

Borough of Highlands
Mayor & Council
Regular Meeting
March 16, 2011

Mayor Nolan called the meeting to order at 7:07 p.m.

Mrs. Cummins made the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Regular Meeting of the Mayor & 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. Connelly, Mr. O'Neil, Mr. Franczy, Ms. Kane, Mayor Nolan

Absent:

**Also Present: Carolyn Cummins, Borough Clerk
Bruce Hilling, Borough Administrator
Michael Halfacre, Esq., Borough Attorney
Stephen Pfeffer, CFO**

Executive Session Resolution:

Mrs. Cummins read the following Resolution for approval:

Mayor 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: AHHRSA
Jennings vs. Borough RE: Zoning Ord O-07-07**
- 2. Contract: Clam Plant Lease
Municipal Service Contract w Atl. For Mechanic Services**
- 3. Real Estate:**
- 4. Personnel Matters: Police Sgt. Position: Riced: R. Burton, M. Chesk, C. Creighton,
G. Ruth-can't discuss in executive session, T. Hill, J. Blewett, B. Hilling,
D. Mercardo, B. McKellar.**
- 5. Invesitgation: Department Heads Re: Violations of Borough Vehicles, Cell Phone,
Fuel and Internet Usage:**

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

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

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
3. Would constitute an unwarranted invasion of individual privacy.
4. Deals with collective bargaining, including negotiation positions.
5. Deals with purchase, lease or acquisition of real property with public funds.
6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
- 8. Related to investigation of violations or possible violations of the law.**
- 9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.**
- 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. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

The governing body then entered into Executive Session.

Mayor Nolan called the Meeting back to order at 8:25 P.M.

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Mayor Nolan asked all to stand for the pledge of allegiance.

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

Absent: Mr. O'Neil

Also Present: Carolyn Cummins, Borough Clerk

Bruce Hilling, Borough Administrator

Stephen Pfeffer, CFO

Michael Halfacre, Esq., Borough Attorney

Performance: Henry Hudson Regional School Choir performed the Star Spangle Banner

***Presentation: Enelectros Energy Presentation, Dan Pinzone:**

Mr. Pinzone spoke about saving money thru green energy programs. He introduced members of his team, Fred Calus and Dave Folkenberg.

Fred Calus, President of Enelectros, said they are located in Highlands. They work with commercial companies. They would like to see how they could bring down the cost of current use. They did an analysis. The town is currently spending about \$.11 for electricity. We can bring the town and businesses together and bring those rates down. We can bring it down 60% or more. They have done this with a few towns on the commercial side. We would need to contact HBP to help bring all of the businesses together. He explained how this program would work with a variety of aspects and options.

Mayor Nolan asked how much would it cost the Borough?

Dan Pinzone stated that there is zero cost to the Borough and businesses.

Fred Calus said that further analysis is needed .

Dan Pinzone said it would be a minimum contract of 15 years.

Tara Ryan asked if this would be for residents and schools.

Dan Pinzone said that the schools could be tied in to this.

Mayor Nolan asked why residents could not be included.

Dan Pinzone explained that it's not easy to get investor approval. Large institutions are more attractive to investors.

Mayor Nolan asked what is next step.

Dan Pinzone stated that he would need a letter of intent, after a feasibility study is done. They would put together a proposal to present to the Council.

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Discussion with Council continued.

Mayor Nolan asked Dan Pinzone to send a letter of intent to our attorney to review and to send several references.

Mrs. Cummins will send Mr. Pinzone the councils email addresses.

Rob Keady, of T&M, would also like to look at the whole package and references.

Mayor Nolan said that we can have Enelectros to look at and give recommendations and that we are under no obligation.

Betty O'Donnell of 274 Navesink Avenue asked what would happen if they were to go out of business?

Fred Calus stated that they are a self operating system. The investors would keep it running.

Kevin Redmond of 7 Ocean Avenue asked if the town will get money back for electricity we sell?

Dan Pinzone explained how the system works. That they will adapt the system to usage

Fred Calus said that they would not put up a system that would generate electricity. You are not a power generator. You would get a credit at the end of the year for any under use.

Mayor Nolan said that we will move forward with analysis and for them to report back to the Council. Also, references and an agreement sheet for the attorney to review

Dan Pinzone will put it together and send out.

***911 Memoria Project, James Fox:**

Mr. Fox explained that one of the stones is leaning. They want to stabilize it. They would like to install them in there designed locations which was approved by the Council a long time ago. They would also like to do grading and install the five name stones. Mr. Fox met with Mr. Sheehan, the artist, and they have redesigned the grading. He also met with Mr. Leubner, of T&M Engineers, and it looks like they do not need DEP and CAFRA approval. He will give a definite time line and amounts of grading for next meeting. He explained the improvements.

Council discussed.

Mr. Francy was concerned if the foundations for the stones would intrude on the easement.

Mr. Fox said they would not.

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Mr. Francy stated that the time line is the biggest concern.

Mr. Fox said he needs permission to go ahead.

Don Manrodt of 268 Bayside Drive spoke for the VFW and American Legion. He stated that they were not notified about this for the last two years. When they agreed to this, the stones were going to be placed in the corner, now the monuments are going to be in the center of the park. You can our name off of the park.

Mr. Fox stated that the statues are in the same place as previous approval of the Council.

Mayor Nolan asked Mrs. Cummins to notice both Veteran Groups on what we are proposing.

Mr. Francy offered a motion to resurrect the five year plan, verify location of the statues and show it to the VFW and American Legion and it was seconded by Mr. Connelly and approved on the following roll call vote:

Roll Call:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

***Presentation – FEMA Hazard Grant Program, D. Parker:**

Mayor Nolan offered to table to the April 6th Workshop and was seconded by Mr. Francy and approved on the following roll call vote:

Roll Call:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Consent Agenda Resolutions:

Mayor Nolan offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

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RESOLUTION
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
SPECIAL COUNSEL SERVICES
SCARINCI & HOLLENBECK, LLC

WHEREAS, the Borough of Highlands has a need for special counsel services to perform any and all legal services in redevelopment, land use and environmental matters regarding the disposition of various properties in the Borough of Highlands including litigation if necessary; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, N.J. 07071-0790 is so recognized; and

WHEREAS, this contract is to be awarded at an hourly rate of \$135 for an amount not to exceed \$24,000 plus reimbursable expenses for special counsel services provided to the Borough of Highlands for the period January 1, 2011 through June 30, 2011; and

I hereby certify funds available are available in the SFY 2011 municipal budget:

Current Fund: Legal \$24,000

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Borough's Chief Financial Officer has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Scarinci & Hollenbeck, LLC has not made any reportable contributions to a political candidate, local party committee or candidate committee in the Borough of Highlands in the previous year and that the contract will prohibit Scarinci & Hollenbeck, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c.271; and

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;

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

1. Scarinci & Hollenbeck, LLC are hereby retained to provide special counsel services as described above for an amount not to exceed \$24,000 plus 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 said 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 Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

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

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

R-11-75
RESOLUTION AUTHORIZING THE APPLICATION
FOR THE
2011 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 2011** 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 authorized to make application to the State of New Jersey for the **2011** Summer Food Program in the amount of **\$12,231.42**.

