of selecting the Arbitrators and the length of time the Arbitration process takes needs to be reviewed;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Highlands in the County of Monmouth, State of New Jersey hereby urges the New Jersey State Legislature to pass legislation containing substantial reforms to the binding arbitration process; and

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BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Sean T. Kean, State Senator, Mary Pat Angelini, Assemblywoman, David Rible, Assemblyman, the New Jersey State League of Municipalities and the Office of the Governor.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: Mr. O'Neil, Mayor Little
ABSTAIN: None

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

**R-10-77
AUTHORIZING REFUND OF TAX OVERPAYMENT**

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

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
112	12.05	2010	\$1050.52	BOLLINGER,ELLEN

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: Mr. O'Neil, Mayor Little
ABSTAIN: None

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

**R-10-78
RESOLUTION AUTHORIZING THE APPLICATION
FOR THE
2010 SUMMER FOOD PROGRAM**

WHEREAS, the Mayor and Council of the Borough of Highlands have reviewed the material received from the State of New Jersey regarding the 2010 Summer Food Service Program; and

WHEREAS, the Mayor and Council of the Borough of Highlands agree that the Borough's participation in the Summer Food Program will be of benefit to the Borough and its residents;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Mayor, Borough Administrator and the Director of Recreation are hereby

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authorized to make application to the State of New Jersey for the 2010 Summer Food Program in the amount of \$10,275.64.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O'Neil, Mayor Little

ABSTAIN: None

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

R-10-79

**RESOLUTION AUTHORIZING
NEW JERSEY NATURAL GAS COMPANY
TO EXCECISE ITS FRANCHISE RIGHTS
IN THE BOROUGH OF HIGHLANDS**

WHEREAS the New Jersey Natural Gas Company obtained the consent of this municipality to exercise its franchise rights by ordinance dated April 5, 1960, to lay and maintain gas mains, pipes and service pipes, in and under the surface of any or all of the roads, streets, avenues, highways and public places, for the purpose of furnishing gas therein; and

WHEREAS said consent is limited to a period of fifty (50) years, and, by the terms thereof, expires on June 3, 2010; and

WHEREAS, New Jersey Natural Gas Company is desirous of obtaining consent of the municipality to continue serving the Municipality;

NOW, THEREFORE, BE IT RESOLVED, that New Jersey Natural Gas Company be and is hereby authorized to lay, maintain and operate its conductors, mains, and pipes, together with the appurtenances thereto, in all the public streets, alleys, squares and public places in this municipality which are under the control and jurisdiction of the Borough for the purpose of conducting gas, or any mixture of gases of various types including natural gas, for the purpose of transmitting and distributing such gas in this municipality for a period of fifty (50) years from the date hereof, upon the following terms and conditions:

New Jersey Natural Gas Company shall agree that, in all cases in which street openings or excavations are made for the purposes aforesaid, the pavement and the surface of the streets, alleys, squares or roadways shall be restored to the same condition as existed prior to the opening thereof; and

That the New Jersey Natural Gas Company shall conduct the work or the laying or maintaining of gas pipes therein in a careful and prudent manner.

BE IT FURTHER RESOLVED that New Jersey Natural Gas Company shall file with the Clerk of this Municipality, within sixty (60) days from the date hereof, its acceptance of the terms and provisions of the franchise consent herein granted and its agreement to be bound by the terms and provisions thereof.

BE IF FURTHER RESOLVED, that this resolution shall not become effective until it is approved by the Board of Public Utilities of the State of New Jersey.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O'Neil, Mayor Little

ABSTAIN: None

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

**R-10-80
RESOLUTION AMENDING RESOLUTIONS R-08-202
EXTENDING PROFESSIONAL ENGINEERING SERVICES FOR
INSTALLATION OF EMERGENCY GENERATORS**

WHEREAS, the Borough of Highlands has a need for professional engineering services for the installation of emergency generators at the Community Center, Waterwitch Avenue Pump Station and South Bay Avenue Pump Station and an optional emergency generator at Borough Hall if so desired by the Borough as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such Professional Engineering Services can only be provided by licensed professionals and T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

WHEREAS, a contract was awarded on November 12, 2008 for an amount not to exceed \$90,000 for the Professional Engineering Services for the installation of emergency generators; and

WHEREAS, the term of the contract has expired and the Governing Body desires to extend term of the contract for an additional two years until November 12, 2010; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, the determination of value has been placed on file with this resolution with the Borough Clerk; and

WHEREAS, T & M Associates has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005,c271, s2).

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands of the following:

1. T & M Associates' contract for professional engineering services is hereby extended for an additional two years until November 12, 2010 with no change in the amount not to exceed of \$90,000.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by person authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

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ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: Mr. O'Neil, Mayor Little
ABSTAIN: None

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

R-10-81

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**RESOLUTION - SPECIAL ITEM OF REVENUE
COUNTY OF MONMOUTH
MUNICIPAL ALLIANCE PROGRAM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the state fiscal year 2010 in the amount of \$27,281 which is now available from the County of Monmouth.

BE IT FURTHER RESOLVED that a like sum of \$27,281 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:	
Municipal Alliance Program - 2010	\$27,281

BE IT FURTHER RESOLVED that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: Mr. O'Neil, Mayor Little
ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-10-82

**RESOLUTION – REQUESTING CHANGE IN TITLE, TEXT OR AMOUNT OF
APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-85**

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality,

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NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey that in accordance with the provisions of N.J.S.A. 40A:4-85, the Borough of Highlands hereby requests the Director of the Division of Local Government Services to make the following correction in the SFY 2010 budget:

To provide matching funds for grant received in 2010:

	Original Budget	Requested Budget
Public and Private Programs Offset by Revenues: Matching Funds for Grants	\$6,000.00	\$2,590.00
Borough Match: 2010 Municipal Alliance Program	\$ -0-	\$3,410.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the Governing Body of the Borough of Highlands, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Borough of Highlands for the reasons set forth:

The requested change will provide the required match for a grant received from the County of Monmouth.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O'Neil, Mayor Little

ABSTAIN: None

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

R-10-83

RESOLUTION

**STATEMENT OF SUPPORT FOR THE NEW JERSEY/NEW YORK CLEAN OCEAN
ZONE BILL - H.R. 2854**

WHEREAS, the New York/New Jersey Bight is defined as the waters from Montauk Point, New York, to Cape May, New Jersey, offshore to the outer edge of the Continental Shelf (out to 100 miles), and consists of over 19,000 square miles of Atlantic Ocean; and

WHEREAS, the physical, hydrodynamic, and biological characteristics of the NY/NJ Bight are unique in the world as more than 300 species of fish, over 400 species of birds, 7 species of sea turtles, and many marine mammals such as 10 species of whales and several species of seals and porpoises frequent this region. The NY/NJ Bight also serves as an essential migratory pathway for these species; and

WHEREAS, this ecological richness depends on protecting the quality of the environment; and

WHEREAS, the NY/NJ Bight also sustains the economy of the region through its bounty of natural resources and intrinsic values for millions of people through tourism, as well as being host to the nation's largest east coast global port and its thousands of related industries; and

WHEREAS, recreational and commercial fisheries provide enormous economic benefits both in food production and recreational activities, the continued use of these renewable natural resources in accordance with existing laws must be supported and enhanced; and

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WHEREAS, our waters were known as the "Ocean Dumping Capitol of the World" due to eight ocean dumpsites, including an area called the "dead sea" (a 20-mile area created by excessive sewage and toxic muck dumping); had beaches littered with garbage, medical waste, and sludge balls; and suffered from water quality so poor that it was unsafe for swimming. These activities all caused an ecological and economic crisis; and

WHEREAS, organizations, businesses, and citizens rallying to defend these precious resources and working to improve and protect the waters of the NY/NJ Bight, resulted in an end to ocean dumping and dramatically improved water quality, proving that citizens can make a difference to assure their quality of life; and

WHEREAS, the NY/NJ Bight is downstream of, and receives pollution from, the most densely populated, industrialized, and urbanized area in the country which spews millions of gallons of contaminated wastewater and toxic sediments into the ecosystem each year and threatens the vast ecological richness of the Bight, and public health through beach closures and fish consumption advisories; and

