

**Borough of Highlands  
Mayor & Council  
Regular Meeting  
May 19, 2010**

Mr. O'Neil called the meeting to order at 7:14 p.m.

Mrs. Cummins made the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Combined 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. O'Neil, Mr. Francy, Ms. Kane

**Absent:** Mr. Nolan, Mayor Little

**Late Arrival:**

**Also Present:** Carolyn Cummins, Borough Clerk  
Bruce Hilling, Borough Administrator  
Scott Arnette, Esq., Borough Attorney

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**Executive Session Resolution:**

Mrs. Cummins read the following Resolution for approval:

Ms. Kane 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: Highlands Housing Authority**
- 2.Contract:**
- 3.Real Estate: Careless Navigator Property**
- 4. Personnel Matters: Bruce Hilling, Borough Administrator  
Property Maintenance Position**

**BE IT FURTHER RESOLVED** that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

**BE IT FURTHER RESOLVED** that no portion of this meeting shall be electronically recorded unless otherwise stated; and

**BE IT FURTHER RESOLVED** that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

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

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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 Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. O'Neil, Mr. Francy, Ms. Kane**

**NAYES: None**

**ABSENT: Frank Nolan, Mayor Little**

**ABSTAIN: None**

The Governing Body then entered into Executive Session.

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Rick O'Neil called the Regular Meeting back to order at 8:03 p.m.

Rick O'Neil asked all to stand for the Pledge of Allegiance.

**ROLL CALL:**

**Present: Mr. O'Neil, Mr. Francy, Ms. Kane**

**Absent: Frank Nolan, Mayor Little**

**Also Present: Carolyn Cummins, Borough Clerk  
Bruce Hilling, Borough Administrator  
Scott Arnette, Esq., Borough Attorney**

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**Grant Application Presentation by T&M Associates**

Joann Bergen, of T&M is a grant program manager. She described other communities that she writes grants for. She looks into all grants and ways to offset Borough Cost. She will help with our goals and visions. She would like to meet with Bruce Hilling to discuss further and see what applications are out there that fit our needs.

Robert Keady mentioned that she is involved in writing many types of grants.

Chris Francy would like more information on flood control programs.

Joann Bergen said that she spoke with Robert Keady about the flood control program and trying to find ways to offset these costs. By knowing what is important to the Borough and what we need funded, she would be able to help strategize by finding some funding for other things, that helps make funding available for that big job that there is not enough money for.

Chris Francy asked when we start paying grant writers.

Joann Bergen replied that the trend prior to the economy going south, was a monthly or annual stipend. The person would work thru out that year as needed. She does not advocate that practice. She would prioritize some of the needs that we have talked about. We would have a strategy, things in place that we can start looking for and planning for. That is a professional courtesy. If grant comes out for a project that you have, she will bring it to your attention. Each grant is different. She would give us a proposal, you would said go or no go.

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Chris Francy said he would like to sit in on that meeting with Joann Bergen, Bruce Hilling and department heads.

Bruce Hilling said he would give her a call and set it up.

**Brief Library Update**

Tara Ryan stated that she applied to the Jones Foundation and we passed initial phase of acceptance. No funding yet but we are now moving to the second stage, where they collect more information from us. They are interested in us because we are a small town. She spoke about grant writing. You can get grant writers who will include there fee into the grant. She spoke about the library, the collection is almost done being catalogued and labeled.. We are starting to get some publicity. We are not accepting donations of books at this time only children's books. She also mentioned that the Grand Opening is Saturday, June 5<sup>th</sup> at noon. Would love all to come.

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**Public Portion on Agenda Items:**

Bernadine Hartford of 168 Highland Avenue wanted to know when the dog census will be done, who is going to do it and what use will be made of the information? Why are cats not included?

Carolyn Cummins stated that the dog census will be spoken about later on, if they are going to do it and when.

Donna O'Callaghan passed.

Carol Bucco of 330 Shore Drive questioned awarding contract for electrical service modifications for generators, where are we putting these emergency generators?