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

ROLL CALL:

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

Mayor Nolan offered the following Resolution and moved on its adoption:

COUNCIL OF THE BOROUGH OF HIGHLANDS
MONMOUTH COUNTY, NEW JERSEY
RESOLUTION

RESOLUTION NO R-11-76

TITLE: RESOLUTION RELEASING AND RETURNING THE SUM OF \$2,168.00 POSTED BY S. PAD, INC. FOR IMPROVEMENTS TO BLOCK 114, LOTS 3-7

WHEREAS, Developer S. Pad, Inc. posted in 1984 a Bond in the original amount of \$35,599.80 for completion of improvements to property located at Block 114, Lots 3-7, now known as Hillside Village Condominium Association, and

WHEREAS, after diligent inquiry it is clear that there remains in the Borough a balance on the Bond of \$2,168.00, and

WHEREAS, the developer, S. Pad, Inc. is no longer a viable entity, and it appears that all of S. Pad's interests in the property have become those of the Hillside Village Condominium Association's, and

WHEREAS, The Borough of Highlands is satisfied that the Hillside Village Condominium Association is the appropriate entity to be the successor in interest to S Pad, Inc. and

WHEREAS, due to the passage of time since the improvements were completed, and the subsequent undertaking by the Hillside Village Condominium Association of maintenance requirements for the property, the Borough has no further interest in retaining the amount remaining on the Bond,

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

1. There is released to the Hillside Village Condominium Association the sum of \$2,168.00 representing the remaining amount held by the Borough pursuant to the 1984 Performance Bond;
2. The release of this money in no way affects the obligation of the Hillside Village Condominium Association to continue to maintain its property and take any measures necessary to ensure its property does not constitute a danger to the residents of Hillside

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Village Condominiums or any of the adjoining landowners of the Hillside Village
Condominiums or any of other property owners or residents of the Borough of Highlands.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved on its adoption:

R-11-77

RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENT

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

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
99	1	2010	\$1,649.21	Koerner,Ireane
91	1.01	2010	\$ 550.01	Ocean First

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

ROLL CALL:

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

NAYES: None

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ABSENT: Mr. O'Neil
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved on its approval for payment:

R-11-78
RESOLUTION GRANTING TAX EXEMPTION
TO DISABLED VETERAN
FOR BLOCK 28 LOT 14.03

WHEREAS, Albert Semmel is a 100% disabled veteran and is the owner and resident of 16 Mountain Street, Highlands (Block 28 Lot 14.03) the 100% service connected disability having been awarded to Albert Semmel by the Veteran Administration for medical conditions arising from his military service; and

WHEREAS, the petitioner Albert Semmel has applied for exemption of the taxes assessed for his property located at 16 Mountain Street, Highlands, as a 100% disabled veteran pursuant to N.J.S.A. 54:4-3.30(A), and the Semmel residence is exempt for its tax assessment commencing on March 1, 2011 as the residence of a 100% disabled veteran; and

WHEREAS, the Governing Body of the Borough of Highlands, upon recommendation of the Tax Assessor, has determined that Albert Semmel is entitled to a tax exemption as a 100% disabled veteran for conditions received in the honorable service of his county and his fellow citizens, and the effectuating the policy of tax exemption as of the appropriate date is proper.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that pursuant to the authority of N.J.S.A. 54:4-3(A) the Tax Assessor is hereby authorized to exempt Block 28 Lot 14.03, 16 Mountain Street, Highlands, the residence of Albert Semmel, a 100% disabled veteran, from the prorated assessment of property effective March 1, 2011.

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

ROLL CALL:

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

NAYES:

ABSENT: Mr. O'Neil

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved on its adoption:

R-11-79
RESOLUTION APPROVING AGREEMENT #11A-6
2011 ALLIANCE TO PREVENT ALCOHOLISM & DRUG ABUSE

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WHEREAS, the Borough of Highlands adopted Resolution R-11-163 Supporting the 2011 Municipal Alliance Program Grant Application and funding on July 21, 2010; and

WHEREAS, the County of Monmouth, Department of Human Services, Division of Mental Health and Addiction Services has submitted the 2011 Agreement to the Borough for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that the 2011 Alliance Agreement #11A-6 is hereby approved and the Mayor, Chief Financial Officer and the Borough Clerk are hereby authorized to execute said agreement.

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

ROLL CALL:

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

Mayor Nolan offered the following Resolution and moved on its adoption:

R-11-80
RESOLUTION APPROVING STIPEND FOR ACTING
DPW SUPERVISOR
FOR THE PERIOD OF FEBRUARY 1, 2011 THROUGH MARCH 31, 2011

WHEREAS, Reg Robertson of the DPW Department was asked to perform additional supervisory duties for the period of February 1, 2011 through March 31, 2011; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Reg Robertson, DPW Employee be paid a stipend in the amount of \$416.68 for services provided to the Borough as Acting DPW Supervisor for the period of February 1, 2011 through March 31, 2011.

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

ROLL CALL:

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

Mayor Nolan offered the following Resolution and moved its adoption:

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R-11-81

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

ROLL CALL:

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

Mayor Nolan offered the following Resolution and moved on its adoption:

R-11-83

**RESOLUTION APPROVING
PETITION TO EXTEND LICENSED PREMISE OF A LIQUOR LICENSE
CLADDAGH OF HIGHLANDS, LLC
FOR MARCH 17, 2011 & MARCH 19, 2011**

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WHEREAS, Claddagh of Highlands, LLC has submitted two Petitions to Extend Licensed Premises for March 17, 2011 & March 19, 2011; and

WHEREAS, the Chief of Police has reviewed and approved of both applications; and

WHEREAS, the area to be extended is to include the outdoor patio which already is a licensed premise but the permit it to allow for a temporary satellite bar for those two days to be located on the outdoor patio;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Mayor and Council that two Petitions to Extend Licensed Premise for Claddagh of Highlands, LLC are hereby approved.

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

ROLL CALL:

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

Mayor Nolan offered the following payment of bills and moved on its approval for payment:

RECAP OF PAYMENT OF BILLS

03/16/11

CURRENT:		\$ 345,748.69
Payroll	(02/28/11)	\$ 103,401.07
Manual Checks		\$ 80,663.81
Voided Checks		\$ 8,366.67
SEWER ACCOUNT:		\$ 95,018.27
Payroll	(02/28/11)	\$ 6,720.86
Manual Checks		\$ 3,516.52
Voided Checks		\$
CAPITAL/GENERAL		\$
CAPITAL-MANUAL CHECKS		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 300.00
Payroll	(02/28/11)	\$ 3,350.00
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$

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DOG FUND		\$	75.00
GRANT FUND		\$	590.40
Payroll	(02/28/11)	\$	
Manual Checks		\$	
Voided Checks		\$	12,976.90
DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

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

**SUPPLEMENTAL BILL LIST
 March 16, 2011**

CURRENT FUND

Century Office Products	Maint. Agreements for Copiers	172.81
Ceridian	Cobra Services Feb. 2011	42.59
Comcast	Internet fees	180.00
County of Monmouth	9-1-1 & Dispatch Services	13,519.75
County of Monmouth	Computer Services – Police	4,679.88
Future Sanitation	Solid Waste-Recycling Pickup	8,366.67
Gibbons	Bond Ordinance – 2 – Preparation	900.16
Cleary Giacobbe Alfieri & Jacobs J. C.P. & L.	Labor Counsel 2/2011	72.94
N.J. Division of Pensions	Traffic Lights #11-08	1,409.90
N.J. Division of Pensions	Police & Fire Pension	335,817.00
N.J. Natural Gas	Public Employees Pension	146,022.00
	Various Locations #11-08	2,655.74

Total Current Fund 513,839.44

TRUST FUND

Total Capital Fund 0.00

SEWER UTILITY FUND

J. C.P. & L.	Electric Pump Stations #11-09	1,027.44
N.J. Division of Pensions	Public Employees Pension	16,656.00

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Total Sewer Utility Fund

17,683.44

Total Supplemental Bill List

531,522.88

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

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Other Resolutions:

Mayor Nolan offered to table R-11-64 Resolution Appointing Police Sergeant and R-11-65 Resolution Authorizing Transfer of EMO Vehicle to Police Department to be tabled indefinitely and was seconded by Ms Kane and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Mr. Hilling said that he and Mr. Pfeffer had worked up an agreement with Future Sanitation to pay them on the 15th and 30th of the month. Bond is in place and contract has been signed.

Steve Pfeffer stated that the contract calls for bi-weekly payments of the split of the monthly and tipping fees thru that period of time. It doesn't always coincide with council meetings. The council passed a resolution earlier in the year, which allows him to pay contractual items. He is asking that these payments become part of that resolution.