WHEREAS, currently, the NY/NJ Bight continues to be vulnerable to sources of pollution and threats to habitat on a permit-by-permit basis, which is often risky, unproductive, and not sustainable. These destructive activities undermine the ecological and economic potentialities to sustain living marine resources in the NY/NJ Bight and must be prohibited; and

WHEREAS, current laws and regulations are insufficient to protect the vast value of this ocean region and its living marine resources from polluting and habitat destructive activities, elected officials must strive harder to protect the NY/NJ Bight; and

WHEREAS, it is time to lock-in the tremendous path of progress which has led to far-reaching improvements in our ocean water quality and lock-out environmentally harmful activities, thereby ensuring the continued protection of the ocean today and for future generations; and

WHEREAS, a logical and essential next step is to use federal and state regulatory and legislative opportunities to enact the "New Jersey/New York Clean Ocean Zone" bill, which will:

REDUCE POLLUTION:

1. Prohibit new ocean dumpsites.
2. Mandate capping of the Historic Area Remediation Site (HARS) -- formerly the Mud Dump Site -- with progressively cleaner sediment to ensure the remediation of the HARS and to protect against adverse ecological effects.
3. Prohibit new point sources of pollution and increases of discharge capacity (e.g., wastewater discharge outfalls, industrial discharges).
4. Reduce pollution from stormwater and sediments. (This will be accomplished through state initiatives.)

PROTECT MARINE ECOSYSTEMS:

5. Prohibit the permanent extraction (e.g. strip-mining) of natural non-renewable resources, including sand and gravel.
6. Prohibit industrial and non-renewable energy facilities and infrastructure, including oil and gas exploration and development.
7. Require the development of responsible regulations for renewable energy sources. (This will be achieved by requiring determinations by two federal agencies that a lease, easement or right-of-way to establish a renewable energy facility will not unreasonably degrade or endanger human health or the marine environment.)

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SUPPORT MARINE RESOURCES:**

8. Support recreational and commercial fishing by acknowledging that federal and state laws for fisheries exist. Prohibit the COZ legislation from being used to adopt or enact fisheries management actions. The COZ legislation shall not be used to restrict or limit recreational or commercial fishing.
9. Support federal and state approved artificial reefs, and allow underwater research and exploration, but not projects that will adversely affect the ecosystem.
10. Support, celebrate, and sustain maritime activities that depend on a healthy and clean ocean, such as: boating, underwater diving, fishing, surfing, swimming, and the enjoyment of the sea. The COZ legislation will not be used to restrict or limit these activities.

THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands hereby supports H.R. 2854 -- "The New Jersey/New York Clean Ocean Zone" bill that would permanently protect the waters of the New York/New Jersey Bight from the aforementioned polluting and habitat-destructive activities, thereby safeguarding the waters in this region for present and future generations.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: Mr. O'Neil, Mayor Little
ABSTAIN: None

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

**R-10-84
RESOLUTION APPROVING THE RE-OPENING OF THE
HIGHLANDS BOROUGH LIBRARY**

WHEREAS, the Governing Body of the Borough of Highlands approved a Volunteer Committee to explore ways of re-opening the Highlands Borough Library, and

WHEREAS, the Committee has met with the Director of Parks and Recreation for the Borough of Highlands, and the Director supports the re-opening of the library at the site of the Highlands Community Center; and

WHEREAS, in that it has been determined that staffing of the library will be filled by volunteers, such individuals will be afforded the same insurance coverage and other rights afforded to all other Borough Volunteers

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Governing Body does here approve of the re-opening of the Highlands Library at the Community Center where it will be operated by Volunteers under the direction of the Borough Administrator with a schedule to be established and approved by the Director of Parks and Recreation.

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Highlands wishes to thank the Mayor Little, Tim Hill, Director of Parks & Recreation and the Library Committee Chairs Mary Muller, Tara Ryan and the entire Highlands Library Committee for making this possible.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

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NAYES: None
ABSENT: Mr. O'Neil, Mayor Little
ABSTAIN: None

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

**R-10-85
AUTHORIZING
PROPERTY TAX CANCELLATION**

WHEREAS, Block 26, lot 12.02, for property located at Bay Avenue, was erroneously assessed for the 2008 tax year, and

WHEREAS, the Tax Assessor, upon receipt of a notification that a subdivision did not take place, requests that the values placed upon the 2008 tax year be removed accordingly, and

WHEREAS, the Tax Collector is recommending that the 2008 taxes be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, that the Tax Collector cancels taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Year</u>
26	12.02	\$2,573.26	2008

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: Mr. O'Neil, Mayor Little
ABSTAIN: None

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

R-10-86

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**RESOLUTION - SPECIAL ITEM OF REVENUE
N.J. DEPARTMENT OF LAW AND PUBLIC SAFETY
2009 STATE BODY ARMOR REPLACEMENT FUND**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the state fiscal year 2010 in the amount of \$841.85 which is now available from State of New Jersey Department of Law and Public Safety.

BE IT FURTHER RESOLVED that a like sum of \$841.85 is hereby appropriated under the caption of:

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Public and Private Programs Offset by Revenues:
2009 Body Armor Replacement Fund Program \$841.85

BE IT FURTHER RESOLVED that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O'Neil, Mayor Little

ABSTAIN: None

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

**R-10-87
RESOLUTION
APPROVING THE 2010 RENEWAL OF TWO FERRY LICENSES
FOR HIGHLANDS LANDING CORP
d.b.a. Seastreak America, Inc.**

WHEREAS, Seastreak has submitted the required fees for the renewal of the Ferry Licenses for 2010, to operate a ferry service at 2 locations within the Borough of Highlands; and

WHEREAS, the one ferry location is located at 326 Shore Drive and the other ferry location is at Willow Street; and

WHEREAS, Seastreak America, Inc has also submitted a copy of the Certificate of Liability Insurance for both sites and they have been reviewed by the Borough Attorney and found to be sufficient.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Ferry Licenses for Seastreak America, Inc. for the sites located at 326 Shore Drive and at Willow Street are hereby renewed for the calendar year 2010; and

BE IT FURTHER RESOLVED, and the Borough Clerk is hereby authorized to issue the proper licenses for the operation of ferry services at those locations; and

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O'Neil, Mayor Little

ABSTAIN: None

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

**R-10-88
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATION NO. RA#1317-10-5
HIGHLANDS BUSINESS PARTNERSHIP**

WHEREAS, the Highlands Business Partnership has submitted a Raffle License Application No. RA1317-10-5 for a May 30, 2010 Gift Auction.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Raffle License RA#1317-10-5 for the Highlands Business Partnership is hereby approved and the Borough Clerk is authorized to sign off on license.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: Mr. O'Neil, Mayor Little
ABSTAIN: None

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

**R-10-89
RESOLUTION AUTHORIZING TONNAGE GRANT APPLICATION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102 has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, recycling regulations imposed on municipalities certain requirements as conditions for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycle and to indicate the assent of the Borough of Highlands to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Borough of Highlands hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Reggie Robertson as the Recycling Coordinator for the Borough of Highlands and that he is to ensure that the application is properly filed;

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: Mr. O'Neil, Mayor Little
ABSTAIN: None

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

**R-10-90
RESOLUTION APPROVING STIPEND FOR ACTING
DPW SUPERVISOR
FOR THE PERIOD OF APRIL 1, 2010 THROUGH JUNE 30, 2010**

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WHEREAS, Reggie Robertson of the DPW Department has been asked to perform additional supervisory duties from January 1, 2010; and

WHEREAS, the Borough of has a genuine need for Reg Robertson to continue duties of Acting DPW Supervisor for the period of April 1, 2010 through June 30; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Reggie Robertson be paid a stipend in the amount of \$625.00 for his services as Acting DPW Supervisor for the period of April 1, 2010 through June 30, 2010.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: Mr. O'Neil, Mayor Little
ASTAIN: None

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

**RECAP OF PAYMENT OF BILLS
04/21/10**

CURRENT:		\$	362,779.14
Payroll	(04/15/10)	\$	120,470.17
Manual Checks		\$	37,102.57
Voided Checks		\$	
SEWER ACCOUNT:		\$	95,597.00
Payroll	(04/15/10)	\$	8,395.41
Manual Checks		\$	9.00
Voided Checks		\$	
CAPITAL/GENERAL		\$	
CAPITAL-MANUAL CHECKS		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	1,140.18
Payroll	(04/15/10)	\$	
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	7,100.00
Payroll	(04/15/10)	\$	1,389.93
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	
Manual Checks		\$	2,425.47
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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Seconded by Mr. Francy and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O'Neil, Mayor Little

ABSTAIN: None

Resolution R-10-91

Mr. Francy questioned Resolution R-10-91.