Rick O'Neil answered that these were for the sewer pumps.

There were no further questions from the public.

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**Consent Agenda Resolutions:**

Ms. Kane offered the following Resolution and moved for its adoption:

**R-10-98**

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**RESOLUTION - SPECIAL ITEM OF REVENUE  
STATE OF NEW JERSEY  
CLEAN COMMUNITIES 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 \$9,880.99 which is now available from the State of New Jersey Department of Environmental Protection.

**BE IT FURTHER RESOLVED** that a like sum of \$9,880.99 is hereby appropriated under the caption of:

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Public and Private Programs Offset by Revenues:

Clean Communities Program \$9,880.99

**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. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. O'Neil, Mr. Francy, Ms. Kane

**NAYES:** None

**ABSENT:** Mr. Nolan, Mayor Little

**ABSTAIN:** None

Ms. Kane offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-10-99**

**RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CANCEL  
SFY 2010 BUDGET APPROPRIATIONS CURRENT  
FUND & SEWER UTILITY AT YEAR END**

**WHEREAS**, the Chief Financial Officer has recommended that budget appropriations be reviewed and canceled at year end after the June 30, 2010 payroll and all other expenses are posted to the Borough's accounting system and;

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus and;

**WHEREAS**, the last regular Governing Body meeting for SFY 2010 is June 16, 2010;

**NOW THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands that the Chief Financial Officer is hereby authorized to cancel current and sewer utility budget appropriations as of June 30, 2010 and formally report said cancellations to the Governing Body of the Borough of Highlands at its next regular meeting on July 21, 2010.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. O'Neil, Mr. Francy, Ms. Kane

**NAYES:** None

**ABSENT:** Mr. Nolan, Mayor Little

**ABSTAIN:** None

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-100  
RESOLUTION  
APPROVING  
CHANGE OF CORPORATE STRUCTURE  
FOR LIQUOR LICENSE 1317-33-004-011  
BAY AVE RESTAURANT, LLC**

**WHEREAS**, a Change of Corporate Structure Application for Liquor License 1317-33-004-022 was submitted to the Borough of Highlands; and

**WHEREAS**, this application was reviewed and approved by the Highlands Police Department.

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that the Borough has no objection to the approval of Change of Corporate Structure Application for Bay Ave Restaurant, LLC Liquor License #1317-33-004-011 and the Borough Clerk is hereby authorized to send notification of said approval to the State of New Jersey, Department of Public Safety, Division of Alcoholic Beverage Control.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

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

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-101  
RESOLUTION  
APPROVING PROPERTY LEASE  
RENTAL AGREEMENT  
FOR A PORTION OF BLOCK 56 LOT 13**

**WHEREAS**, Dan-Rob Restaurant Associates, LLC has rented a portion of Block 56 Lot 13 for several years and desires to renew rental lease with the Borough of Highlands; and

**WHEREAS**, after contract negotiations between Dan-Rob Restaurant Associates and the Borough of Highlands a rental agreement has been agreed upon by all parties.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the attached Lease Extension Agreement for Block 56 Lot 13 between Dan-Rob Restaurant Associates, LLC and the Borough of Highlands is hereby approved and the Borough Administrator is hereby authorized to execute said agreement.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

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

Ms.Kane offered the following Resolution and moved on its adoption:

**R-10-103  
RESOLUTION  
APPROVING SOCIAL AFFAIR PERMIT  
THE AMERICAN LEGION TWINLIGHT POST #143**

**WHEREAS**, the American Legion has submitted a Social Affairs Permit Application to have an event on June 5, 2010 with a rain date of June 6, 2010; and

**WHEREAS**, the Chief of Police has reviewed the application and has approved it.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the American Legions application for a Social Affairs Permit for June 5, 2010 with a Rain Date of June 6, 2010 is hereby approved and the Borough Clerk is authorized to execute said application.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

