

**Borough of Highlands
Mayor & Council
Regular Meeting
April 20, 2011**

Mayor Nolan called the meeting to order at 7:03 PM.

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

ROLL CALL:

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

Absent: Mr. O'Neil

**Also Present: Debby Dailey, Deputy Clerk
Bruce Padula, Esq.**

Executive Session Resolution

Ms. Dailey 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: Jennings vs. Borough**
- 2.Contract:**
- 3.Real Estate:**
- 4. Personnel Matters: D. Mercado (Riced), Wayne O'Neil (Riced)
Police Sgts Position, Borough Administrator Position
Dispatchers Two Part Time Positions**
- 5. Attorney-Client Privilege:**

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

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

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

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

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8. Related to investigation of violations or possible violations of the law.
9. **Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.**
10. **Falls within the attorney-client privilege and confidentiality is required.**
11. **Deals with personnel matters of public employees and employee has not requested that the matter be made public.**
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Nolan

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:24 P.M.

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

ROLL CALL:

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

Absent: Mr. O'Neil

**Also Present: Debby Dailey, Deputy Borough Clerk
Bruce Padula, Esq.**

Consent Agenda:

Mayor Nolan requested that Resolution R-11-101 be removed from the consent agenda and be tabled until the May 18th meeting.

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

**R-11-100
RESOLUTION
APPROVING THE 2011 RENEWAL OF TWO FERRY LICENSES
FOR HIGHLANDS LANDING CORP
d.b.a. Seastreak, LLC**

WHEREAS, Seastreak has submitted the required fees for the renewal of the Ferry Licenses for 2011, to operate a ferry service at 2 locations within the Borough of Highlands; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Ferry Licenses for Seastreak, LLC. for the sites located at 326 Shore Drive and at Willow Street are hereby renewed for the calendar year 2011; and

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

Seconded by Mr. Connelly 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-11-102
RESOLUTION APPROVING STIPEND FOR ACTING
DPW SUPERVISOR
FOR THE PERIOD OF APRIL 1, 2011 THROUGH JUNE 30, 2011**

WHEREAS, Reggie Robertson of the DPW Department has been asked to perform additional supervisory duties from April 1, 2011 and

WHEREAS, the Borough of has a genuine need for Reg Robertson to continue duties of Acting DPW Supervisor for the period of April 1, 2011 through June 30, 2011; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Reggie Robertson be paid a stipend in the amount of \$625.00 for his services as Acting DPW Supervisor for the period of April 1, 2011 through June 30, 2011.

Seconded by Mr. Connelly 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
ASTAIN: 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-11-103

TITLE: RESOLUTION URGING THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION AND ITS CONTRACTORS TO FULLY AND FAIRLY COMPENSATE HIGHLANDS RESIDENTS AND BUSINESSES FOR ANY AND ALL PROPERTY DAMAGE RESULTING FROM THE RECONSTRUCTION OF THE STATE HIGHWAY ROUTE 36 HIGHLANDS BRIDGE PROJECT

WHEREAS, the Mayor and Council of the Borough of Highlands have become aware that the State of New Jersey, Department of Transportation, by and through its hired contractor, J.H. Reid, has instituted a "claims process" for property owners, residents and businesses who have been damaged as a result of the State Highway Route 36 Highlands Bridge project; and

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WHEREAS, the Mayor and Council have become further aware that the claims being filed by property owners, residents and businesses are being summarily denied by J.H. Reid and/or its insurance company or private adjustor, and

WHEREAS, the denial of such claims on a wholesale basis is patently unfair, arbitrary and capricious, and otherwise unreasonable, and

WHEREAS, the Mayor and Council of the Borough of Highlands believes that it is the obligation and duty of the State of New Jersey, Department of Transportation, and its hired contractor J.H. Reid to fairly and individually assess the claims of the property owners, residents and businesses of the Borough of Highlands, and not summarily deny all such claims; and