Mr. Hilling explained that it's for a fill-in person to cover Recycling Yard.

Council briefly discussed.

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

**R-10-91
RESOLUTION APPOINTING TEMPORARY
PART-TIME FILL-IN RECYCLING YARD ATTENDANT**

WHEREAS, the Borough of Highlands is need of hiring a temporary part/time fill-in Recycling Yard Attendant to open, close and monitor the Recycling Yard when an absence of the Recycling Yard Attendant occurs; and

WHEREAS, the Borough Administrator recommends that William McCann, previous Recycling Yard Attendant be appointed as the fill-in Attendant; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that William McCann is hereby appointed to the temporary part/time fill-in position of Recycling Yard Attendant effective April 22, 2010.

BE IT FURTHER RESOLVED that said appointment is to be compensated at a rate of \$10.00 per hour not to exceed 40 hours per month.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O'Neil, Mayor Little

ABSTAIN: None

Ordinances: Introduction & Set Public Hearing Date for May 19, 2010

Ordinance O-10-8

Mrs. Cummins read the title of Ordinance O-10-8 for introduction and setting of a public hearing date for May 19, 2010 and to refer to Planning Board for review.

Mr. Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for May 19, 2010 at 8:00 p.m. and authorized its publication according to law:

ORDINANCE

O-10-8

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING CHAPTER 21
(ZONING AND LAND USE REGULATIONS) OF THE
BOROUGH OF HIGHLANDS CODE**

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WHEREAS, there is a discrepancy between the bulk requirements of the WT-R Zone Waterfront Transition Residential in the text of Chapter 21 and Schedule I, which should be resolved;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Highlands that Chapter 21 (Zoning and Land Use Regulations) of “The Revised General Ordinances of the Borough of Highlands, 1975” is amended and supplemented as follows:

SECTION 1

Chapter 21 (Zoning and Land Use Regulations) is hereby amended and supplemented to revise Schedule I “Bulk and Area Requirements” for the WT-R Zone District as follows:
“WT-R, See R-1.01”

SECTION 2 REPEALER

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

SECTION 3 CERTIFIED COPY

A certified copy of the within Ordinance shall be forwarded by the Borough Clerk to the clerks of all adjoining municipalities, the Monmouth County Planning Board and the following:

1. Borough Administrator
2. Borough Engineer
3. Planning Board
4. Zoning Board
5. Borough Attorney
6. Tax Assessor
7. Zoning Official

BE IT FURTHER ORDAINED that this ordinance shall take effect upon final passage and publication in accordance with law.

Seconded by Ms. Kane and introduced on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O’Neil, Mayor Little

ABSTAIN: None

Ordinance O-10-10

Mrs. Cummins read the title of Ordinance O-10-10 for introduction and setting of a public hearing date for May 19, 2010 and to refer to Planning Board for review.

Mr. Francy requested that the Planning Board open this up for public discussion during their review.

Mr. Francy offered the following ordinance and moved on its introduction and setting of a public hearing date for May 19, 2010 at 8:00 p.m. and authorized its publication according to law:

ORDINANCE #O-10-10

AN ORDINANCE OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING CHAPTER 21 (ZONING AND LAND USE REGULATIONS) OF THE BOROUGH OF HIGHLANDS CODE TO IMPLEMENT THE

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**RECOMMENDATIONS OF THE 2009 AMENDMENT TO THE LAND USE PLAN
ELEMENT OF THE MASTER PLAN**

WHEREAS the Highlands Borough Planning Board adopted a Master Plan Re-Examination Report on June 11, 2009; and

WHEREAS the Master Plan Re-Examination Report contained a series of recommendations concerning revisions to Chapter 21 (Zoning and Land Use Regulations) and the Highlands Borough Zoning Map addressing the Bay Avenue business districts and other zoning provisions; and

WHEREAS the Highlands Borough Planning Board adopted an amendment to the Land Use Plan Element of the Master Plan on June 11, 2009;

WHEREAS, the Borough Council adopted Ordinance 09-33 on December 16, 2009 to implement the Planning Board recommendations;

WHEREAS, the Borough Council proposes certain amendments to the new zoning changes;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Highlands that Chapter 21 (Zoning and Land Use Regulations) of “The Revised General Ordinances of the Borough of the Highlands, 1975” is amended and supplemented as follows:

SECTION ONE

Chapter 21-8 (Definitions) is hereby amended and supplemented to add the following terms:

“Health/fitness studios- private membership, limited size, health or exercise establishments which do not offer comprehensive athletic facilities nor contain a competitive sports area. This use will be modest in size and offer small or individualized fitness and may have a restricted number and type of exercise equipment.”

“Hotel shall mean a facility offering accommodations to the general public for limited tenure lodging and which may include additional facilities and services, such as restaurants, meeting rooms and personal services. The hotel facility shall include a public lobby or guest registration area. A dining room area for guests and/or general public may be provided. The hotel facility shall have –full time on-site management. *Limited tenure* shall mean occupancy of fourteen (14) days or less. In addition occupancy of no more than fourteen (14) days of any period of thirty (30) successive days.”

SECTION TWO

Chapter 21-77 (Principal Buildings and Structures) is hereby amended and supplemented to amend Paragraph A of this section as follows: (underlined text is added thus; text with strikethrough is deleted).

“A. Every principal building or structure shall be built upon a lot with frontage on a public street, The principal building shall have pedestrian and vehicular access for driveway and parking purposes from that improved public street.”

SECTION THREE

Chapter 21-91 A (B-2 Central Business District) is hereby amended and supplemented as follows (underlined text is added thus; text with strikethrough is deleted):

1. Delete “hotels, motels, inns” as permitted principal uses in subsection A.1.a (4)
2. Revise subsection A.2 to read as follows:
 2. Permitted Accessory Uses

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~~Residential use in commercial buildings provided that such use shall not be established on the first floor, that off-street on-site parking be provided and that the requirements of subsection 4.b be met.~~

Reserved.”

SECTION FOUR

Waterfront Commercial), Paragraph A.1 is hereby amended and supplemented as follows: (underlined text is added thus; text with strikethrough is deleted).

“A. The following shall apply in all WC-1 Districts.

1. Permitted Principal Uses.

All uses permitted in the WTC-1 Zone district ~~and the B-1 district~~, except that residential uses shall be prohibited.

Restaurants

Bars and taverns

Marine Sales

Boat yards

Charter and excursion boats, off-shore uses.”

SECTION FIVE

Chapter 21 Section 96.02 B-1 Neighborhood Business Overlay Zone District is hereby amended and supplemented to delete this subsection (B-1 Neighborhood Business Overlay Zone District) and insert the following in its place and stead:

“ A. B-1 Zone Overlay Zone District. An overlay zone district is a district superimposed upon another district which supersedes, modifies or supplements the underlying regulations.

B. Permitted Principal Uses

All principal uses permitted in the B-1 District and the following:

1. Retail sales and service establishments (except tattoo/body piercing and massage parlors, shops which offer for retail sale or wholesale the firearms and/or ammunition).
2. Art galleries, artist studios and craft stores.
3. Live theater and museums
4. Medical offices.
5. Flower shops and retail plant stores
6. Gift and antique shops
7. Hobby stores
8. Pet stores
9. Clothing and apparel stores
10. Sporting goods sales
11. Home furnishing stores
12. Music, ballet and dance studios, above the first floor
13. Hardware, plumbing and electric supply sales
14. Health/fitness studios, above the first floor

C. Permitted Accessory Uses

1. All accessory uses permitted in the B-1 Zone.

D. Permitted Conditional Uses

1. All conditional uses permitted in the B-1 Zone.
2. Hotels, as defined in this chapter and subject to the standards as set forth in Section 21-97.
3. Bed and Breakfasts, subject to the standards set forth in Section 21-97.
4. Residences above the first (ground) level, subject to the standards as set forth in Section 21-97.