Mayor Nolan offered the authorization of Future Sanitation bills and tipping fees to be paid on the 1st and 15th and when necessary and was seconded by Mr. Francy on the roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

R-11-82

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Mr. Connelly wanted an explanation on how points are earned and tracks them.

Kevin O'Donnell, of 274 Navesink Avenue and a member of the Highlands Fire Department, explained the point system adopted by an ordinance. A member must have one hundred points in order to qualify in order to qualify for LOSAP.

Steve Pfeffer explained that the LOSAP Program is established by referendum and part of that referendum is an ordinance generated by the Borough of Highlands. The point system for the Fire Department and First Aid Squad are a part of that ordinance.

Mr. Francy said that 22 members out of 50 members are awarded 100 points,

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

R-11-82

RESOLUTION APPROVING LIST OF VOLUNTEER FIREMEN MEMBERS WHO QUALIFY FOR THE BOROUGH OF HIGHLANDS LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR THE YEAR 2010

WHEREAS, the Borough of Highlands (Sponsoring Agency) has a Length of Service Award Program which provides tax-deferred income benefits to active members of the Borough's volunteer fire company and first aid squad; and

WHEREAS, the Highlands Fire Department and the Highlands First Aid Squad are required, pursuant to N.J.S.A. 40A:14-191, to annually certify to the Sponsoring Agency a list of all volunteer members who have qualified for credit under the LOSAP for the previous year; and

WHEREAS, the Highlands Fire Department have submitted certified lists of qualified volunteers for the year 2010; and

WHEREAS, the Fire Department list has been posted on the public bulletin board for 30-days and the Chief Financial Officer has reviewed the list and found it to be accurate;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the certified lists provided by the Highlands Fire Department of qualified volunteers for the year 2010 are hereby approved and payment is subject to final review and approval of the Chief Financial Officer.

Seconded by Mayor Nolan and adopted on the following roll call vote

ROLL CALL:

AYES: Mr. Connelly, Mr. Francy, Mayor Nolan

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: Ms. Kane

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Ordinances: Introduction & Set P.H. Date for April 20, 2011

Ordinance O-11-8 – Borough Vehicle Policy Ordinances

Mrs. Cummins read the title of O-11-8 for introduction and setting of a public hearing date of April 20, 2011.

Mayor Nolan offered to withdraw the ordinance at this time. More detail is needed. Carry over to next meeting and seconded by Mr. Francy on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Ordinance O-11-9

Mrs. Cummins read the title of O-11-9 for introduction and setting of a public hearing date of April 20, 2011.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of April 20, 2011 at 8:00 P.M. and authorized its publication according to law:

O-11-9

**AN ORDINANCE REPLACING ORDINANCE O-10-4 AND O-10-24
AN ORDINANCE RE-ENACTING CHAPTER 17 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HIGHLANDS THAT ESTABLISHED A
BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF HIGHLANDS**

Chapter XVII

Business Improvement District

WHEREAS, the Mayor and Council regard the business community as a vital economic and social force in the Borough of Highlands; and

WHEREAS, residents and business people of the Borough have urged the adoption of an ordinance re-creating a Business Improvement District, as well as the designation of a non-profit corporation to manage the anticipated services and program of the Business Improvement District; and

WHEREAS, it is contemplated by the Mayor and Council, working in conjunction with the business community that in the future further action will be taken to meet the needs and desires of the greater business community which

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action may result in an amendment to this Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, pursuant to N.J.S.A. 40:56-65 et seq., as follows:

17-1 Definitions.

- a. "Business Improvement District" (sometimes also referred to as "District" or "Special Improvement District") means an area within the Borough of Highlands, designated by this Ordinance, as an area in which a special assessment on property within the District shall be imposed for the purposes of promoting the economic and general welfare of the District.
- b. "District Management Corporation" means "Business Improvement District of Highlands, New Jersey, Inc. (also referred to as "management corporation"), an entity incorporated pursuant to Title 15A of the New Jersey Statutes, and designated by municipal ordinance to receive funds collected by a special assessment within the Business Improvement District, as authorized by this Ordinance and any amendatory supplementary ordinances.

17-2 Findings.

The Mayor and Council find and declare:

- a. That the area within the Borough of Highlands, as described by lot and block number, and by street addresses as set forth in Schedule A of this ordinance, will benefit from being designated as a Business Improvement District.
- b. The rental apartments containing five or more units on the attached Schedule A as Class 4C are hereby included within the Special Improvement District as established by this Ordinance, **provided, however, that no assessment shall be collected from Shore Landings, L.L.C. unless the decision of the Superior court, Law Division in Shore Landings v. Borough of Highlands is modified or reversed by appeal or agreement.**

All the properties included on Schedule A as Class 4 income producing properties hereto are hereby deemed to be included within the Special Improvement District as established by this Ordinance.

- c. That a district management corporation would provide administrative and other services to benefit the businesses, employees, residents and consumers in the Business Improvement District. These services shall be over and above the services already provided to the District by the Borough.

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- d. That a special assessment shall be imposed and collected by the Borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments shall be transferred to the district management corporation to effectuate the purposes of this ordinance and to exercise the powers given to it by this ordinance.
- e. That it is in the best interests of the municipality and the public to create a Business Improvement District and to designate a district management corporation.
- f. That the business community should be encouraged to provide self-help and self-financing programs to meet local business needs, goals and objectives.

17-3 Creation of District

- a. There is hereby created and designated within the Borough of Highlands a Business Improvement District to be known as the Highlands Business Improvement District consisting of the properties designated and listed on Schedule "A" by tax lot and block number and street addresses. The Business Improvement District shall be subject to special assessments on all affected property within the District which assessment shall be imposed by the Borough of Highlands for the purposes of promoting the economic and general welfare of the District.
- b. All business properties within the Business Improvement District, including all private, non-residential assessed properties, are deemed included in the assessing provisions of this ordinance and are expressly subject to potential assessment made for Business Improvement District purposes
- c. All properties within the Business Improvement District that are tax-exempt or are used exclusively for residential purposes, are deemed excluded from the assessing provisions of this ordinance and are expressly exempt from any assessment made for Business Improvement District purposes.

17-4 Appeal of Property Owner from Inclusion in the District

Any owner of property included within the Business Improvement District and subject to the assessing provisions of this ordinance, may appeal to the Tax Assessor of the Borough of Highlands, requesting to be excluded from the District and from any assessment provisions of this Ordinance.

This appeal is only as to whether or not a property should be included within the District under the standards set forth in Section 3 of this Ordinance. It is not an appeal with regard to any taxes. Appeals with regard to taxes should be taken in

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the usual manner to the Monmouth County Board of Taxation or to the Tax Court.

This appeal seeking exclusion from the District and any assessment provisions of this Ordinance, shall be in writing and specifically detail the factual basis for the appeal. The Assessor shall investigate the matter and conduct an informal hearing or conference within Thirty (30) days of receipt of the appeal. Within ten (10) days after the conclusion of the informal hearing or conference; the Assessor shall file a report and recommendation with the Governing Body. The Governing Body shall review the matter and act within thirty (30) days upon receipt of the report and recommendation from the Assessor.

17-5 Assessments

- a. Operation and Maintenance of District. Annual operation and maintenance costs relating to services peculiar to the District, as distinguished from services normally provided by the Borough, will provide benefits primarily to the properties included within the District rather than to the Borough as an entirety. These annual costs shall be assessed and taxed to the benefited properties pursuant to the provisions of this Ordinance and N.J.S.A. 40:56-65, et seq.
- b. Development, Construction or Acquisition Costs. All costs of development, construction and acquisition relating to improvements to the District shall be financed and assessed to properties especially benefited thereby. The Borough may, by separate ordinance, or by amendment to this ordinance, provide that improvements and facilities hereinafter acquired or developed shall be operated and maintained and the costs assessed to the benefited properties.