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**ROLL CALL:**

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

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-104  
RESOLUTION  
APPROVING 911 COMMUNICATION CENTER  
2010 SHARED SERVICE**

**WHEREAS**, the Borough of Highlands has been participating in the 911 Communication Center Shared Service Program and wishes to continue to participate in the 911 Communication Center Shared Services; and

**WHEREAS**, it is in the best interest of the Borough to approve the Shared Service Agreement Between the Borough of Highlands and the County of Monmouth to continue with the 911 Communication Center Shared Service Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Shared Service Agreement between the Borough of Highlands and the County of Monmouth is hereby approved for the which will allow for services to continue through 2014.

**BE IT FURTHER RESOLVED** that the Borough Administrator and the Borough Clerk are hereby authorized to execute said agreement.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL**

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

Ms. Kane offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-10-106  
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT  
FOR PROFESSIONAL ENGINEERING SERVICES  
TO T & M ASSOCIATES**

**WHEREAS**, the Borough of Highlands has a need for professional planning services for the construction administration and observation services for the Imhoff Tank Removal as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, such professional planning services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

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**WHEREAS**, this contract is to be awarded for an amount not to exceed \$5,000 including reimbursable expenses per T & M Associates proposal dated May 18, 2010 for Professional Engineering Services for the construction administration and observation of the Imhoff Tank Removal Project for the period of one year; 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**, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

I hereby certify funds are available from municipal bond ordinance adopted for said purpose:

Bond Ordinance #O-09-05     \$5,000

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**Stephen Pfeffer, Chief Financial Officer**

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

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands as follows:

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$5,000 which includes reimbursable expenses.
2. The 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 persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign the contract.
3. A copy of the 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. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. O'Neil, Mr. Francy, Ms. Kane**

**NAYES:           None**

**ABSENT:         Mr. Nolan, Mayor Little**

**ABSTAIN:       None**

Ms. Kane offered the following Resolution and moved on its adoption:

**R-10-107  
RESOLUTION  
AWARDING CONTRACT FOR THE BOROUGH OF HIGHLANDS  
FOR ELECTRICAL SERVICE MODIFICATIONS TO ACCOMMODATE EMERGENCY GENERATORS AT  
VARIOUS LOCATIONS**

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**WHEREAS**, the Borough of Highlands has advertised for bids for the electrical service modifications to accommodate emergency generators at various locations in accordance with the Local Public Contracts Law; and

**WHEREAS**, the following four (4) bids were received and reviewed by the Borough Engineer and the Borough Attorney:

<u>Name</u>	<u>Base Bid</u>	<u>Alt A-1</u>	<u>Total</u>
Gary Kubiak and Son Electric, Inc	\$34,850.00	\$14,457.00	\$49,307.00
Little Silver Electric, Inc.	\$48,300.00	\$23,000.00	\$71,300.00
AA Electrical Contractors	\$53,800.00	\$28,900.00	\$82,700.00
Sodon's Electric, In.	\$56,600.00	\$26,300.00	\$82,900.00
Engineers Estimate	\$51,860.00	\$31,080.00	\$82,940.00

; and

**WHEREAS**, the lowest responsible bid appears to be from Gary Kubiak and Son Electrical Inc., in the sum of \$49,307.00; and

**WHEREAS**, funds are available in municipal bond ordinance adopted for said project:

Bond Ordinance O-08-02            \$49,307.00

\_\_\_\_\_  
Stephen Pfeffer, CFO

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the contract is hereby awarded to Gary Kubiak and Son Electrical, Inc. in the sum of \$49,307.00.;

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. O'Neil, Mr. Francy, Ms. Kane

**NAYES:** None

**ABSENT:** Mr. Nolan, Mayor Little

**ABSTAIN:** None

Ms. Kane offered the following Payment of Bills and moved on the approval of payment:

**RECAP OF PAYMENT OF BILLS  
05/19/10**

<b>CURRENT:</b>		\$ 29,856.45
Payroll	(05/15/10)	\$ 146,846.98
Manual Checks		\$ 27,524.72
Voided Checks		\$
<b>SEWER ACCOUNT:</b>		\$ 105,488.34
Payroll	(05/15/10)	\$ 6,529.45
Manual Checks		\$ 9.00
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$ 3,478.00
<b>CAPITAL-MANUAL CHECKS</b>		\$
<b>WATER CAPITAL ACCOUNT</b>		\$
<b>TRUST FUND</b>		\$ 15,895.56
Payroll	(05/15/10)	\$
Manual Checks		\$ 200.00
Voided Checks		\$



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<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$	
<b>DOG FUND</b>		\$	300.00
<b>GRANT FUND</b>		\$	900.00
Payroll	(05/15/10)	\$	537.28
Manual Checks		\$	
Voided Checks		\$	
<b>DEVELOPER'S TRUST</b>		\$	
Manual Checks		\$	
Voided Checks		\$	

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

Seconded by Mr. O'Neil and approved for payment on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. O'Neil, Mr. Francy, Ms. Kane

**NAYES:** None

**ABSENT:** Mr. Nolan, Mayor Little

**ABSTAIN:** None

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**Other Resolutions:**

R-10-105 Resolution Appt. Member to Env. Commission

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

**R-10-105  
APPOINTING ENVIRONMENTAL COMMISSION MEMBER**

**BE IT RESOLVED** that the following listed persons be appointed to the Highlands Environmental Commission:

<b>Peter Mullen</b>	Regular Member	3 years unexpired term
Planning Board Member	to expire on	12/31/11

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

**ROLL CALL:**

**AYES:** Mr. O'Neil, Mr. Francy, Ms. Kane

**NAYES:** None

**ABSENT:** Mr. Nolan, Mayor Little

**ABSTAIN:** None

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**Ordinances: Introduction & Set P.H. Date for June 16<sup>th</sup>**

**Ordinance O-10-11**

Mrs. Cummins read the title of Ordinance O-10-11 for introduction and setting of a public hearing date.

Mr. O'Neil offered the following ordinance and moved on its introduction and setting of a public hearing date for June 16, 2010 at 8:00 P.M.

**O-10-11  
AN ORDINANCE AMENDING CHAPTER X,  
BUILDING AND HOUSE, SECTION 10-10 BRUSH, WEEDS, TRASH**

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**AND DEBRIS REMOVAL, PARAGRAPH 10-10.2 INSPECTION  
OF THE REVISED GENERAL ORDINANCE  
OF THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Mayor and Council of the Borough of Highlands are desirous of maintaining the Borough in a clean and well kept condition with brush and weeds properly maintained under control and trash and debris removed from, and not allowed to accumulate on, properties; and

**WHEREAS**, the current section 10-10.2, provides for a 10 day notice provision which allows these unsightly conditions to continue for 10 days prior to the issuance of a summons; and

**WHEREAS**, the Mayor and Council of the Borough of Highlands feel that property owners or tenant of lands in the Borough should keep their lands free of fire hazards, brush, weeds, garbage, trash and debris and should maintain their land in a clean and sanitary condition at all times.

**NOT THEREFORE BE IT ORDAINED**, that Section 10-10.2, Inspection, is hereby deleted in its entirety and replaced with the following paragraph:

10-10.2. Inspection.

The Borough Code Enforcement Officer is hereby authorized to inspect lands in the Borough for the presence of fire hazards, brush, weeds including rag weed, dead and dying trees, stumps, roots, obnoxious growths, grass and weeds which exceed the height of 9 inches, filth, garbage, trash and debris, and if same are deemed to be detrimental to the public health, shall issue a summons to the persons who, according to the tax duplicate of the Borough, appear as owner or tenant, and require that the trash and garbage be removed and eliminate such fire hazards, brush, weeds, including rag weed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris.

This Ordinance Shall take effect immediately upon its enactment.