WHEREAS, it is altogether fitting and proper for Mayor and Council of the Borough of Highlands to express its opposition to the summary denial of the claims, and to urge the State of New Jersey, Department of Transportation and its contractor, J.H. Reid to address these claims as aforesaid; and

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

1. The State of New Jersey, Department of Transportation must become involved in the claims process and insure that all claims are fairly evaluated on behalf of the claimant, with all issues of doubt resolved in favor of the claimant; and
2. J.H. Reid must re-evaluate all previously denied claims and individually assess each claim in order to fairly evaluate the claim, resolving all issues of doubt in favor of the claimant; and
3. J.H. Reid must evaluate all pending claims by individually assessing each claim in order to fairly evaluate the claim, while resolving all issues of doubt in favor of the claimant; and
4. A copy of this Resolution shall be forwarded to Governor Chris Christie; the Commissioner of the New Jersey Department of Transportation and Senators Joseph Kyrillos and Sean Kean, Assemblymen David Rible and Declan O'Scanlon and Assemblywomen Amy Handlin and Mary Pat Angelini.

Seconded by Mr. Connelly 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

ASBTAIN: None

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

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RESOLUTION APPROVING CONTRACT AGREEMENT WITH DYNAMIC TESTING SERVICES FOR RANDOM DRUG AND ALCOHOL TESTING SERVICES

WHEREAS, the Borough of Highlands current contract expired for the random drug and alcohol testing for employees; and

WHEREAS, the Borough of Highlands is in need of continuing to have testing services provided to the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough Clerk be and is hereby authorized to execute contract agreement with Dynamic Testing Services, 230 Main St, Ste C, Toms River, NJ 08753 This contract is to provide services for the period of April 1, 2011 to March 31, 2012.

Seconded by Mr. Connelly 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-11-105
RESOLUTION CONSENTING TO THE PROPOSED
WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT
ENTITLED: MONMOUTH COUNTY WASTE WATER MANAGEMENT PLAN**

WHEREAS, the Borough of Highlands desires to provide for the orderly development of wastewater facilities within the Borough of Highlands; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on May 2nd, 2011 for the Monmouth County Waste Water Management Plan has been prepared by the staff of the Monmouth County Planning Board,

NOW, THEREFORE, BE IT RESOLVED, on 20th day of April, 2011, by the governing body of the Borough of Highlands that:

1. The Borough of Highlands hereby consents to the amendment entitled Monmouth County Waste Water Management Plan, and publicly noticed on May 2nd, 2011, prepared by the Monmouth County Planning Board Staff, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

Seconded by Mr. Connelly and adopted 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

Mayor Nolan offered the following Payment of Bills and moved on its authorization for payment:

**RECAP OF PAYMENT OF BILLS
04/20/11**

CURRENT:		\$ 382,035.70
Payroll	(04/15/11)	\$ 171,487.97
Manual Checks		\$ 13,808.76
Voided Checks		\$
SEWER ACCOUNT:		\$ 94,739.34
Payroll	(04/15/11)	\$ 9,884.44
Manual Checks		\$ 91.48
Voided Checks		\$
CAPITAL/GENERAL		\$
CAPITAL-MANUAL CHECKS		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 6,193.00
Payroll	(04/15/11)	\$ 2,100.00
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$
GRANT FUND		\$ 7,048.14
Payroll	(04/15/11)	\$
Manual Checks		\$
Voided Checks		\$
DEVELOPER'S TRUST		\$
Manual Checks		\$
Voided Checks		\$

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

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**SUPPLEMENTAL BILL LIST
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CURRENT FUND

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De Lage Landen Financial Services	Copier Lease	81.28
Future Sanitation	Tipping Fees & Recycling	7,872.28
Great American Leasing Corp.	Copier Lease - Fax Module	96.06
Horizon Blue Cross Blue Shield	Dental - May 2011	2,950.46
J Swanton Fuel	Unleaded & Diesel	2,488.37
Thomas Walsh Associates	Software Support 2011	3,970.00

Total Current Fund	<u>17,458.45</u>
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CAPITAL FUND

Total Capital Fund	<u>0.00</u>
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SEWER UTILITY FUND

Horizon Blue Cross Blue Shield	Dental - May 2011	171.48
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Total Sewer Utility Fund	<u>171.48</u>
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TRUST FUND

Total Supplemental Bill List	<u>17,629.93</u>
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Seconded by Mr. Connelly and approved for payment on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

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Minutes – The March 16, 2011 Executive Session Minutes were approved under the consent agenda.