E. Prohibited Uses.

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1. Drive through and drive-in uses.

F. Bulk Yard Area Requirements

The bulk, yard and area requirements in the B-1 Overlay Zone are the same as the requirements in the underlying Zone District with the exception of the following:

1. Floor Area Ratio (FAR)
 - a. Maximum FAR of 2.5 when the entire structure is non-residential use.
 - b. Maximum FAR of 2.0 when the structure consists of both residential and non-residential uses (i.e. mixed use building)
2. Impervious or Lot Coverage: 100% unless an on-site loading berth is required by the Planning or Zoning Board.
3. Maximum Building Coverage: 90%.
4. Maximum Building Height: three stories or 42 feet.
5. In the case of any conflict between the bulk requirements of the B-1 Zone district and that of the B-1 Overlay zone, the more stringent regulations shall apply.

G. Off-street Parking Requirements. Each use shall comply with the minimum off-street parking requirements of section 65.14 of Chapter 21. However, The Planning or Zoning Board may reduce or eliminate the off-street parking requirement for non-residential uses in the B-1 Overlay zone district provided the applicant can show evidence of available and sufficient municipal parking spaces within 1,000 feet of the front or rear customer entrance of the commercial establishment. If the Board reduces or eliminates the parking requirement of the non-commercial portion of the building, then the applicant shall address the one-time fee to the Borough of Highlands Municipal Parking Capital Improvements Fund as outlined in Section 21-65-14E.2.c.

H. On-site parking shall be sufficiently screened with fences, vegetation or similar materials. Parking beneath structures shall be screened from adjoining lots using building material and architectural elements consistent with the subject site and architectural features appropriate for the Bay Avenue downtown area.

Parking, provided underneath a structure, shall not abut the front property line or sidewalk area to minimize the disruption of the commercial street wall and maintain the retail and commercial character of Bay Avenue.

I. Design Standards The following design standards shall be considered as bulk requirements of the conditional use. Relief for the requirements of this section shall be addressed under 40:55D-970.c.

1. All new construction alterations and renovations should strive to be consistent with the "Highlands Central Business District Design Manual", Appendix A of Chapter XXI. The design guidelines in the Manual are not mandatory but should guide applicants, the Planning and Zoning Boards and their professionals during the design phase of improvements to structures in the overlay zone.
2. Transparency. A minimum of 50 percent of the street facing building façade between two feet and eight feet in height must comprise clear windows that allow views of the indoor space or product display area.
3. The area requirements used to satisfy the transparency standards above shall exclude window areas below 2 feet and above 7 feet from the grade of the adjoining sidewalk.
4. Curb cuts are discouraged unless deemed necessary for adequate and appropriate access to a property or use. Shared driveway access or rear entry to the lot shall be encouraged."

SECTION SIX Chapter 21 Section 96.02 B-1 Neighborhood Business Overlay Zone District is hereby amended and supplemented to delete this subsection (B-1 Neighborhood Business Overlay Zone District) and insert the following in its place and stead:

"21-96.03 B-2 Central Business Overlay Zone District

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The following regulations shall apply in the B-2 Overlay Zone District:

A. Permitted Principal Uses

1. All principal uses permitted in the B-1 and B-2 Business Districts.
2. Retail sales and service establishments (except tattoo/body piercing and massage parlors, shops which offer for retail sale or wholesale the firearms and/or ammunition).
3. Art Galleries, artist studios and craft stores.
4. Live theater and museums
5. Medical offices.
6. Garden and flower shops
7. Gift and antique shops
8. Hobby stores
9. Pet stores
10. Clothing and apparel stores
10. Sporting goods sales
11. Home furnishing stores
12. Music and dance studios, above the first floor
13. Hardware, plumbing and electric supply sales
14. Health/fitness studios, above the first floor

C. Permitted Accessory Uses

1. All accessory uses permitted in the B-2 Zone.

D. Permitted Conditional Uses

1. All conditional uses permitted in the B-2 Zone.
2. Hotels, as defined in this chapter and subject to the standards as set forth in Section 21-97.
3. Bed and Breakfasts, subject to the standards set forth in Section 21-97.
4. Residences above the first (ground) level, subject to the standards as set forth in Section 21-97.

E. Prohibited Uses

1. Drive through and drive-in uses.

F. Bulk Yard Area Requirements

1. The bulk, yard and area requirements in the B-2 Overlay Zone are the same as the requirements in the B-2 Zone District, with the exception of the following:
 - a. Front Setback. The front setback of any floor above the second floor shall setback ten (10) feet from the property line.
 - b. Building height: A maximum of forty-two (42) feet/ three stories is permitted.
 - c. Impervious/Lot coverage: A maximum of one hundred percent (100%) except for business establishments which, in the opinion of the Planning or Zoning Board require an on-site loading berth. In the latter case, the maximum lot coverage shall be reduced to reflect the area of the on-site loading berth.
 - d. Maximum Building Coverage: 90%.
 - e. Floor Area Ratio (FAR)
 - Maximum FAR of 2.5 when the entire structure is non-residential use.
 - Maximum FAR of 2.0 when the structure consists of both residential and non-residential uses (i.e. mixed use building)

2. In the case of any conflict between the bulk requirements of the B-2 Zone district and that of the B-2 Overlay zone, the more stringent regulations shall apply.

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G. Surface parking area below a building structure shall not be included in the floor area for floor area ratio (FAR) computations but is considered a floor in any calculation of building height.

H. Off-street Parking Requirements.

Each use shall comply with the minimum off-street parking requirements of section 65.14 of Chapter 21. However, The Planning or Zoning Board may reduce or eliminate the off-street parking requirement for non-residential uses in the B-2 Overlay zone district for lots less than 10,000 square feet in area provided the applicant can show evidence of available and sufficient municipal parking spaces within 1,000 feet of the front or rear customer entrance of the commercial establishment. If the Board reduces or eliminates the parking requirement of the non-commercial portion of the building, then the applicant shall address the one-time fee to the Borough of Highlands Municipal Parking Capital Improvements Fund as outlines in Section 21-65-14E.2.c.

On-site parking shall be sufficiently screened with fences, vegetation or similar materials. Parking beneath structures shall be screened from adjoining lots using building material and architectural elements consistent with the subject site and architectural features appropriate for the Bay Avenue downtown area.

Parking, provided underneath a structure, shall not abut the front property line or sidewalk area to minimize the disruption of the commercial street wall and maintain the retail and commercial character of Bay Avenue.

N. Design Standards. The following design standards shall be considered as bulk requirements of the conditional use. Relief for the requirements of this section shall be addressed under NJSA 40:55D-970.c.

1. All new construction alterations and renovations should strive to be consistent with the "Highlands Central Business District Design Manual", Appendix A of Chapter XXI. The design guidelines in the manual are not mandatory but should guide applicants, the Planning and Zoning Boards and their professionals during the design phase of improvements to structures in the overlay zone.
2. Transparency. A minimum of 50 percent of the street facing building façade between two feet and eight feet in height must comprise clear windows that allow views of the of indoor space or product display area.
3. The area requirements used to satisfy the transparency standards above shall exclude window areas below 2 feet and above 7 feet above the grade of the adjoining sidewalk
4. Curb cuts are discouraged unless deemed necessary for adequate and appropriate access to a property or use. Shared driveway access or rear entry to the lot shall be encouraged.

SECTION SEVEN

Section 21-97. I is hereby amended and supplemented to delete subsection I and insert the following in its place and stead:

" I. Hotels in the B-1 and B-2 Overlay District.

Where specifically permitted pursuant to this chapter, the following minimum standards shall be met:

- a. The minimum floor area per unit shall be 250 square feet.
- a. A hotel as defined herein may have a maximum building height of thirty six (36) feet or three (3) stories. If more than 50% of the ground level of the hotel consists of an on-site parking area, the building height may be forty seven (47) feet or three stories above the off-street parking area.
- b. All solid waste containers for storage and pickup shall be centrally located and easily accessible and within a screened enclosure on the street level
- d. All hotel uses shall be provided with adequate fire safety and evacuation provisions and sprinkler systems. Regardless of the number of rooms, such

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facilities shall be approved by the municipal Fire Sub code Official and shall incorporate all applicable requirements of the National Fire Protection Association Code and the NJ Uniform Construction Code.