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

**ROLL CALL:**

**AYES:** Mr. O'Neil, Mr. Francy, Ms. Kane

**NAYES:** None

**ABSENT:** Mr. Nolan, Mayor Little

**ABSTAIN:** None

**Ordinance O-10-12**

Mrs. Cummins read the title of Ordinance O-10-12 for introduction and setting of a public hearing date.

Mr. O'Neil offered the following Ordinance and moved on its introduction and setting of a public hearing date for June 16, 2010 at 8:00 p.m.

**O-10-12  
AN ORDINANCE AMENDING CHAPTER XI, ARTICLE I  
UNIFORM FIRE CODE, SECTION 11-7f  
RESIDENTIAL (LEA Listed with multi-family BHI) AND COMMON AREAS IN  
MULTIFAMILY DWELLINGS- FEES  
OF THE REVISED GENERAL ORDINANCE  
OF THE BOROUGH OF HIGHLANDS**

( additions shown in underline, deletions shown by ~~strikeouts~~)

**WHEREAS**, the Mayor and Council of the Borough of Highlands are desirous of having its local Fire Official/Fire Marshal or his designee complete BHI inspections within the Borough; and

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**WHEREAS**, the Fire Official/Fire Marshal for the Borough of Highlands and any of his designees are licensed and permitted to complete the BHI inspections in lieu of the State performing this function; and

**WHEREAS**, by having the Fire Official/Fire Marshal or his designee complete these BHI inspections, the Borough will fundamentally increase compliance with the Uniform Fire Code and all of its criteria, thereby making the Borough of Highlands a safer community; and

**WHEREAS**, by the Fire Official/Fire Marshal conducting the local BHI inspections, it will allow for more frequent inspections and for any revenues generated by the inspection to be maintained by the Borough of Highlands.

**NOW THEREFORE BE IT ORDAINED**, that Section 11-7f Residential, Fees be amended as follows:

R-1 1 to 6 units	<del>\$35.00</del>	<u>\$50.00</u>
R-2 7 to 12 units	<del>\$50.00</del>	<u>\$75.00</u>
R-3 13 to 20 units	<del>\$75.00</del>	<u>\$100.00</u>
R-4 21 to 50 units	<del>\$125.00</del>	<u>\$150.00</u>
R-5 For each additional unit	<del>\$ 3.00</del>	<u>\$5.00 per unit</u>

This Ordinance Shall take effect immediately upon its enactment.

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

**ROLL CALL:**

**AYES:** Mr. O'Neil, Mr. Francy, Ms. Kane

**NAYES:** None

**ABSENT:** Mr. Nolan, Mayor Little

**ABSTAIN:** None

Rick O'Neil asked for Mr. Murphy and Mr. Parker to be present at next meeting to answer questions.

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**Community Development Block Grant Hearing/Adoption:**

Mrs. Cummins stated that this was advertised to start at 8:30, to continue on with the agenda until such time.

Mr. O'Neil agreed.

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**Ordinances: 2<sup>nd</sup> Reading/Public Hearing/Adoption:**

**O-10-8**

Mrs. Cummins read the title of Ordinance O-10-8 for second reading and public hearing. She also stated that this Ordinance was published in its entirety in the April 30<sup>th</sup> edition of the Two River Times. It was also reviewed by the Planning Board and we do have a Planning Board Resolution with their recommendations.

Rick O'Neil opened up the public hearing on Ordinance O-10-8.

Barry Fisher of Locust Street asked what area does this effect?

Chris Francy stated that this is a simple correction of the zoning to match a text description about the WTR zone and the bulk variances table. He continued to explain.

Rick O'Neil closed the public hearing on Ordinance O-10-8.

Mrs. Cummins read the title of Ordinance O-10-8 for the third and final reading and adoption .

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Mr. O'Neil offered the following Ordinance pass third and final reading and moved on its adoption 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**

**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 adopted on the following roll call vote:

**ROLL CALL:**

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

**O-10-10**

Mrs. Cummins read the title of Ordinance O-10-10 for the second reading and public hearing. She also stated that this Ordinance was published in summary in the April 30<sup>th</sup> Asbury Park Press and was also reviewed by the Planning Board and we did receive a Planning Board Resolution with their recommendations.