17-6 The Designated District Management Corporation

The non-profit corporation, Highlands Business Partnership, Inc., is hereby designated as the district management corporation for the District. This management corporation shall conduct its business in accordance with the Open Public Meetings Law, and all of its operations shall be subject to the Open Public Records Act (OPRA). This corporation shall have no power of condemnation or eminent domain.

To comply with the provisions of OPRA, the corporation shall maintain its records at the Highlands Borough Hall and regularly file copies of the minutes of its meetings with the Borough Clerk so the minutes shall be conveniently available to the public for inspection.

17-7 Powers of the Designated District Management Corporation

The district management corporation, in addition to acting as an advisory board to the Mayor and Council, shall have all powers and responsibilities necessary and requisite to effectuate the purposes of this Ordinance and the District, including, but not limited to:

- a. Adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties; the bylaws and other corporate documents shall provide that the corporation shall conduct its business in accordance with the Open Public Meeting Law; shall conduct regular meetings no less than quarterly and that the Board of Directors shall consist of twenty-one (21) members. As to the membership of the Board of Directors it shall include (1) a member of the Governing Body selected by the Governing Body; (2) a member of the Borough Planning Board selected by the Governing Body; (3) one resident of the Borough who shall not be an owner or occupant of commercial property within the District. All of these appointments shall serve at the pleasure of the appointing authority.

Additionally the Board of Directors shall consist of one non-voting member appointed from bodies such as:

1. Northern Monmouth Area Chamber of Commerce
2. Gateway National Park
3. Twin Lights Historic State Park
4. Not Named

The members appointed by these bodies shall serve at the pleasure of the appointing body. The remaining fourteen (14) members of the Board of Directors shall consist of owners or occupants of commercial property located within the District. The Mayor and Council will designate the BID Steering Committee members to carry on the duties of the non-profit corporation, to include securing corporate and non-profit status and creation of bylaws, form a nominating and election committee, utilize technical assistance of the League of Women Voters. The BID Committee shall not expend or commit any district management corporation funds without a simple majority vote of BID Committee members. The bylaws shall provide for an election to create the Board of Directors by owners and/or occupants of commercial property included within the District, which election shall be held on or before the third month anniversary from the date of the adoption of the ordinance. Said elections will be for a term of three years, except, however, at the first election five members shall be elected for one (1) year; four members shall be elected for two (2) years and five members shall

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be elected for three (3) years. Any vacancies with regard to these elected members shall be filled by a majority vote of the Board members for the balance of the term.

- a. Employ such persons as may be required, and fix and pay their compensation from funds available to the corporation.
- b. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money.
- c. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity.
- d. Administer and manage its own funds and accounts and pay its own obligations.
- e. Borrow money from private lenders for periods not to exceed 180 days and from governmental entities for that or longer periods.
- f. Fund the improvement for the exterior appearance of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.
- g. Fund the rehabilitation of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.
- h. Accept, purchase, rehabilitate, sell, lease or management property in the District.
- i. Enforce the conditions of any loan, grant sale or lease made by the corporation.
- j. Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality.
- k. Undertake improvements designated to increase the safety or attractiveness of the District to businesses, which may wish to locate there or to visitors to the District including, but not limited to, litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the Borough of Highlands.
- l. Publicize the District and the businesses included within the District boundaries.
- m. Recruit new businesses to fill vacancies in, and to balance the business mix of, the District.
- n. Organize special events in the District.
- o. Provide special parking arrangements for the District.
- p. Provide temporary decorative lighting in the District.

17-8 Annual Budget, Hearing and Assessments

- a. The fiscal year of the District and of the management corporation shall be the calendar year. The first budget has been approved by the Mayor and Council. Hereafter, beginning December 1, 1999, the district management corporation shall submit no later than December 1 of each year a detailed annual budget for the following year for approval by the Mayor and Council. The budget shall be processed and adopted by the Borough on or before April 1st of each year in accordance with the procedures set forth in N.J.S.A. 40:56-84.
- b. The budget shall be submitted with a report, which explains how the budget contributes to goals and objectives for the Business Improvement District together with the following:
 1. The amount of such costs to be charged against the general funds of the municipality, if any.
 2. The amount of costs to be charged and assessed against properties benefited in the District in proportion to benefits which shall be the aggregate of costs of annual improvements to be made in the District during the year.
 3. The amount of costs, if any, to be specially assessed against properties in the District.
- c. Each year, when the Mayor and Council shall have acted on the estimated costs and/or on the budget, the municipal assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District. Descriptions of such properties, and the names of the ten current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the office of the municipal clerk and be there available for inspection. The Mayor and Council shall annually meet to consider objections to the amounts of such special assessments at least 10 days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the governing body shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the municipal clerk shall forthwith certify a copy of the assessment roll, with such changes, if any to the Monmouth County Tax Board.
- d. For the purpose of this section, "annual improvements" shall mean and include any reconstruction, replacement or repair of trees and plantings and other facilities of the Business Improvement District

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and the furnishing of any other local improvement which benefits properties within the District. For the purpose of this act, "costs" shall, with respect to annual improvements to and operation and maintenance of the Business Improvement District, mean costs of annual improvements; and all other costs, including planning costs, incurred or to be incurred in connection with annual improvements to and operation and maintenance of the District.

- e. Moneys appropriated and collected on account of annual improvement costs, and costs of operating and maintaining a Business Improvement District, shall be credited to a special account. The Mayor and Council may incur the annual costs of improving, operating and maintain a Business Improvement District, during any fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account as approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied towards the financial requirements of the succeeding year.
- f. The Mayor and Council shall pay over funds to the management corporation quarterly on the first day of March, June, September and December of each year.

17-9 Annual Audit of District Management Corporation

The district management corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Mayor and Council and for that purpose the corporation shall employ a certified public accountant of New Jersey. The annual audit shall be completed and filed with the governing body within four months after the close of the fiscal year of the corporations, and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five days of filing of the audit with the Mayor and Council.

17-10 Annual Report to Municipality

The district management corporation shall, within 30 days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Mayor and Clerk of the Borough.

17-11 Municipal Powers Retained

Notwithstanding the creation of a Business Improvement District, the Borough of Highlands expressly retains all its powers and authority over the area designed as within the Business Improvement District. No improvements or modifications shall be made to any public property without the prior formal approval of the Borough Governing Body.

17-12 Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions of the Ordinance and to this end the provisions of this Ordinance are severable.

17-3 Effective Date

This Ordinance shall take effect immediately after passage and publication as required by law. This Ordinance shall expire in three (3) years unless re-enacted by the Mayor and Council of the Borough of Highlands prior to December 31, 2014. Upon the third anniversary of the Business Improvement District, the ordinance will expire unless the Board of Directors recommends the continuation of the BID with the approval of the Mayor and Council.

Insert SCHEDULE A

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

ROLL CALL:

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

Ordinance O-11-10 – Cat Colony Ordinance:

Mrs. Cummins read the title of Ordinance 0-11-10 introduction and setting of a public hearing date for April 20, 2011.

Mayor Nolan offered to table the ordinance to the April 6, 2011 meeting to get more information and it was seconded by Mr. Connelly on the following roll call vote:

ROLL CALL:

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

Ordinance O-11-11 – Building Dept. Fee Ordinance Amendment:

Mrs. Cummins read the title of Ordinance O-11-11 introduction and setting of a public hearing date for April 20, 2011.

Mr. Francy offered the following ordinance pass introduction and setting of a public hearing date for April 20, 2011 at 8:00 P.M. and authorized its publication according to law:

O-11-11

AN ORDINANCE AMENDING CHAPTER 10, SECTION 10-2
ENTITLED "FEES" OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF HIGHLANDS, 1975,

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COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

{additions shown in underline, deletions shown by ~~strikeouts~~}

BE IT ORDAINED by the Mayor and Council of the Borough of Highlands that Chapter 10, Section 10-2, is hereby amended to include the following:

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

FEES:

A. PLAN REVIEW FEE shall be 25% of the amount to be charged for a new construction permit. Plan review fees are not refundable.