- e. Each unit of accommodation shall contain a minimum of two rooms, a bedroom, and a separate bathroom which affords privacy to a person within the room and is equipped with a toilet, a wash basin and bathtub/shower. Kitchen facilities are prohibited.
- f. The first floor area of a hotel, or the first level over on-site parking, may be used for offices, permitted non-residential uses, coffee shop or restaurant. The first floor area of the hotel structure does not have to be associated or related to the hotel use.
- g. The hotel shall contain a main lobby, a central reservation/ guest registration desk and a specified area for the pick up and drop off of guests and luggage.
- h. Each hotel shall provide parking at a ratio of one space per unit of accommodation. The parking may be provided on-site or within 1,000 feet of the hotel property. A minimum of 50% of the required parking shall be provided on the same lot, parcel, and tract of the hotel use.
- i. The hotel use may provide some of the required parking on another parcel, which may or may not be contiguous to the hotel parcel, provided that the property line of the off-site parking lot is within one thousand (1,000) feet from the front or rear customer entrance of the hotel structure. In addition the applicant shall provide written assurances acceptable to the appropriate Board that the parking will remain available in the future. Such assurances shall be in the form of lease agreements or deed restrictions which will be reviewed by the Attorney of the Board of jurisdiction. The parking assurances may be linked to a municipal mercantile license.
- j. The buffer zone between the rear setback of a hotel and adjacent residential uses or district shall comply with the requirements of this chapter but shall not be less than ten (10) feet in width.
- k. The structure shall not be a "rooming house" or "boarding house" as defined by current New Jersey statute.
- l. Once established, a hotel use shall not be converted to a multi-family residential use such as apartments, townhouses, or condominium living arrangements.

SECTION EIGHT

Chapter 21-97 is hereby amended and supplemented as follows (underlined text is added thus):

"J. Mixed Use buildings in the B-1 and B-2 Overlay Districts

Residential dwelling units shall be permitted above non-residential uses, as a conditional use in the B-1 and B-2 Overlay Zones, subject to the following conditions:

1. In the B-1 and B-2 Overlay Zones, no more than one story, floor or level shall be used for residential purposes. The density of the residential dwellings in mixed use buildings in the B-1 Overlay shall not exceed eight (8) units to the acre. In the B-2 Overlay Zone, the density of the residential dwelling units may not exceed a density of ten (10) units per acre.
2. The floor area of the residential dwelling unit(s) may not exceed thirty-three percent (33%) of the floor area of the structure. If the structure is limited to two stories, the permitted limit of floor area may be up to fifty percent (50%). For purposes of this section, the floor area used to compute the allowable limits shall not include parking area underneath a building, storage areas, basements/cellars or garage areas.
3. Maximum building height: forty-two (42) feet or three (3) stories, whichever is less. In the B-2 Zone only, if 50% or more of the ground level of the mixed use building consists of an on-site parking area, the building height may be forty seven (47) feet or four stories (one parking level and three building levels).
4. The first floor must contain a permitted non-residential use or area for on-site parking. If the first or ground level consists of on-site parking, the residence must be above a non-residential use. Residences shall not be located on a story below a non-residential use.

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5. All residential units shall have an entry separate from the non-residential use and the residences shall have a common entry, accessible from the street.
 6. Notwithstanding other provisions of this chapter, the parking requirements for the residential dwellings of mixed use buildings shall be addressed on the same lot, site, and parcel as the mixed use building.
 7. Minimum Dwelling Unit Requirements. Each dwelling unit shall contain complete kitchen facilities, toilet , bathing and sleeping facilities as well as living space, and shall have a minimum gross floor area of one thousand (1,000) square feet provided that dwelling units in excess of two bedrooms per unit shall not be permitted.
 8. Storage space. In addition to any storage space contained inside the individual dwelling units, there shall be provided for each dwelling unit three hundred fifty cubic feet (350 c.f.) of storage space in a convenient, centrally located area, possibly the ground floor for use of the residents .The area should be secured and locked without creating a safety hazard.
 9. Site Appearance. Adequate provisions and facilities shall be provided for maintenance of the property for trash and garbage.
 10. Heating, ventilation and air conditioning equipment shall be located in an enclosed area above the base flood elevation or on the roof, in the attic or other adequately screened area.
- 13.11 Residences in mixed use buildings in the B-1 and B-2 Overlay zone districts are exempt from the outdoor living space requirement of Section 21-90.A. 4.b (B-1 Zone) and 21-91 A.4.b (B-2 Zone).”

SECTION NINE *Severability*

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION TEN *Repealer*

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

SECTION ELEVEN *Certified Copy*

A certified copy of the within Ordinance shall be forwarded by the Borough Clerk to the clerks of all adjoining municipalities, the Monmouth County Planning Board and the following:

1. Borough Administrator
2. Borough Engineer
3. Planning Board
4. Zoning Board
5. Borough Attorney
6. Tax Assessor
7. Zoning Official

BE IT FURTHER ORDAINED that this ordinance shall take effect upon final passage and publication in accordance with law.

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

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O’Neil, Mayor Little

ABSTAIN: None

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**INSERT
MAP ATTACHEMENT TO ORDINANCE
O-10-10 HERE**

HIGHLANDSNJ.COM

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Ordinances: 2nd Reading, Public Hearing and Adoption

Ordinance O-10-5

Mrs. Cummins read the title of Ordinance O-10-5 for the second reading and public hearing. She also stated that this Ordinance was published in its entirety in the May 26th edition of the Two River Times.

Mr. Nolan opened up the public hearing on Ordinance O-10-5.

Mr. Parla asked what this ordinance was.

Mr. Hilling stated that it extends the hours for selling liquor.

There were no further questions for comments from the public.

Mr. Nolan closed the public hearing on Ordinance O-10-5.

Mrs. Cummins read the title of Ordinance O-10-5 for the third and final reading and adoption.

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

**O-10-5
AN ORDINANCE AMENDING CHAPTER VI,
OF THE GENERAL AND LICENSING
ORDINANCES OF THE BOROUGH OF HIGHLANDS**

WHEREAS, the Governing Body of the Borough of Highlands is the local Liquor Board, having the authority to set hours of sale and consumption of alcoholic beverages on and in licensed premises within the Borough; and

WHEREAS, the Governing Body of the Borough of Highlands is desirous of amending and modifying the time for sale, service, delivery or consumption of any alcoholic beverage on and in a licensed premises within the Borough.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands that Chapter VI, of the General and Licensing Ordinances of the Borough of Highlands is amended to include the following:

6-4.3 New Year's Day.

A licensee, after requesting special permission and guaranteeing reimbursement to the Borough of Highlands for the costs associated with the placement of one law officer dedicated to be at or around the licensed premises between the hours of 1:30 a.m. and 5:30 a.m., shall be granted permission to sell, serve, deliver, or permit the sale, services or delivery of any alcoholic beverage or allow consumption of any alcoholic beverage on licensed premises within the Borough of Highlands on New Year's Day up to the hour of 5:00 a.m.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: **Mr. Nolan, Mr. Francy, Ms. Kane**

NAYES: **None**

ABSENT: **Mr. O'Neil, Mayor Little**

ABSTAIN: **None**

Ordinance O-10-6

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Mrs. Cummins read the title of Ordinance O-10-6 for the second reading and public hearing and stated that this ordinance was published in its entirety in the March 26th edition of the Two River Times.

Mr. Nolan opened up the public hearing on Ordinance O-10-6.

There were no questions or comments from the public.

Mr. Nolan closed the public hearing on Ordinance O-10-6.

Mrs. Cummins read the title of Ordinance O-10-6 for the third and final reading and adoption.