Mr. O'Neil opened up the public hearing on Ordinance O-10-10.

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Mr. Keady stated that he spoke with Mr. Mullen. He mentioned to him, a minor clarification be implemented. It is in the Bulk Yard Area requirements relative to the front yard set back. It is stated at 10 feet minimum on page 5 F1A.

Scott Arnette stated that it can be more than 10 feet, just not less than 10 feet.

Mr. O'Neil closed the public hearing on Ordinance O-10-10.

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

Mr. O'Neil offered the following Ordinance pass third and final reading and moved on its adoption 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 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**

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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

~~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

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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.**

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.

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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**

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 minimum 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)



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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.

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 facilities shall be approved by the municipal Fire Sub code Official and shall

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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.
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.

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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.

ATTACHMENT: PROPOSED ZONING CHANGE MAP-Overlay Zones

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

**ROLL CALL:**

**AYES:** Mr. O'Neil, Mr. Francy, Ms. Kane

**NAYES:** None

**ABSENT:** Mr. Nolan, Mayor Little

**ABSTAIN:** None

=====

**Other Business:**

**Borough Engineers Report**

Robert Keady, P.E., Borough Engineer read through the following report:

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HGHL-G1001

May 14, 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 and the NJDOT walkthrough is being coordinated.

**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

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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 requested a meeting to review the project with Borough Officials and T&M Associates. The meeting was held on April 14, 2010 at 10am. As a result of that meeting, the County approved the project and authorized the project to be bid. The project was advertised and bids were received on May 13, 2010. The apparent low bidder is Gary Kubiak and Son Electric, Inc. T&M Associates will review the bid packages and provide the Borough with a recommendation to award letter. It is our understanding that the Borough wishes to award this project at the May 19, 2010 Council meeting.

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 was forwarded to the NJDOT. We have received comments back from the NJDOT and are currently preparing the final payment voucher.

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 to provide revised various project cost options to the Borough CFO for discussion. T&M Associates is currently 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

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televising of the storm and sanitary sewer mains was completed the week of April 5, 2010. The project has been advanced to final design.

6. **2010 Roadway Improvements Project:** T&M Associates has prepared and submitted 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
- **Prospect Street Mill/Overlay:** from Osborne Street to a limit east of Woodland Street
- **Bay View Street Rehabilitation:** The entire length

The proposal 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. T&M Associates and representatives from the Borough Council held a pre-design walkthrough with the residents on Highland Avenue on May 8, 2010. All comments will be reviewed and incorporated into the design as appropriate.

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 has 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

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

Council discussed scheduling of projects and flow issues with AHHRSA.

Dale Leubner will speak with Reg Robertson, DPW, regarding corner of South Second Street near Veteran's Park.

Rick O'Neil explained the pumping situation with AHHRSA to the public.

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**Community Development Block Grant Public Hearing at 8:30 p.m.**

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Tim Hill stated that we are having a public hearing portion for potential CDBG Public Grant. He had a citizen participation group meeting at 8:00. He explained that we are eligible for funding of \$250,000.00. They usually fund ADA to Municipal Buildings, beach access, storm water management, completion of projects that may already in our scope of work.. Non-profit applicants can apply as well. Tonight, he wanted to present a project that he will hand over to Dale Leubner to explain. They did review access, Bay Avenue, street scape, park improvements, many ideas that we could act on.

Dale Leubner explained that the project discussed was the continuation of the Bay Avenue Project. A portion of the roadway is under a DOT grant. We had asked for an amount of funding, the DOT came back with half of that amount. So the consensus was to phase a project and cut the limits in half, use what the DOT would cover. The area they are talking about is Bay Avenue Waterwitch to Gravelly Point, use DOT from Gravelly to Central and CDBG money from Central to Waterwitch. They are talking about road reconstruction, sidewalks, curbs, drainage, rehab of the whole roadway.