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

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

Building Fees

New Construction ~~\$.025~~ .030 per cubic foot

Use Groups A-1, A-2, A-3, A-4 F-1, F02, S-1 and S-2 structures on farms, including Farm Buildings ~~\$.025~~ .030 per cubic foot

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

Renovations, alterations and repairs

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

~~\$20~~ \$27.00 per thousand for the first \$50,000 of estimated costs

~~\$20~~ \$27.00 per thousand from \$50,001 to and including \$100,000

~~\$20~~ \$27.00 per thousand above \$100,001

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

~~\$20~~ \$27.00 per thousand for the first \$50,000

~~\$20~~ \$27.00 per thousand from \$50,001 to and including \$100,000

~~\$20~~ \$27.00 per thousand above 1000.00

Use Group U ~~\$20~~ \$27.00 per thousand for the first \$50,000

~~\$20~~ \$27.00 per thousand from \$50,001 to \$100,000

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

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

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

Minimum fee for Building permits-----\$50 \$75.00

Cost of Construction Alterations-----\$20 \$27.00 per thousand.

Installation of Swimming Pools: Construction of a Swimming Pool

~~\$20~~ \$27.00 per \$1000.00

Construction of Accessory and storage structures:

Construction of accessory storage sheds,

~~\$ 20~~ \$27.00 per \$1000.00 pool cabana or similar accessory structures over 100 square feet

Demolition and removal of structures:

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

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

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

Demolition/Removal of an accessory structure, (type U) under 300 sq-ft \$100. One and two family structures (Use Group R-5) \$500 and for all other structures above 2001 sq-ft \$1,000 Multi story/family structures will be priced according to the alteration cost schedule

Demolition or removal of tanks:

Demolition or removal of tanks up to 1000 gallons \$75

Demolition or removal of tanks above 1000 gallons ~~\$125~~ 250.00

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Satellite dishes and radio transceiver equipment:

Installation of a satellite dish, radio, television or other transceiver equipment for residential use. Installation of a satellite dish, radio, television or other transceiver equipment for nonresidential or commercial use. ~~\$40~~ \$65

Fences:

To erect a fence in all use groups (not to exceed 6 feet in height) for which a permit is needed in accordance with Uniform construction Code regulations. ~~\$50~~ \$75

To erect a fence in all use groups (not to exceed 8 feet in height) for a permit is needed in accordance with Uniform Construction Code regulations ~~\$50~~ \$75

Asbestos Hazard Abatement:

Asbestos Hazard Abatement for each Construction permit issued \$75

Lead abatement:

Lead Hazard Abatement \$75

Tents:

Tents without appurtenances in excess of 900 square feet or more than 30 feet in any dimension excluding canopies ~~\$50~~ \$75

Signs:

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

Temporary Structure:

The permit fee for a temporary structure used in the course of construction or other activities whose life is limited to not more than one year shall be ~~\$75~~ \$100

Certificate of Occupancy:

New construction/Additions/Tenant Fit Up ~~10%~~ \$15% of total permit cost.

Change in use group ~~\$100~~ \$125

Continuation under NJAC 5:23-2.23(c) ~~\$120~~ \$125

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

Electrical Fees:

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

One to 50	\$50 <u>\$60</u>
Each additional 25	\$10 <u>\$20</u>

Service panels, entrances and subpanels:

Each service panel, entrance or subpanel up to 200 amperes	\$65
Up to 201-400 amps	\$100
Larger than above 401-1000— <u>600</u>	\$325
<u>601 to 1000+</u>	<u>\$600</u>

Transformers and Generators:

Up to 10 kilowatts	\$25
Up to 45 kilowatts	<u>\$60</u>
Up to 112.5 kilowatts	\$90
Larger than above	\$325 <u>\$400</u>

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

Up to 10 horsepower	\$25
Up to 50 horsepower	\$40 <u>\$60</u>
Up to 100 horsepower	\$90 <u>\$125</u>
Larger than above	\$325 <u>\$400</u>

Annual electrical inspection fee
for bonding and grounding certificates for
public swimming pools, spas and hot tubs

	\$75
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The minimum fee for Electrical permits shall be: ~~\$50~~ **\$60**
Furnace and Air Conditioner Replacement

Furnace replacement for electric, fire and Plumbing \$40 **\$50** each.
Air conditioner compressor
replacement for electric and plumbing \$40 **\$50** each

Fire Protection Fees:

Smoke, Heat and CO detectors/5 or less	\$40 <u>\$50</u>
Each additional 15	\$20

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Alarm devices (heat pulls, water flow) 5 or less	\$40 <u>\$50</u>	
Each additional 15	\$20	
Supervisory devices (tamper, low/high air) Or signaling devices (horns/strobes, bells)		
5 or less	\$40 <u>\$50</u>	
Each additional 15	\$20	
Sprinkler Heads (Wet or Dry):		
10 or fewer	\$50	
11-100	\$120	
101-200	\$250	
201-400	\$600	
401-600	\$1,000	
Standpipes		\$150 each
 Kitchen exhaust systems (Commercial)		 \$50 each
 Independent pre-engineered systems (CO2, Halon, foam, wet or dry chemical, etc)		
All fire places (wood or gas)	\$45 <u>\$50</u> each	
Gas and oil-fired appliance That is connected to plumbing system	\$45 <u>\$50</u> each	
Tank Installation:		
Up to 550 gallons in water capacity		\$50 each
Over 550 gallons in water capacity		\$75 each
Incinerators		\$260 each
Crematoriums		\$260 each
Alarm panel		\$50 each
Fire pumps		\$200 each
Preaction valves		\$40 each
Dry pipe/alarm valve		\$25 each
Smoke Control Systems		\$65 each
The minimum fee for Fire permits shall be	\$50	

Plumbing Fees:

Fixtures and appliances Connected to or components of a		
Plumbing system	\$20 <u>\$25</u> per fixture/appliance	
Waste/vent stacks	\$20 <u>\$25</u> each	

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

Steam/hot-water boilers	\$50 each
Gas piping service	\$50 per system
Appliances added to a gas piping system	\$20 <u>\$25</u> per appliance

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Hot water heaters \$50 each

The minimum fee for plumbing permits shall be \$50

Waiver of building permit fees:

\$50 administration fee for all permits

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

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

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

Annual review of fee schedules

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

State of New Jersey Permit Fees

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

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O’Neil

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ABSTAIN: None

Ordinances: 2nd Reading, Public Hearing, Adoption:

O-11-3 – Dog in Park Ordinance Amendment

Mrs. Cummins read the title of Ordinance O-11-3 for the second reading and public hearing. She stated that this ordinance was published in the February 25, 2011 edition of the Two River Times.

Mayor Nolan opened up the public hearing on Ordinance O-11-3.

Jim Parla of 16 Portland Road questioned the wording of the first paragraph under 5-12.

Mr. Halfacre explained.

Tara Ryan of 17 Ocean Street thanked the Mayor and Council for listening and taking action.

John Urbanski of 2 North Street stated that signs in park that says “no walking your dogs”, who is going to enforce this?

Mayor Nolan says this will allow them to walk there dogs on a leash in the park. The signs will be taken down.

Chief Blewett said the ordinance was changed because of conflicting signs in the park. If a dog is on your property, sign a complaint.

Kathleen Armstrong of 30 Ocean Avenue asked why are we letting the dogs in the park, she is concerned for the safety of the children.

George Ruth of 333 Shore Drive said we should make just one park available to dogs.

Sean Fitzgerald of 8 Fourth Street disagrees with this ordinance. The kids should come first.

Tara Ryan of 17 Ocean Street said that she is the one who initiated changing the law. She has never heard anything against it in the past few months until tonight.

Kim Skorka of 315 Shore Drive objects to park ordinance. She also feels that dogs should be curbed.

Mr. Connelly commented that these are all legitimate concerns about having dogs in the park.