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

**O-10-6
ORDINANCE AMENDING CHAPTER III, SECTION 3-7
OF THE ORDINANCES OF THE
BOROUGH OF HIGHLANDS**

WHEREAS, on March 9, 2009, Monmouth County adapted an update to the Solid Waste Management Plan designed to increase recycling and improve compliance and enforcement; and

WHEREAS, the County of Monmouth has set out various deadlines for towns to make necessary changes to their individual recycling ordinance and provisions in order to come into compliance with the County's updated Solid Waste Management Plan; and

WHEREAS, the Borough of Highlands is desirous of making those updates to its Municipal Recycling Ordinance so as to bring it into compliance with the updated Solid Waste Management Plan put in place by the County of Monmouth.

NOW THEREFORE, BE ORDAINED, as follows:

3-7.1 Within the definition of the term, *Trash*:

Delete "grass cuttings and clippings"

3-7.2 The entirety of the existing section shall be deleted, and shall be replaced by the following subparts:

a – There is hereby established a program for the mandatory separation for aluminum, glass, metal and non-metal objects, paper, trash, cardboard, building materials debris, garbage, and other debris within the Borough of Highlands. All recyclable materials shall be separated from other garbage, debris and trash and recycled consistent with this ordinance.

b – Any multi-family complex, business or institution that is not provided recyclables collection service by municipal forces or through municipal contract shall provide the municipality with, at a minimum, an annual report describing arrangements for both solid waste and recyclable collection services, including the size, number and location of storage containers, frequency of pick up services, the name and address of any contractor hired to provide such service, and phone and other contact information for the contractor.

3-7.4(g) The word "Tires" shall be deleted from this section.

3-7.4(h) The following shall be deleted:

"The collection of and disposal of grass cuttings and clippings shall be included in the collection of and disposal of garbage and trash."

3-7.4(l) The first sentence shall be deleted and replaced with the following:

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“All business, industrial, institutional and residential properties shall separate clean and unsoiled corrugated cardboard.

All business, industrial, institutional and residential cardboard shall be separated and tied and placed curbside on the appropriate pick up day. No pizza boxes or food soiled boxes shall be allowed with residential pick up.”

3-7.4(m) Is hereby created and shall read as follows:

“Leaves shall be kept separate from other vegetative waste, and shall only be placed for collection in a manner and schedule as shall be published and distributed by the municipality. This requirement shall not prohibit any person or establishment from making arrangements to collect leaves and grass directly from their property through their own efforts or via contract with a landscape service or other appropriate company, for direct transportation to a permitted recycling operation.”

3-7.4(n) Is hereby created and shall read as follows:

“Automotive and other vehicle or wet cell batteries, used motor oil and antifreeze shall not be disposed as solid waste. Such items are to be kept separate from other waste materials and recyclables, and brought to local service stations, scrap yards or publicly operated recycling facilities designed and permitted to handle such products.”

3-7.4(o) Is hereby created and shall read as follows:

“Liquid and hazardous waste shall not be disposed of as solid waste. No liquids of any type shall be placed with recyclables, or other solid waste for collection and disposal. No chemicals, liquid paints, pesticides, herbicides, reactive polishes or cleansers, cleaning or automotive products or other hazardous waste shall be placed with recyclables, or with solid waste for collection and disposal.”

3-7.6(a)subparts, (1) and (2) Are hereby created and shall read as follows:

(1) “All apartment and other multi-family complexes, businesses, schools and other public or private institutions shall provide separate and clearly marked containers for use by residents, students, employees, customers or other visitors, for trash and the various types of recyclables, as appropriate.”

(2) “Any company or agency providing dumpsters, roll off or other containers to any apartment or other multi-family complex with shared disposal and recycling areas, or to any business, school or other institution, or for any construction/demolition project, shall clearly mark such container for trash or for specific recyclables, as may be appropriate.”

3-7.7 The entirety of this section shall be deleted and replaced by the following:

3-7.7 Debris Management Plan for Construction Permits.

a. The municipality shall issue construction and demolition permits only after the applicant has provided a debris management plan identifying the estimated number and types of containers to be used for the handling of all solid waste and recyclables generated during the project, and arrangement for the proper disposition of the generated materials.

b. A refundable deposit of \$50.00 to \$1,000.00 shall be submitted with the debris management plan, which will be returned after completion of the project and submittal of appropriate records documenting the quantity and disposition of solid waste and recyclables. Inadequate or incomplete documentation may result in a refundable deposit of \$1,000.00.

3-7.8 The entirety of this section shall be deleted and replaced by the following:

3-7.8 Title, Appointment and Duties of Recycling Coordinator:

a. The position of recycling coordinator is hereby created and established within the municipality, to be appointed by the Governing Body of the Borough of Highlands, for a term of one year expiring on December 31st of each year.

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b. The duties of the recycling coordinator shall include, but are not limited to: the preparation of annual or other reports as required by State and County Agencies regarding local solid waste and recycling programs, reviewing the performance of local schools and municipal agencies and conducting recycling activities, periodic review of local residential and business recycling practices and compliance, review and recommendation and local subdivision and site plan submittals and local construction and demolition projects for appropriate waste disposal and recycling provisions, reports to the Governing Body on the implementation and enforcement of the provisions of this Ordinance, and such other reports and activities as may be requested by the Governing Body.

c. The recycling coordinator shall be required to comply with the Certification Requirements for Municipal Recycling Coordinators as established by the State of New Jersey, the Recycling Coordinator shall have completed or be in the process of completing the requirements for certification as a "Certified Recycling Professional" (CRP) no later than January 13, 2012, as required by the New Jersey Recycling Enhancement Act.

3-7.9 The entirety of this section shall be deleted and replaced with the following:

3-7.9 Collection by Unauthorized Persons.

From the time of placement at the curb by anyone described herein, items shall become the property of the Borough of Highlands or its authorized agent. It shall be a violation of this section for any person not authorized by the Borough of Highlands to collect or pick up or caused to be collected or picked up any such items. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

3-7.10 The entirety of this section shall be deleted and replaced by the following:

3-7.10 Enforcement.

a. The duly appointed Municipal Recycling Coordinator, the Monmouth County Health Department and the Monmouth County Solid Waste Enforcement Team are hereby jointly and severely empowered to inspect solid waste and recycling arrangements and compliance at local residences, businesses, schools and institutions, and to enforce the provisions of this Ordinance, by issuance of warnings, notices, summons and complaints. A typical inspection may consist of sorting through containers and opening bagged solid waste to detect the presence of recyclable materials.

b. The authorized inspector may, in his or her discretion, issue a warning rather than a summons following an initial inspection, with a follow up visit to determine compliance within a stated period of time.

3-7.11 Is hereby created and Shall state the following:

Violations and Penalties

a. Violations or Non-compliance with any of the provisions of this ordinance, or the rules and regulations promulgated hereunder, shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00.

b. Each day such violation or neglect is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

c. Fines levied and collected in Municipal Court pursuant to the provisions of this Ordinance shall be deposited into the Municipal Recycling Trust Fund. Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the Municipal Recycling Program.

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3-7.12 Is hereby created and Shall state the following:

Repealer

All Ordinances or part of Ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

This Ordinance shall take effect immediately upon its passage and publication in accordance with the Law.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O'Neil, Mayor Little

ABSTAIN: None

Ordinance O-10-7

Mrs. Cummins read the title of Ordinance O-10-7 for the second reading and public hearing and stated that this ordinance was published in its entirety in the March 26th edition of the Two River Times.

Mr. Nolan opened up the public hearing on Ordinance O-10-7.

There were no questions or comments from the public.

Mr. Nolan closed the public hearing on Ordinance O-10-7.

Mrs. Cummins read the title of Ordinance O-10-7 for the third and final reading and adoption.

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

O-10-7

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS
ESTABLISHING SALARIES AND FIXING THE COMPENSATION OF
POLICEMEN'S BENEVOLENT ASSOCIATION SANDY HOOK LOCAL #48
FOR STATE FISCAL YEARS 2009-2012**

BE IT ORDAINED by the Mayor and Council of the Borough of Highlands, a municipal Corporation of the State of New Jersey;

Section 1. The annual salaries and compensation of the police officers holding the positions hereinafter described for Fiscal Year 2009 through Fiscal Year 2012 (July 1, 2008 – June 30, 2012) as follows, payable semi-monthly unless herein described in.