Other Resolutions:

Resolution R-11-97

Mr. Padula read Resolution R-11-97 in its entirety for approval.

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

**R-11-97
RESOLUTION SETTING ANNUAL SALARY FOR
DAVID MERCADO
PROPERTY MAINTENANCE OFFICER**

WHEREAS, the Borough of Highlands has a need for a Property Maintenance Officer and David Mercado was appointed as Property Maintenance Officer back in June of 2010; and

WHEREAS, since the reduction of employees his work load amount has increased.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of the Borough of Highlands that David Mercado, Part-time Property Maintenance Officer receive an annual salary of \$20,000 effective May 1, 2011.

BE IT FURTHER RESOLVED that the hours for the position of Property Maintenance Officer shall be 20 hours per week or additional hours as needed with no additional compensation.

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

Resolutions R-11-106, R-11-107, R-11-108 Appointing Depuration Commission Members

Mayor Nolan announced that Resolutions R-11-106, R-11-107 and R-11-108 are being tabled until the May 4, 2011 meeting.

Resolution R-11-109

Mayor Nolan offered the following Resolution and moved its adoption:

**R-11-109
RESOLUTION APPROVING DISABLED PARKING SPACE**

WHEREAS, application for a Disabled Parking Designation was submitted to the Highlands Police Department by Kenneth E. Neugebauer, of 22 Second Street; and

WHEREAS, the Chief of Police has reviewed the application and recommends the approval of said Disabled Parking Designation;

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the application for Disabled Parking Designation for the following is hereby approved:

1. Kenneth E. Neugebauer, of 22 Second Street – disabled parking designation sign be erected on Second Street, 11 feet East of Pole #JC296HB, directly across from 22 Second Street with placard #P975185.

Seconded by Mr. Connelly 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

Resolution R-11-110

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

**R-11-110
RESOLUTION APPOINTING TEMPORARY PART-TIME
POLICE COMMUNICATIONS OPERATOR**

WHEREAS, the Chief of Police, Joseph R. Blewett, has advised the Governing Body that there is a need to hire a permanent part-time/provisional Police Communications Operator; and

WHEREAS, Chief Blewett has recommended that Heather Macadam, 637 Locust Point Road, Locust, NJ 07760 to fill that position; and

WHEREAS, the Governing Body concurs with Chief Blewett’s recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Heather Macadam be and hereby is appointed temporary part-time Police Communications Operator;

BE IT FURTHER RESOLVED that said appointment be effective immediately and the salary be set at \$9.50.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O’Neil

ABSTAIN: None

Resolution R-11-111

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

**R-11-111
RESOLUTION APPOINTING TEMPORARY PART-TIME
POLICE COMMUNICATIONS OPERATOR**

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WHEREAS, the Chief of Police, Joseph R. Blewett, has advised the Governing Body that there is a need to hire a permanent part-time/provisional Police Communications Operator; and

WHEREAS, Chief Blewett has recommended that Kyle McCartney, 15 Chestnut Road, Holmdel, NJ 07733 to fill that position; and

WHEREAS, the Governing Body concurs with Chief Blewett's recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Kyle McCartney be and hereby is appointed temporary part-time Police Communications Operator;

BE IT FURTHER RESOLVED that said appointment be effective immediately and the salary be set at \$9.50.