George Ruth of 333 Shore Drive said that there is vacant Borough property next to the bank on Shore Drive that could be used as a dog park.

Mayor Nolan offered to table the amendment and look into using the property next to the bank and was seconded by Mr. Connelly and all were in favor on the following roll call vote:

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ROLL CALL:

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

O-11-4 – Salary Ordinance establishing Salaries:

Mrs. Cummins read the title of Ordinance 0-11-4 for the second reading and public hearing,

Steve Pfeffer explained that this was a recommendation by the auditors. This will be updated on a yearly basis.

Mayor Nolan offered the following Ordinance and moved on its adoption and authorized its publication according to law:

**O-11-4
AN ORDINANCE ESTABLISHING SALARIES AND FIXING THE COMPENSATION OF
CERTAIN BOROUGH EMPLOYEES OF THE BOROUGH OF HIGHLANDS FOR
SFY 2011**

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 exclusive of longevity benefits of the officers and employees holding the offices or positions hereinafter described shall be shown on Schedule A, annexed hereto, for Fiscal Year 2011 (July 1, 2010 – June 30, 2011), payable semi-monthly unless herein described.

Except as provided by labor contract, all salary ranges shall constitute minimum and maximum to be determined by subsequent Resolution of the Mayor and Council within those limits.

Section 2. OTHER POSITIONS AND DUTIES

A. All other persons employed by the Borough not otherwise mentioned herein shall be paid at a rate to be fixed by a Resolution of the Mayor and Council.

B. Additional duties associated with the administration of grants awarded to the Borough may be compensated out of the proceeds of said grants at a rate to be fixed and determined by Resolution of the Mayor and Council.

Section 3. LONGEVITY BENEFITS.

There shall be no longevity benefit other than where the benefit is specifically mandated by agreement or contract.

Section 4. EFFECTIVE DATE:

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The salaries and compensation set forth herein shall be effective and payable as of and after July 1, 2010 through June 30, 2011.

Section 5. REPEALED

All ordinances or parts of ordinances inconsistent with this ordinance are hereby superseded.

Section 6. IMPLEMENTATION

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

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

Roll Call:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Mayor Nolan

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Ordinance O-11-5 – Municipal Services for Private Communities Ordinance:

Mrs. Cummins read the title of Ordinance O-11-5 for the second reading and public hearing. She stated that this ordinance was published in the March 6, 2011 edition of the Asbury Park Press.

Mayor Nolan opened for public hearing.

Carol Bucco of 330 Shore Drive asked why are we making this an ordinance? Are the Condo Associations going to have opportunity to negotiate the services?

Mr. Halfacre said there is no opportunity to negotiate the services. The services remain unchanged. He explained snow removal and how each condo association has different billing methods. This will make one uniform agreement.

Carol Bucco continued to question and expressed her objection to this ordinance. She feels that her Condo Association does not get the same service as the rest of the town. She mentioned title 39 and that the police do not enforce parking laws.

Kevin Kirk of 38 Valley Street stated that the town doesn't plow his driveway.

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

O-11-5

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**AN ORDINANCE ADDING NEW CHAPTER 3-7C OF THE REVISED CODE OF THE
BOROUGH OF HIGHLANDS ENTITLED MUNICIPAL SERVICES FOR PRIVATE
COMMUNITIES**

New Chapter 3-7C Municipal Services for Private Communities

1. As used in this article, the following terms shall have the meanings indicated:

QUALIFIED PRIVATE COMMUNITY

Any residential condominium, cooperative, fee simple community, or horizontal property regime, the residents of which do not receive any tax abatement or tax exemption related to its construction, comprised of a community trust or other trust device, condominium association, homeowners' association, or council of co-owners, wherein the cost of maintaining roads and streets and providing essential services is paid for by a not-for-profit entity consisting exclusively of unit owners within the community. No apartment building or garden apartment complex owned by an individual or entity that receives monthly rental payments from tenants who occupy the premises shall be considered an association. No proprietary campground facility, as defined in N.J.S.A. 45:22A-49, shall be considered to be an association.

QUALIFIED STREET

A street or road located within a qualified private community and providing access to driveways or parking areas within that qualified private community; provided, however, that in no event shall areas used primarily as parking areas or parking lots be considered qualified streets.

QUALIFIED STREET-LIGHT POLE

Those poles providing street-lighting which are located on or near qualified streets and which provide lighting for qualified streets. Street-lighting poles providing lighting for areas primarily used as parking lots shall be excluded from the definition of "qualified street-light pole."

REIMBURSABLE SNOW/ICE REMOVAL COSTS

Cost incurred by the qualified private community for the removal of snow and ice from the roads and streets located on the qualified private community property, where the Borough of Highlands did not supply snow removal. Reimbursement shall not exceed the cost that would have been incurred by the Borough in providing snow/ice removal services directly.

- A. The Borough of Highlands shall provide the following services within a qualified private community in the same fashion as it provides these services on public roads and streets:

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(1) Streetlighting of qualified street-light poles.

(a) The Borough shall provide street-lighting to the extent of payment for the electricity required for the operation of such poles, but shall not be responsible for the installation or maintenance of lamps, standards, wiring or other equipment.

(b) For purposes of providing street-lighting services, any qualified private community, through its homeowners' association, shall transfer billing of qualified street-light poles from the qualified private community to the Borough, and the Borough shall assume liability for payment of lighting said poles from the date when the power company providing electric service revises its billing records.

(2) Snow and ice removal.

(a) The Borough shall provide the qualified private community with snow and ice removal services in lieu of paying reimbursement to the qualified private community for such service. If the Borough elects to terminate any such service after it has been provided, the qualified private community shall be given advance written notice. The Borough shall not be obligated to pay reimbursement to the qualified private community for any costs incurred by the qualified private community for any services while the same services are being provided by the Borough. If the Borough elects to provide any service, the qualified private community shall pay the cost of any insurance riders required by the Borough to enable Borough vehicles to operate on the qualified private community's private roads and streets, consistent with N.J.S.A. 40:67-23.4.

(b) The Borough may choose instead to provide annual reimbursement to any qualified private association for its reimbursable costs for snow and ice in the amount of 100% of the costs as detailed below:

(1) The Borough shall not be obligated to pay reimbursement to a qualified private community for any service for which the costs incurred by the qualified private community for which reimbursement is sought exceeds the cost that would have been incurred by the Borough in providing the particular service directly. This limitation shall be calculated and applied as follows:

[i] Following the close of each budget year, the Borough will determine the annual cost incurred by the Borough for snow and ice removal. Based upon those figures, the Borough will determine the annual cost for each such service in accordance with this chapter.

[ii] The annual Borough cost for snow and ice removal shall be divided by the total linear miles of all public streets owned and maintained by the Borough to produce the annual unit cost for snow removal. The annual unit cost for snow and ice removal shall be multiplied by the total linear miles or roads within the qualified private community, to produce the annual reimbursement cost ceiling for snow and ice removal services.

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(iii) Requests by the qualified private community for payment of reimbursement under this section shall be processed pursuant to the following procedure:

[1] The qualified private community shall submit a voucher signed by an authorized officer of the qualified private community's homeowners' association with each request for payment, using voucher forms to be provided by the Borough.

[2] The Borough will review the underlying documentation to determine whether the requested reimbursement is consistent with and authorized by this chapter. The Borough will disallow any excess amount or unauthorized portion of the reimbursement request.

[3] Vouchers shall be submitted on an annual basis following the end of the snow removal season for which reimbursement is requested, but in no event later than September 15. Each voucher shall be accompanied by copies of invoices, payment receipts and other appropriate documentation, which demonstrates to the satisfaction of the Borough that all costs constitute reimbursement costs and that the qualified private community has incurred all costs during the applicable reimbursement period. Vouchers shall not be processed for payment by the Borough if they do not conform with these requirements. In that event, the qualified private community will be given notice and the opportunity to provide additional requested documentation and/or otherwise cure any nonconformity with these submission requirements.