Chris Francy questioned if this was reversed. He wants Waterwitch to Central first.

Dale Leubner said we need to let DOT of the new limits are that they are funding. He then spoke about flooding in Huddy Park and to tie into roadway drainage.

Rick O'Neil said that he thought there was a drain in the park.

Dale Leubner stated that he did not see any there. He will look in to it.

Rick O'Neil said that top soil is needed at the park to raise it.

Tim Hill asked if there were any questions from the public.

Rick O'Neil closed public portion.

Tim Hill will do a resolution for the June 2<sup>nd</sup> meeting.

Scott Arnette said we could offer a motion to direct T&M to prepare their application, and Carolyn will list resolution on the next meeting.

Chris Francy offered a motion directing T&M to prepare the application and seconded by Becky Kane and all we in favor on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. O'Neil, Mr. Francy, Ms. Kane

**NAYES:** None

**ABSENT:** Mr. Nolan, Mayor Little

**ABSTAIN:** None

=====  
**Continue with Other Business:**

**Municipal Open Space Grant Program**

Tim Hill said the Monmouth County Open Space Program is an annual program. These grants are for acquisition of property or developing projects. They will match dollar for dollar for recreational projects. The deadline is September 22<sup>nd</sup>.

Chris Francy asked about the parking lot for recreation.

Becky Kane asked if we can have an open space meeting and discuss this.

**Green Acres Funding**

Tim Hill discussed funding for 2010. He said it is very competitive. It is an acquisition and/or development type grant. There isn't a cap limit, but they would only give us up to 50% of that as a grant, and then we would have to match the funds. The application deadline is June 30<sup>th</sup>. We could discuss at the open space meeting.

**Discussion: RE: Creation of BID Committee**

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Rick O'Neil offered a motion to table to next meeting. Seconded by Becky Kane and all were in favor.

Council took a brief recess at 9:00 for five minutes. All were in favor.

Council returned to regular business at 9:05. All were in favor

**Municipal Dog Census**

Bruce Hilling explained that the Health Department has a requirement that municipalities are to conduct dog census every 2 years. He is going to sit down with Chief Blewett and implement a plan and he will present to the council for approval.

Chris Francy asked if this was done before.

Mrs. Cummins stated that it had, and done thru the Police Department.

Bruce Hilling will come up with a plan and present to council.

**MCPB Memo: RE: Riparian Zone Ordinance**

Mrs. Cummins read a brief description of the letter.

Mr. Keady said that the DEP, thru the County, came up with sanitary sewer service areas that were going to be serviceable and not serviceable. They are saying that we have to pass this ordinance regarding this Riparian Grant. It's a requirement for each municipality.

Chris Francy directed Mr. Keady to see if this impacts us, any of our waterways.

Mr. Keady will provide Council with a sample of the ordinance.

**Memo: RE: Borough Loitering Ordinance**

Scott Arnette stated that we received from the New Jersey Libertarians requesting that the Borough look at the Ordinance and determine if it is in compliance with case, law and current state statutes. He has reviewed it, needs to do more research. You can not restrict adult activities on the street as long as it is lawful activities. We can modify ordinance if needed.

**Community Center Fee Ordinance Discussion**

Mrs. Cummins stated that this was discussed at that last meeting which initiated us to discuss doing a ordinance amendment about fees.

Scott Arnette described his memo that he sent out. There are some inconsistencies in the ordinance. You can interpret it to mean that it's only for not for profits that can use the Community Center. When you read the ordinance, the last section talks about a waiver of the fee for a non-profit, that the Borough can waive the fee. There is a concept that anyone could use it. Tim Hill is working on getting more information for the Council. He said that more work needs to be done.

Rick O'Neil explained that this was driven by a request to use the Community Center for an exercise class.

Tim Hill will come up with an extensive across the board work up to present to council.