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

Resolution R-11-112

Mr. Padula read the following Resolution in its entirety for approval:

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

R-11-112

Resolution approving Out of

Title pay for Wayne O'Neil, pursuant to Article IX, Section 2 of the collective bargaining agreement between the Borough and DPW

Whereas, Wayne O'Neil is employed by the Borough of Highlands as a Road Repairer; and

Whereas, Mr. O'Neil has communicated with the Council and requested additional pay for performing out of title work pursuant to Article IX, Section 2 of the Agreement between the Borough and the DPW union; and

Whereas, the Borough has confirmed that Mr. O'Neil has performed out of title pay and is entitle to supplemental compensation in accordance with Article IX, Section 2 of the Agreement;

Now, therefore Be It Resolved that the Highlands Mayor and Council approve the payment of supplemental compensation to Wayne O'Neil for out of title work performed in accordance with article IX, Section 2 of the contract.

Seconded by Mr. Connelly 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

Ordinances: Introduction & Set Public Hearing Date for May 18, 2011

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Ordinance O-11-13

Ms. Dailey read the title of Ordinance O-11-13 for introduction and setting of a public hearing date for May 18, 2011.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for May 18, 2011 at 8:00 P.M. and authorized its publication according to law:

**ORDINANCE NO. O-11-13
AN ORDINANCE AMENDING SCHEDULE I OF CHAPTER 7-3.4 "PARKING
PROHIBITED AT ALL TIMES ON CERTAIN STREETS" OF THE REVISED
GENERAL ORDINANCE OF THE BOROUGH OF HIGHLANDS**

SCHEDULE I

New

No Parking- Con.

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Waterwitch Avenue	Both Sides Waterwitch	Along entire frontage (35 feet, 6 inches) of Avenue Pump Station (Lot 6, Block 94)

Seconded by Ms. Kane 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

Ordinances: 2nd Reading, P.H., Adoption

Ordinance O-11-9

Ms. Dailey read the title of Ordinance O-11-9 for the second reading and public hearing. She also stated that this ordinance was published in the March 25th edition of the Two River Times and may now be open for public hearing.

Mayor Nolan opened up the public hearing on Ordinance O-11-9.

Unidentified Woman questioned what a BID was.

Mayor Nolan explained that it's a Business Improvement District and that the HBP has a Board of Directors. He further explained the purpose of the BID and the HBP.

Unidentified Woman of 22/24 Fifth Street stated that she has not seen any benefit to her for paying the BID tax for a multi-unit residential rental units. She then voiced an objection to the adoption of this ordinance.

There were no further questions or comments from the public; therefore Mayor Nolan closed the public hearing on Ordinance O-11-9.

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Ms. Dailey read the title of Ordinance O-11-9 for the third and final reading and adoption.

Ms. Kane offered the following Ordinance pass third and final reading and moved on its adoption 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 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

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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.
- 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.

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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 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,

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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 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

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- 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

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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 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, it 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

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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.

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INSERT SCHEDULE A HERE

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

ROLL CALL:

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

NAYES: Mr. Francy

ABSENT: Mr. O'Neil

ABSTAIN: None

Ordinance O-11-11

Ms. Dailey read the title of Ordinance O-11-11 for the second reading and public hearing.

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

Unidentified Woman from 22 Fifth Street questioned the increase in building department fees.

Mr. Francy explained that yes, this is an increase in building permit fees based on the volume of the work being done in cubic feet. We are changing it from .25 cents to .35 cents which he further explained.

Mayor Nolan then read through some of the proposed increased fees.

Mr. Francy further explained to the unidentified woman the method of fee calculations.

Unidentified Woman from 22 Fifth Street spoke against the increase of building permit fees.

There were no further questions or comments from the public; therefore Mayor Nolan closed the public hearing on Ordinance O-11-11.

Ms. Dailey read the title of Ordinance O-11-11 for the third and final reading and adoption.