[4] After making such determination, the reimbursement amount (less any disallowed amount) for snow and ice removal will be reduced by the Borough if it exceeds the applicable reimbursement cost ceiling, as calculated pursuant to the foregoing provisions.

[5] Following formal approval of a reimbursement request, payment shall be issued in accordance with routine Borough procedures.

B. General Provisions; limits upon Borough's obligations; accounting by qualified private communities; required agreements.

(1) In accordance with N.J.S.A. 40:67-23.2 et seq., unless otherwise provided herein, the Borough shall not be obligated or required to operate any municipally owned or leased vehicles or other equipment, or to provide any of the services enumerated in this article, upon, along or in relation to any road or street in any qualified private community which either is not accepted for dedication to public use, or does not meet all municipal standards and specifications for such dedication, except for width.

(2) In all cases where the Borough reimburses a qualified private community in lieu of providing services directly under this article, the qualified private community shall provide an accounting of the use of the money paid over to it by the Borough, and for

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the refunding to the Borough of any payments in excess of the amounts actually expended or contractually committed by the qualified private community, during the accounting period in order to provide the services for which reimbursement is provided.

(3) Insurance requirements:

(a) The qualified private community is required by statute to pay the cost of any insurance riders or increased insurance costs incurred by the Borough, and the qualified private community shall pay such costs in order for the Borough to provide any snow and ice removal services.

(b) Any policy of insurance obtained by the Borough for these services shall provide, as a minimum, the following coverage amounts: \$1,000,000 liability coverage; \$500,000 property damage coverage.

(c) The cost of liability and property damage premiums for the amounts set forth above shall be apportioned among those qualified private communities electing to have the Borough provide services in the same proportion as the length of each electing qualified private community's qualified streets are to the total length of all the qualified streets in the electing qualified private communities.

(d) As the premiums for such coverage may be adjusted from time to time by the insurance carrier, so also shall the proportionate shares of the electing qualified private communities. Upon receipt of the premium notice, the Borough Administrator or authorized designee shall send notice to each electing qualified private community, by regular mail, advising of the amount due and the date payment is required. Failure to pay its share of the premiums in a timely manner shall subject the electing qualified private community to removal from the group of electing qualified private communities receiving services. In the event of removal, the removed qualified private community shall then be eligible for reimbursement in the manner set forth in this article.

(4) Agreement. In order to qualify for snow and ice removal services, reimbursement for snow and ice removal services or payment for qualified street lighting, the homeowners' association for the qualified homeowners' association must enter into an agreement with the Borough incorporating the terms and conditions of this article.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

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Ordinance O-11-6 – Bond Ordinance amending Bond Ordinance number 10-14

Mrs. Cummins read the title of Ordinance O-11-6 for the second reading and public hearing. She stated that this ordinance was published in the March 6, 2011 edition of the Asbury Park Press.

Mayor Nolan asked Steve Pfeffer to explain.

Steve Pfeffer explained the amendments.

Mayor Nolan opened the public hearing on Bond Ordinance O-11-6 but there were no questions or comments. Mayor Nolan then closed the public hearing on Ordinance O-11-6.

Mrs. Cummins read the title of Bond Ordinance O-11-6 for the third and final reading and adoption.

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

**O-11-6
BOND ORDINANCE AMENDING BOND ORDINANCE
NUMBER 10-14 FINALLY ADOPTED BY THE BOROUGH
COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW
JERSEY ON AUGUST 18, 2010**

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

Section 1. The Bond Ordinance of the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") entitled "Bond Ordinance Providing An Appropriation Of \$170,000 For Reconstruction of Highland Avenue For And By The Borough Of Highlands In The County Of Monmouth, New Jersey And, Authorizing The Issuance Of \$161,500 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation," finally adopted on August 18, 2010 (the "Ordinance") is hereby incorporated by reference in its entirety.

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

"For the said Improvements there is hereby appropriated the amount of \$1,484,000, such sum includes the sum of (a) \$1,184,000 expected to be received from the New Jersey Department of Transportation and (b) \$15,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of

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the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”).”

The description of the Improvements in Section 3(a) of the Ordinance is amended in its entirety as follows:

“Survey, design and inspection in connection with the reconstruction of Highland Avenue from Valley Avenue to Portland Road, Valley Avenue from Highland Avenue to State Highway 36 and Miller Street from Highland Avenue to State Highway 36 and the reconstruction of Highland Avenue from Valley Avenue to Portland Road, Valley Avenue from Highland Avenue to State Highway 36 and Miller Street from Highland Avenue to State Highway 36, which includes drainage, installation of curbs, sidewalks and handicap accessible ramps, sanitary sewer renovations, including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.”

The Ordinance is hereby further amended by (a) deleting the reference to “\$170,000” for the appropriation and estimated cost and “\$161,500” for the estimated maximum amount of bonds or notes and substituting in lieu therefore “\$1,484,000” and “\$285,000”; (b) deleting the reference of “\$8,500” for the down payment and substituting in lieu therefore “\$15,000”; and by (b) deleting the reference to “\$170,000” for expenses permitted under Section 20 of the Local Bond Law and substituting in lieu therefore “\$320,000”.

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

Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$285,000. All other provisions of the Ordinance shall remain unchanged.

Section 5. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

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

ROLL CALL:

Ayes: Mr. Connelly, Mr. Francy, Ms. Kane, Mayor Nolan

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Nayes: None
Absent: Mr. O'Neil
Abstain: None

Ordinance O-11-7 – Bond Ordinance Reconstruction of Bay Avenue:

Mrs. Cummins read the title of Ordinance O-11-7 for the second reading and public hearing. She stated that this ordinance was published in the March 6, 2011 edition of the Asbury Park Press.

Dale Leubner briefly explained the ordinance and funding sources

Mayor Nolan opened up the public hearing on Ordinance O-11-7 but there were no comments or questions. Mayor Nolan then closed the public hearing on Ordinance O-11-7

Mrs. Cummins read the title of Bond Ordinance O-11-7 for the third and final reading and adoption.

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

O-11-7

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$760,000 FOR RECONSTRUCTION OF BAY AVENUE FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$310,075 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

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

Section 6.

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$760,000, such sum includes the sum of (a) \$250,000 expected to be received as a grant from the New Jersey Department of Transportation, (b) \$183,603 expected to be received as a Community Development Block Grant and (b) \$16,322 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

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Section 7.

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$310,075 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$310,075 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

Section 8.

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Reconstruction of Bay Avenue from Waterwitch Avenue to Gravelly Point Road, which includes drainage, installation of curbs and sidewalks, storm sewer system renovations and replacements, including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$760,000	\$310,075	20 Years

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$310,075.

(c) The estimated cost of the Improvements is \$760,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above and the amount of the expected grants is the amount of the Down Payment.

Section 9.

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All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

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The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

Section 10.

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$310,075 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

Section 11.

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

Section 12.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

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Section 14.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 15.

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$310,075.

Section 16.

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

ROLL CALL:

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

Approval of Minutes:

Mr. Francy offered a motion to approve the March 2, 2011 Executive Session Minutes and Regular Session Minutes, seconded by Mr. Connelly and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Connelly, Mr. Francy, Ms. Kane
NAYES: None
ABSENT: Mr. O'Neil
ABSTAIN: Ms. Kane abstained on Regular Minutes Only, Mayor Nolan

Other Business:

Mr. Keady, P.E. Borough Engineer gave the following report:

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

General

1. **Sanitary Sewer Flow Metering – Monmouth Hills:** As requested by the Borough, we have solicited a quotation to monitor the sanitary sewer flow from Monmouth Hills that is collected within the Borough's sanitary sewer system. We have identified three (3) locations at which the meters will be installed. We have been authorized by the Borough to have the metering completed, interpret the data and prepare a summary report outlining the metering results. The meters have been removed and the data was received by T&M Associates. We have evaluated the data and have requested the water usage for each property. We have received the water data and are evaluating that to derive a flow comparison.