	Fiscal Year			
	2009	2010	2011	2012
Probationary/Academy	\$30,000	\$31,275	\$32,604	\$33,990
Probationary P.O. 1 (1 st 6 months after 1 st full year of employment)	\$35,000	\$36,488	\$38,038	\$39,655
Probationary P.O. 2 (2 nd 6 months after 1 st full year of employment)	\$42,000	\$43,785	\$45,646	\$47,586
Police Officer I (after 2 full calendar years of employment)	\$46,778	\$48,766	\$50,839	\$52,999

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Police Officer 1 (officers hired prior to July 1, 2008)	\$48,766	\$50,839		
Police Officer 2	\$53,355	\$55,623	\$57,987	\$60,451
Police Officer 3	\$62,770	\$65,438	\$68,219	\$71,118
Police Officer 4	\$70,618	\$73,619	\$76,748	\$80,010
Police Officer 5	\$86,730	\$90,416	\$94,259	\$98,265
 Sergeant	 \$91,000	 \$94,868	 \$98,899	 \$103,103
 Lieutenant	 \$93,696	 \$97,678	 \$101,829	 \$106,157
Captain	\$95,152	\$99,196	\$103,411	\$107,806
Juvenile Officer	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000

Section 2. LONGEVITY BENEFITS.

Longevity will be administered as follows to a maximum amount of \$5,000.00 per year, in accordance with the following schedule:

0-5 Years	0% Longevity
6-10 Years	3% Longevity
11-15 Years	6% Longevity
16-20 Years	9% Longevity
21 Years or over	12% Longevity

Section 3. HOLIDAY PAY

A. Police officers shall receive twelve (12) paid holidays per the collective bargaining agreement. All holiday pay shall be paid to the police officers by November 15th of each year.

B. Every police officer shall receive eight (8) hours of extra pay for each of the above holidays in addition to his full weekly pay for the week in which the holiday appears regardless as to whether or not the employee works.

Section 4. EFFECTIVE DATE:

The salaries and compensation set forth herein shall be effective and payable as of and after July 1, 2008 through June 30, 2012.

Section 5. IMPLEMENTATION

This ordinance shall take effect immediately upon its passage and publication in accordance with law.

Seconded by Ms. Kane and adopted on the following roll call vote:

Roll Call:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O'Neil, Mayor Little

ABSTAIN: None

Ordinance O-10-9

Mrs. Cummins read the title of Ordinance O-10-9 for the second reading and public hearing and stated that this ordinance was published in the April 11th edition of the Asbury Park Press.

Mr. Nolan opened up the public hearing on Ordinance O-10-9.

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Jim Parla of Portland Road questioned the Town Wide Yard Sale Process.

Ms. Kane explained.

There were no further questions or comments from the public.

Mr. Nolan closed the public hearing on Ordinance O-10-9.

Mrs. Cummins read the title of Ordinance O-10-9 for third and final reading and adoption.

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

**ORDINANCE O-10-9
AN ORDINANCE AMENDING THE REVISED GENERAL CODE OF THE BOROUGH
OF HIGHLANDS, SECTION 4-12
GARAGE SALES, RUMMAGE SALES, FLEA MARKET SALES**

WHEREAS, the Borough of Highlands is desirous of having a Borough wide garage sale event from time to time within the Borough, which it will advertise and publicize as a Borough wide garage sale; and

WHEREAS, presently there is no fee for the garage sale license that would assist in defraying the costs and expenses of administering and advertising such an event; and

WHEREAS, a nominal fee of \$5.00 for a Borough wide garage sale license will have little impact on the resident but will assist the Borough with the expenses:

NOW, THEREFORE, BE IT ORDAINED THAT SECTION 4-12.2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS BE DELETED AND THE FOLLOWING INSERTED IN ITS PLACE:

4-12.2 License Required: Fee.

It shall be unlawful for any person to conduct a garage sale in the borough without first filing with the Borough Clerk the information hereinafter specified and obtaining from the Clerk a license to conduct such a sale, to be known as a "garage sale license".

a. There shall be no charge for a "garage sale license" when the individuals seek to have their garage sale, rummage sale or flea market sale on a date that the Borough of Highlands has not identified as a date on which a Borough wide garage sale will be held.

b. There shall be a five (5) dollar fee for the "garage sale license" when individuals have their garage sale, rummage sale or flea market sale on a date that the Borough of Highlands has identified as a date on which a Borough wide garage sale will be held.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane

NAYES: None

ABSENT: Mr. O'Neil, Mayor Little

ABSTAIN: None

Other Business:

Borough Engineers Report

Robert Keady, P.E. , Borough Engineer stated that he met with the County last week regarding the **Emergency Generator Project**. He stated that we received the approval of the

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Environmental Review and received the go ahead to advertise for bids from Community Development. A minor condition is that the Borough purchase three generators He then went through the following report:

HGHL-G1001

April 13, 2010

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 was advertised for bidding and bids were received on July 9, 2009. 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. As a result, the Bond Ordinance was amended to increase the overall amount.

Bid Date: October 14, 2009
Contractor: En-Tech Corporation, Closter, NJ
Amount: \$96,125.00

The Borough awarded the project to En-Tech in this amount at the October 22, 2009 Council Meeting. Contracts have been processed and a pre-construction meeting was held on December 10, 2009. The project has been completed. The Contractor has submitted a post-lining video for review. T&M Associates reviewed the video and found the lining to be satisfactory. Final project close-out documentation is currently being prepared.

Capital Improvement Projects

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. As requested by Mayor and Council we prepared and submitted a Federal Appropriations grant application to Senators Lautenberg and Menendez to request assistance with funding of this project. On March 18, 2010, T&M submitted additional documentation per the request of Senator Lautenberg's office. The documentation was sent to both Senator Lautenberg and Menendez as required.
2. **Emergency Generators Project:** It is our understanding that the County Community Development Office agreed with the change in scope of the overall project. Permanent wiring will be installed at all locations and the Borough will purchase a portable generator for each location to be utilized as necessary. A meeting was held with T&M Associates and Borough Officials to finalize revised project scope and project scheduling. Final project design has been completed. Project plans and specifications have been sent to the Monmouth County Community Development Office for review. Once County approval is granted, we will advertise the project for construction. The County has

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requested a meeting to review the project with Borough Officials and T&M Associates. The meeting is scheduled for April 14, 2010 at 10am.

3. **Roadway Improvement Program:** 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).

Bid 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. Final project closeout documentation will be forwarded to the NJDOT the week of April 12, 2010.

4. **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. The Borough has adopted a Bond Ordinance to cover costs associated with design and permitting of all components of the project. Field survey and basemapping have been completed. Preliminary hydraulic analysis and conceptual design for the Snug Harbor Pumpstation have been completed as well as a review of the previous stormwater analysis against the current NJDEP stormwater regulations. A pre-application teleconference was held with the Army Corps of Engineers, Borough Officials and T&M Associates at a project status meeting on January 19, 2010. A public meeting was then held at Borough Hall on January 23, 2010 to further discuss the project and provide an update on progress. A project status meeting was held on Wednesday February 17, 2010 at T&M Associates. On February 24, 2010, a pre-application meeting was held at the NJDEP and was attended by T&M Associates. Design of the Snug Harbor Pumpstation is currently progressing. A project presentation was made to the Mayor and Council at the March 17, 2010 Council meeting outlining various project options. T&M Associates is awaiting further direction from Mayor and Council prior to advancing the project beyond the design of the Snug Harbor pumpstation.

5. **The Resurfacing of Waterwitch Avenue:** The Borough 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. The Borough authorized T&M Associates to design and inspect the project on December 16, 2009. The Borough has adopted a Bond Ordinance to cover costs above the NJDOT award amount. The design of the project is approximately 90% complete. Cleaning and televising of the storm and sanitary sewer mains was completed the week of April 5, 2010.

6. **2010 Roadway Improvements Project:** As recently discussed with the Governing Body, we are preparing an overall proposal for design and contract administration services for the following roadways:

- **Highland Avenue Reconstruction:** from Portland Road to Valley Avenue
- **Valley Avenue Reconstruction:** from Route 36 to the western terminus
- **Miller Street Reconstruction:** from Route 36 to Highland Avenue
- **Woodland Street Reconstruction:** from Highland Avenue to Prospect Street

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- **Prospect Street Mill/Overlay:** from Osborne Street to a limit east of Woodland Street
- **Bay View Street Rehabilitation:** The entire length

The proposal will be provided with a breakdown of each roadway so that the Borough has the option to only proceed with various portions of the overall project if they choose to do so. It should be noted that the NJDOT awarded the Borough \$1,184,000.00 in Discretionary Aid for Highland Avenue and the portions of Valley Avenue and Miller Street between Route 36 and Highland Avenue. The Borough has expressed interest of having a pre-design walkthrough with the residents on Highland Avenue.