Mr. Francy offered the following ordinance pass third and final reading and moved on its adoption:

**O-11-11
AN ORDINANCE AMENDING CHAPTER 10, SECTION 10-2
ENTITLED "FEES" OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF HIGHLANDS, 1975,
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:

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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

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

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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**

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:

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

One to 50 ~~\$50~~ **\$60**

Each additional 25 ~~\$10~~ **\$20**

Service panels, entrances and subpanels:

Each service panel, entrance or subpanel up to

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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

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
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 **\$50**each

Gas and oil-fired appliance \$45 **\$50**each

That is connected to plumbing system

Tank Installation:

Up to 550 gallons in water capacity \$50 each

Over 550 gallons in water capacity \$75 each

Incinerators \$260 each

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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 \$25 per fixture/appliance
Waste/vent stacks	\$20 \$25 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 \$25 per appliance
Hot water heaters	\$50 each

The minimum fee for plumbing permits shall be \$50

Waiver of building permit fees:

\$50 administration fee for all permits

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

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

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

Annual review of fee schedules

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

State of New Jersey Permit Fees

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

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

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Seconded by Ms. Kane and **NOT adopted** on the following roll call vote:

ROLL CALL:

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

Mayor Nolan – motion fails.

Other Business:

Engineers Status Report

Dale Leubner and Robert Keady of T & M Associates were both present.

Mr. Leubner read through the following report:

HGHL-G1101 April 15, 2011

Carolyn Cummins
Borough Clerk
Borough of Highlands
171 Bay Avenue
Highlands, New Jersey 07732-1405

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

Re: Engineer's Status Report

Dear Ms. Cummins:

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 have evaluated it to derive a flow comparison. We are currently working with the Borough to further understand how the Monmouth Hills area is billed for use of the Borough's sewer infrastructure.

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. We have been receiving sporadic comments/questions from various areas of the NJDEP and have issued responses to each of them.
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.

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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. We are currently discussing a return date from the Contractor.

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

It is our understanding that a bond ordinance is being introduced in May to complete the entire program.

4. **The Reconstruction of Highland Avenue:** The NJDOT awarded the Borough \$1,184,000.00 in Discretionary Aid for Highland Avenue and the portions of Valley Avenue and Miller Street between Route 36 and Highland Avenue. At the August 18, 2010 Council meeting, the Borough authorized T&M Associates to design the project. T&M Associates and representatives from the Borough Council held a pre-design walkthrough with the residents on Highland Avenue on May 8, 2010. All comments 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. The plan was presented to the Borough at the March 16, 2011 Council meeting. On March 21, 2011 we were requested to further research the guidelines to determine the maximum amount of speed humps that can be installed along the roadway. We determined a maximum of four speed humps can be installed per the guidelines. We understand that the number and location of the speed humps was discussed at the April 6, 2011 Council meeting. Once we receive direction from the Borough regarding the proposed traffic calming measures, we can finalize the plans and resubmit 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 authorized by the Mayor and Council to design and inspect the overall project. Topographic survey has been scheduled and will commence in the near future.

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.
2. **FEMA Hazardous Mitigation Assistance Grant Program Letter of Intent:** The letter was submitted to FEMA on April 8, 2011 as required. The grant application is due in August 2011.

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

Very truly yours,

T&M ASSOCIATES

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

Council spoke about speed calming device for Highland Ave project. Engineer needs the council to make final decision on the traffic calming so he can finalize the design plans for this project.

Mr. Francy – the speed humps will be an add on so you can move forward with the advertise and then we can add them.. He directed Mr. Leubner to report back NJDOT with two speed humps. One will be located between Off the Hook and Twin Light and the other one will be in between South Peak and Valley.

Discussion about Hazardous Mitigation Project. Mr. Francy informed Mr. Leubner that residents have questioned how it will look with the pump house. So at some point in the future he will ask the engineer to prepare a rendering of what it will look like.

Mr. Leubner – how it looks will be up to the Council because you can add amenities.

South Bay Ave Park Electrical Concerns on deck

Mr. Leubner stated that they could not get the electrical issue to reproduce itself during their site visit, which he further explained. Basically without doing a thorough look at all components being the repeater, the conduit, the connection to the generator. Charlie an Engineer from T & M has recommended that we ground that railing and ground that fencing because right now they are not grounded.