Capital Improvement Projects

1. **Flood Reduction Program:** Permit applications were submitted to the various agencies on March 4, 2011 and the project plans and specifications submitted to the NJDEP under the EIT program on March 7, 2011.
2. **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 has been completed. The project was advertised for bidding on July 21, 2010 and bids were received on August 3, 2010.

Bid Date: August 3, 2010
Contractor: Fiore Paving Company, Inc., Oceanport, NJ
Amount: \$163,637.50

The Contractor has substantially completed the project and will address the remaining minor items in the spring.

3. **2011 Roadway Improvements Project:** T&M Associates has prepared and submitted a revised proposal for design and contract administration services for the following roadways:
 - **Valley Avenue Resurfacing:** from Highland Ave. to the western terminus
 - **Woodland Street Reconstruction:** from Highland Avenue to Prospect Street
 - **Prospect Street Mill/Overlay:** from Osborne Street to the vicinity east of Woodland Street
 - **Bay View Street Rehabilitation:** The entire length

The proposal provided a breakdown of each roadway so that the Borough has the option to

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on Highland Avenue on May 8, 2010. All comments have been reviewed and incorporated into the design as appropriate. Field survey has been completed and the project design is underway. A meeting was held with the Borough and various residents on February 12, 2011 to review the design and further discuss resident concerns. A traffic calming plan was prepared and submitted to the Borough as well as the description of the proposed measures and the pros/cons of each. Once we receive direction from the Borough regarding the proposed traffic calming measures, we can finalize the plans and submit to the NJDOT for authorization to advertise the project for bidding.

5. **The Reconstruction of Bay Avenue:** The NJDOT awarded the Borough \$250,000.00 for the reconstruction of Bay Avenue between Waterwitch Avenue and Central Avenue. The Monmouth County Community Development Block Committee awarded the Borough \$183,603.00 for the reconstruction of Bay Avenue between Central Avenue and Gravelly Point. This project will also include drainage improvements to the northern portion of Huddy Park. A construction contract must be awarded by August 16, 2011 to avoid jeopardizing the allotted NJDOT funding. We have submitted a proposal to design and inspect the overall project. It is our understanding that a bond ordinance for this project was introduced at the March 2, 2011 meeting.

Grants and Loans

1. **FY 2011 NJDOT Municipal Aid – The Reconstruction of Woodland Street:** As requested by the Borough, T&M Associates has prepared and submitted a Local Aid grant application for the above project to the NJDOT for consideration. The Borough has been notified that it will receive \$160,000 towards the construction of this project.

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

T&M Assoc. – Request for Increase in Prof. Eng. Contract for Waterwitch Proj:

Mr. Leubner of T& M explained problems that they encountered as they dug and the additional cost.

Council continued to discuss and payment of the change order of \$11,500.

Mayor Nolan offered a motion to do a resolution for the next meeting to split the difference in cost, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

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

New Jersey Natural Gas Application for Street Opening:

Dale Leubner explained that this request of running approx. 7,000 ft of pipe includes Highland Avenue, Ocean St, Portland Road, portion of Woodland, portion of Miller St., portion of Hillside. He stated that Portland Road is a moratorium issue. Ocean Street is in good shape now; it would be up to the Council if they want to run a trench thru it. He recommends that Highland, Woodland, and Miller be approved on the condition that they are out by May 1st.

Council discussed quality of pipe and future problems.

Mr. Hilling stated that he has a check from NJ Natural Gas.

All were in favor of approving the application and for Mr. Hilling and Dale Leubner to draft a letter to NJ Natural Gas with stipulations on repairs.

Highlands Avenue – Traffic Calming Options:

Dale Leubner spoke about the options of traffic calming measures. He described proposals and showed plans. He proposes striping, to slow traffic down and placement of speed humps.

Mr. Francy asked about a 3 way stop.

Dale Leubner said that he would like to finalize this plan and submit it to the State. Once the State approves, we can go out to bid.

Chief Blewett agrees with 3 way stop. But he is against having a stop sign on Highland Avenue coming from Miller Street. The traffic would back up to the highway in the morning due to school traffic.

Mr. Francy asked if the speed hump could be moved 50" closer to South Peak.

Dale Leubner will look in to that.

Transitional Aide:

Mr. Pfeffer explained that it comes with a lot of restrictions. We would need to have the request in by tomorrow. If we qualify and they give us money, they would weigh in on all contracts. He spoke about how the program works.

Mayor Nolan said we would pass.

Fiscal Year Budget to Calendar Year:

Mr. Pfeffer said that if there is interest to switch to calendar year, he would need approval by the 1st meeting in July. He has been told that other towns have gotten CAP relief to get the transition done.

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Highlands Business Partnership-Request for Advance of Payment of \$5,000:

Mr. Pfeffer stated that we gave them a \$5,000 advance at the last meeting. They had under requested the amount needed. They now need an additional \$5,000.

Mr. Halfacre said to do a resolution to make it clear that it is an advance.

Mayor Nolan offered the following Resolution and moved on its adoption:

**R-11-84
RESOLUTION
AUTHORIZATION OF ADDITIONAL \$5,000 ADVANCE PAYMENT
OF THE HIGHLANDS BUSINESS PARTNERSHIPS BUDGET
IN ADVANCE OF THE BILLING OF THEIR BUDGET**

WHEREAS, the Borough of Highlands Governing Body adopted the Highlands Business Partnerships 2011 Budget in the amount of \$20,000 in assessments; and

WHEREAS, on March 2, 2011 the Borough adopted Resolution R-11-74 authorizing an advanced payment to the Highlands Business Partnership in the amount of \$5,000 of their \$20,000 2011 budget; and

WHEREAS, the Highlands Business Partnership has requested an additional \$5,000 advancement of their \$20,000 budget.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Chief Financial Officer is hereby authorized to issue another payment to the Highlands Business Partnership in the amount of \$5,000 of the \$20,000 budget amount. The total advanced payments to the HBP now equals \$10,000.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Fuel Storage Tank Upgrade:

Tabled.

Community Center Fee Ordinance Discussion:

Mr. Hill is looking for clear direction from the council so he can work with Mr. Halfacre to present additional information basically on items #1 thru #13. He recommends we look at those and come to a decision. He will meet further to discuss.

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Possible George Ruth Personnel Discussion:

Tabled,

Public Portion:

Cheryl MacDonald, President of the Henry Hudson School Board offered condolences to the Mayor for his loss and congratulations to the addition to the family. She read a letter from the school supporting the Highlands Police Department. They respectfully objected to shared services.

Chris Francy asked about the budget. He announced that there is a public meeting on Wednesday, March 23rd at 7:00 pm.

Ms. MacDonald stated that they are looking at a 0% tax levy increase.

Tara Ryan of 17 Ocean Street spoke about the Highlands Elementary School budget, also at 0% increase. She mentioned school budget vote is on Wednesday, April 27th. The Board Meeting is on Monday, March 21st at 7:00 pm.

Lori Dibble of 32 Paradise Park asked about Shadow Lawn and Paradise Park zoning. How will the recent appellate decision impact the zoning?

Mayor Nolan stated that there is a time period for the property owner to appeal.

Mr. Halfacre said this was decided yesterday. He spoke with the attorney. He will have a more detailed report at the next meeting.

Carol Bucco of 330 Shore Drive asked if the council have to approve the findings of the appraisers?

Mayor Nolan said he met with the Appraisers, Rick O'Neil, Charles Heck and some realtors. They are looking over some problems.

Carol Bucco expressed her frustration with her new evaluation.

Mr. Francy shared her concerns. He requested a simple report from the appraisers.

Paul Ritter – left.

Kathy Armstrong questioned the removal of trees on Bay Avenue. Will they be replaced?

Mr. Hilling explained that the County is not going to replace the trees.

Mayor Nolan said its an ongoing conversation.

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

The meeting adjourned at 10:58 p.m.

Debby Dailey, Deputy Borough Clerk