Grants and Loans

1. **FY 2010 NJDOT Municipal Aid – Bay Avenue:** The Borough was recently notified that they have been awarded \$250,000.00 for the reconstruction of Bay Avenue between Waterwitch Avenue and Gravelly Point. This project will also include drainage improvements along Bay Avenue in the vicinity of Jones Creek. A meeting should be held between T&M Associates and Borough Officials to discuss project approach (phasing, etc.).
2. **Alternate Energy:** At the April 7, 2010 Councilmeeting, T&M Associates gave a presentation to the Mayor and Council pertaining to the utilization of alternate energy. The presentation focused specifically on funding and procedures. T&M Associates will forward additional information to the governing body for their review.

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

Dale Leubner of T & M Associates spoke about the **Waterwitch Project** and he explained that with regard to the sanitary sewer the line from Monmouth Hills is partially collapsed which he further explained. He then spoke about the line from Monmouth Hills giving us problems and he spoke about the flow.

Mr. Francy – we should send Monmouth Hills a letter that no sump pumps are allowed in our system.

Mr. Leubner stated that the Borough can even meter the Monmouth Hills line.

Mr. Hilling stated that the Borough Attorney should send a letter to Monmouth Hills.

Mr. Arnette agreed.

T & M Associates will obtain a price for metering Monmouth Hills line and will check with AHHRSA about the meter for Monmouth Hills. He then explained that the line collapse will be part of the project.

Discussion continued about Monmouth Hills flow and how AHHRSA restricted our flow during a recent storm so we flooded out.

Mr. Francy wants an investigation of what went on and why we were restricted flow during the storm. So he wants T & M to give cost estimate of investigation.

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Unidentified T & M person stated that it wouldn't take more than a couple of hours, one day maximum to investigate. The cost would be about \$500 to \$1,000 for them to look into this.

Mr. Francy wants to see the data.

Council continued discussions on Monmouth Hills.

Mr. Francy then spoke about the 2010 Roadway Projects. He spoke about citizen input about **Highland Ave Project**. He stated that the goal would be to walk around with both Mr. Francy and Mr. O'Neil and the public with T & M Associates. He stated that we don't want to move ahead with this project until we have the citizens input.

Dale Leubner advised Mr. Francy that when he is ready to schedule the walk through T & M Associates will make themselves available.

Robert Keady continued to review his engineers report and spoke about the **Bay Avenue Project**. He stated that we received a \$250,000 grant for this project. We previously spoke about reducing the limits to make it more in conformance with the funding that was provided by the NJDOT. So there are a couple of opportunities to reduce the limits and start from Gravelly Point Road which would take you to about Central Ave or the Borough could do the opposite and start at Waterwitch Ave and go toward Snug Harbor which is a shorter distance but it would allow you to address some of the drainage problems in Huddy Park and also some of the drainage that we are doing under the flood control project. Once we know what the Council thoughts are they can then send a letter to NJDOT asking for a reduction in the limits. The last item he has to discuss is the **CDBG Grants**. We spoke about potential applications about a month ago. He stated that there are preapplication meetings that have to be held within the next few weeks. There are public hearings that have to be held. He knows that the Mayor previously expressed interest in Street Scape and the maximum limit is \$250,000.

Mr. Francy questioned if it could cover the flapper valves.

Mr. Leubner – don't know but will look.

Mr. Hilling stated that he will put together letter putting together some recommended projects.

Review of Engineers Proposal for Highland Avenue

Council will not move ahead until they have citizen input on this project.

Review of Engineers Flood Mitigation Proposal

Mr. Francy wants a spending plan for three or four years and then get the budget impact.

Mr. Pfeffer – it's got to be a trust project. \$70,000 per year because the rates are so favorable and there is no down payment.

Mr. Francy wants to sit down with Mr. Pfeffer to further discuss a project spending plan.

Discussion RE: Creation of BID Committee

Mrs. Cummins stated that this item has been tabled by the Council several times.

Mr. Nolan stated that he is not making any move on this item, he is standing fast.

Mrs. Cummins asked the Council if there was any desire in creating a committee.

There was not support from Council to create a committee at this time. So this item will be tabled until a Council person requests to take action.

Memorial Day Parade – Saturday, May 29th

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Mr. Nolan offered a motion to approve of the Memorial Day Parade which is sponsored by the American Legion on May 29th, seconded by Ms. Kane and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms.Kane
NAYES: None
ABSENT: Mr. O'Neil, Mayor Little
ABSTAIN: None

Mr. Nolan stated that all of the Council usually participates in the Wreath Ceremony in the morning and participates in the parade.

Letter of Resignation from Laurel McSherry of the Environmental Commission

Council would like to advertise for the vacancy on the commission.

Approval of Minutes:

Mr. Nolan offered a motion to approve the February 3, 2010 Regular Minutes and the March 3, 2010 Council Regular & Executive Session minutes, seconded by Ms. Kane and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: Mr. O'Neil, Mayor Little
ABSTAIN: None

PUBLIC PORTION:

Kim Skorka spoke about the slope slide and the status of that with regard to Hillside Village Condos.

Mrs. Cummins stated that she did find some old documents for the Hillside Village Condos.

Mr. Francy stated that the Borough is still waiting for a letter from the Hillside Village Condos.

Mr. Hilling stated that he spoke with Mr. Berger of Hillside Village and informed him that we need a letter from the Association stating what they expect the Borough to do.

Mr. Francy informed the Clerk that he will review the plans at Borough Hall.

Tara Ryan of 17 Ocean Street thanked the Council for reopening the library.

Jim Parla of Portland Road passed out information on a Sexting Presentation that the Neighborhood Watch will be doing on Tuesday at the Highlands Elementary School. He stated that the Neighborhood Watch is disappointed with the Sneakers that are located on the corner of Bay & Waterwitch and on Portland Road which are gang related.

Mr. Hilling stated that he has requested that JCP & L remove them. He will continue to work on having them removed.

Mr. Parla then questioned the Council on what is going on with the BID Committee.

Mr. Nolan explained that we had a four person agreement and he was not going to back organization unless we had a true partnership, which he further explained. He explained that he

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would want the office of the manager to be located in Borough Hall. He also stated that there is an idea to reinstitute the BID Tax and hire an Economic Development Person

Mr. Francy stated that he thought we had a good meeting with the HBP and their Board and the consensus was to evolve itself. They choose not to be the management group and the way they operated in the past, we don't want them to be the management group. He stated that he will continue to speak with the HBP.

Ms. Kane stated that we will be formalizing an agreement in the interim to continue our continuity with the events. Let us get something in place, then we need to talk about how this will work.

Christian Lee passed on speaking.

Arnie Fuog also passed on speaking.

Donna O'Callaghan of South Bay Avenue thanked the Police and Firemen for helping her with an incident at her home. She then stated that no lights were on last night from the Bridge Project. She then questioned the status of the School Budgets.

Mr. Nolan stated that we will get together with School Board to discuss budget then it will go before this Council for a vote.

Tara Ryan stated that the Highlands Board of Education Reorganization Meeting is next week. After that they will be in touch with Borough to discuss the budget.

Mr. Hilling stated that he spoke with Atlantic Highlands and they requested that we have some representatives to stand by to discuss the High School Budget.

Donna O'Callaghan of S. Bay stated that she wants the Borough to get more aggressive with the _____ issue. She tried to encourage the Chief of Police to write a letter because this is a safety issue.

Mr. Nolan will speak with Chief Blewett.

There were no further questions or comments from the public.

Mr. Nolan offered a motion to adjourn the meeting, seconded by Ms. Kane and all were in favor.

The Meeting adjourned at 9:07 p.m.

CAROLYN CUMMINS, BOROUGH CLERK