Mayor Nolan – if we just ground it then we are not really fixing the problem.

Discussions continued and Council came to consensus of making the grounding improvements.

Chief Blewett and Dale will obtain cost estimates for this.

Fuel Storage Proposal

Mayor Nolan explained that currently the borough gas pumps have a key lock on it. We want to get a little better handle of the gas usage so for about two months we have obtained two proposals.

Mr. Francy – we received two proposals from Aurora Environmental. Their first proposal was for \$64,000. We sent it back for a better cost. We need to identify every vehicle that uses the gas pumps, every person that uses the pump, every dispensing of gas gets charged to a department.

Mayor Nolan – we are trying to get a better handle on this. He then spoke about how we are in the process of obtaining proposals to reduce the cost of the cell phone bills. He also spoke about a better purchasing program to better monitor expenses.

Mr. Francy stated that he is comfortable the second proposal from Aura, Inc.

Mr. Pfeffer – we need to go through the Purchasing Agent to verify if the vendor is under state contract, then we need to figure out how to pay for it.

Mr. Francy – they gave us four options and he needs more detail of each option before we move forward. He will move forward in exploring the four options on Aura's second proposal.

911 Memoria Project

Mayor Nolan stated that the Memoria Committee could not all be present this evening so this matter will be tabled to the May 1, 2011 Council Meeting.

Ms. Kane requested that the Clerk's Office send notice to both the VFW and the American Legion about the May 1st Meeting.

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South Bay Ave Park Electrical Concerns

This item was briefly discussed during the engineers report.

Cell Phone Proposals

Mayor Nolan requested that we now obtain a proposal from AT & T in addition to the Sprint Proposal and Verizon proposal.

Public Portion

Tara Ryan of 17 Ocean Street spoke about the Truck of the Future which will be here for the public on Friday and Saturday.

Jim Parla of 16 Portland Road questioned why we are responsible for the south bay park electric problem.

Mayor Nolan stated that he taking care of the problem so no one gets hurts, then he will sort out who is responsible.

Discussion continued about the electric shock problem at the South Bay Ave Park.

Jim Parla stated that Dave Mercado gave a good presentation at the Neighborhood Watch Meeting last night.

Mayor Nolan commented on the work increase in Mr. Mercado's hours and salary.

Donald Manrodt of 268 Bayside Drive questioned update on Exxon Clean up for Bayside Drive.

Mr. Connelly stated that Exxon is are looking into the best way to solve this problem. They don't have the answer yet and they seem to be very concerned.

Donald Manrodt spoke of the smell on Bayside Drive.

Mr. Francy commented on the smell. He explained that this pilot test that is being done will go on for another six week then they will send us the data.

Exxon discussion continued with the Council and Mr. Manrodt.

Mr. Manrodt then spoke against speed bumps being installed on Highland Ave.

Carol Bucco of 330 Shore Drive questioned the Supplemental Bill List and if they were monthly bills for fuel and software.

Mr. Pfeffer explained.

Carol Bucco then stated that she has not seen any public notices on the website.

Eileen Scanlon – no comment.

Victor Laurtauro – no comment

Michael _____ of 22 Fifth Street – no comment.

Sean Fitzgerald of 8 Fourth Street spoke against speed bumps on Highland Ave.

Chief Blewett explained what the possible speed calming devices that may be installed.

Dale Leubner further described them.

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Mayor & Council
Regular Meeting
April 20, 2011**

Chief Blewett spoke of complaints received regarding school traffic issues.

Mr. Francy stated that there are a number of residents from Highland Ave that are requesting the speed bumps.

Sean Fitzgerald then commented on building permits and items that are on the revaluation cards.

Mayor Nolan – we are still sorting out the revaluation.

There were no further questions or comments from the public.

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

The Meeting adjourned at 9:14 P.M.

Carolyn Cummins, Borough Clerk

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