**HBP-Request for Approval of Clam Fest & Farmers Market**

Rick O'Neil asked Carla Braswell for dates for the Farmers Market.

Carla Braswell said it was originally for July, but the farmers called. They have an abundance of strawberries and would like to start early. June 5<sup>th</sup> would be the start date.



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Chris Francy offered a motion to approve and seconded by Becky Kane and approved on the following roll call vote:

**ROLL CALL:**

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

Bruce Hilling said that he is meeting with Mr. Hill and Carla Braswell, on Friday at Event Meeting regarding the Clamfest.

Bruce Hilling will report back to the council.

Mrs. Cummins will list this on the agenda for June 2<sup>nd</sup> meeting.

**Resolution R-10-102 HBP Clam Fest Games of Chance-Possible Adoption of Resolution**

Mrs. Cummins asked if this was to be tabled?

Mr. O'Neil agreed.

Chris Francy asked if there was an urgency?

Mrs. Cummins stated that there was none.

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**Approval of Minutes:**

Mr. Francy offered a motion to approve the April 7, 2010 and March 17, 2010 Regular & Executive Minutes, seconded by Becky Kane. Mr. O'Neil abstained on March 17, 2010 minutes.

**ROLL CALL:**

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

=====  
**PUBLIC PORTION:**

Donna O'Callaghan of 29 South Bay Avenue requested that Chief Blewett to follow up with a letter to the DOT about the north bound lane and the gore, the striped median. She would like a more forceful letter to NJDOT to remind them of the safety issues and traffic conditions.

Bruce Hilling will look in to. He stated that we have a good relationship with the DOT. He does what he thinks is best to get things accomplished for the town. He feels that what he and the Chief did was sufficient.

Chris Francy stated the DOT are the traffic experts and at this point to stand up to their experts is a fruitless quest at this point. Until there is more data, he does not think we stand a chance with DOT.

Christian Lee of 2 Navesink Avenue passed.

James Parla of 16 Portland Road asked about the Engineer's Report. Was South Peak/ Grand Tour mentioned?

Dale Leubner stated that the issue with South Peak is drainage.

Jim Parla talked about crisis in our schools with the budgets. Talk about no busing, if that becomes a reality a year from now, may want to think about sidewalks. Made a comment on the municipal dog census, that it is a waste of tax payers dollars. Could it be done by a volunteer or send notices out?

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Carol Bucco of 330 Shore Drive made a comment on the dog census. She feels that we could make a lot of money on license fees.

Danny Boushebel of 321-323 Shore Drive would like to do shooting around town for a film. He would only need a few days at a few locations such as SeaStreak Ferry, Huddy Park for a wedding scene, also the Trial. He would also be using the Light House.

Rick O'Neil stated that he had no problem with this as long as it's a positive thing for our image.

Bruce Hilling said he should submit a letter to him, put in the letter what you want to do, locations and insurance certificates.

Lori Dibble of 32 Paradise Park wanted to talk about the 10 day notice for property maintenance. When will ordinance be on for public hearing?

Scott Arnette said that it is set for June 16<sup>th</sup>.

Lori Dibble said that Mr. Eden wrote a brief about why it would be a good thing to have that 10 day notice. Also, there is a requirement for notice in the property maintenance code.

Rick O'Neil said that the 10 day was not relieved from that to be a harassing thing to anybody. Some issues, 10 days is too long to give to get things done.

Lori Dibble doesn't see why we wouldn't give people notice of what the problem is and give them a chance to correct it. In the past, violations have been issued not necessarily fairly.

Laurie Salka Kutosh of 1 Portland Road spoke about signage on Bay Avenue for Route #36. What is the status on that?

Bruce Hilling said the request came in from DOT for us to install a pole, which we have done. We are waiting for DOT to put a sign up. He will ask again tomorrow.

There were no further questions or comments from the public.

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

The meeting adjourned at 9:36 p.m.

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**DEBBY DAILEY, DEPUTY BOROUGH CLERK**