

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

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

Mrs. Cummins read thru 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. Redmond, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

**Absent:** None

**Also Present:** Carolyn Cummins, Borough Clerk  
Tim Hill, Borough Administrator  
Stephen Pfeffer, Chief Financial Officer  
Bruce Padula, Labor Attorney

---

**Executive Session Resolution**

Mrs. Cummins read the following Resolution for approval:

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-34  
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: 1. Captains Cove Marina, 2. Hilltop at Highlands, Hillside Village and Ferry landing Condo Associations vs. Boro**

**2.Contract: 1. CWA, UFCA Union Contracts, 2. Exxon Mobile Agreement, 3. Borough Attorney Contract**

**3.Real Estate:**

**4. Personnel Matters: 1. Police Staffing, Chief Blewett**

**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. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
  
2. Any matter in which the release of information would impair a right to receive funds from the federal government.

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. **Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collecting bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.**
5. Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.
6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law
7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).
9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

**BE IT FURTHER RESOLVED** that action may be taken after the executive session.

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

**ROLL CALL:**

**AYES: Mr. Redmond, 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 Regular Meeting back to order at 8:09 p.m.

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

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

**ROLL CALL:**

**Present: Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan**

**Absent: Mr. O'Neil – stepped out of meeting**

**Also Present: Carolyn Cummins, Borough Clerk  
Tim Hill, Borough Administrator  
Stephen Pfeffer, Chief Financial Officer  
Bruce Padula, Labor Attorney**

---

**Committee Reports:**

**Finance**

Mr. Pfeffer said he contacted the State as per Councils request to convert back to calendar year, he then explained the process. He stated that our Caps will be different. We are in the process of converting.

**DPW**

Mr. Hill read thru his report.

**1. DPW- See Report provided by DPW**

Christmas tree removal and chipping continued into January

Responded to 3 sewer clogs –

Removal of decorations

Continued bulk pick up as requested w/ permits

Snow Removal sanding weekend of January 21-22

**Public Relations**

No report at this time.

**Environmental/Shade Tree**

No report at this time.

**Administration**

Mr. Hill read thru his report.

**Borough Administrator's Report February 1, 2012**

**2. DPW- See Report provided by DPW (16 items listed)**

Christmas tree removal and chipping continued into January

Responded to 3 sewer clogs –

Removal of decorations

Continued bulk pick up as requested w/ permits

Snow Removal sanding weekend of January 21-22

**3. Building and Housing-**

**Code Enforcement** – 71 items noted for action (includes CO, inspections, violations (18)

Continue efforts / warnings issued to various property owners

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

**Construction Office** – storm related renovations / repairs are being completed, office has been actively assisting residents with questions and guidance.

**Zoning** - meetings held with residents of Paradise Park explaining the procedures for expanding their site with new trailers/residents. They were informed that the zone they are in doesn't permit trailer parks and any expansion whatsoever will require a variance from the zoning board of adjustment

Communications tower proposed by Monmouth County – recommended to follow up with planning board

Henry Hudson scoreboard needs to go through the building permit process, but, as per Paul Vitale, all fees will be waived.

Continue to receive and review a large volume of permit applications as a result of the storm for reconstruction of porches, steps, decks, etc

#### **4. Parks and Recreation**

**January Usage: 25 uses (not including Library or Rec. Dept. program use).**

Condos 2, Girl Scouts 6, FOB 3, AA / Women's Step Group 4, Tae Kwon Do 5, (No 4-H Variety Club, SET 4-H Club - canceled because of snow, Garden Club, Neighborhood Watch - canceled meeting, or Historical Society this month). Also had Borough's Reorganization mtg. and Union mtg. here as well as a Kavookjian Field mtg.

Senior Citizens: Exec. Mtg. 1/5/12 - Canceled, Business Mtg. 1/12/12, Bingo / Lunch 1/19/12 - Installation of Officers, SC Social 1/26/12 - Games & More. Special Events: Teen Night 1/27/12 - 22 participants. Other: Games & More Program began at HES. For boys and girls in grades 4, 5, & 6 - 13 participants registered. Kids on the Move Program - 35 participants registered. Adult Open Gym Programs ~ Basketball - 2 registered, Indoor Soccer - 28 registered, & Volleyball - 5 registered. Seniors Upcoming Schedule: Exec. Mtg. - 2/2/12, Business Mtg. - 2/9/12, Bingo / Lunch - 2/16/12, Social (Past Presidents Luncheon) - 2/23/12.

**Note: Over 400 participated in recreation sponsored programs in December / January. (Does not include the other group uses of the center)**

#### **5. Administrator's report**

Ongoing information to FEMA for reimbursement – submitted local Project Work Sheets as per FEMA guidelines for Category A - Debris Removal (3), Category B - Protective Measures (3) and Category C - Road / Bridges (1). We anticipate receiving

January attendance at MEL/JIF, Planning Board, FEMA, Police Dept, Code Enforcement/ Construction Meeting, Contract Negotiation Meeting (CWA), HBP Meeting, & Shared Services Meeting.

Met with Monmouth County Traffic Safety – Bay Ave intersections and striping for spring.

Verizon – Pole issue in slope – Verizon is working with Ferry Landing?

Advanced Recovery Systems (Electronics Recycling) – Ready to implement

**END Timothy Hill, Borough Administrator February 1, 2012**

#### **Library**

No report at this time.

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

**HBP**

No report at this time.

**AHHRSA**

No report at this time.

Mr. O'Neil returned to the meeting at 8:18 p.m.

**Special Projects**

Mr. Francy explained the Flood Control Project is shovel ready. FEMA has received our project and have given us a priority number of 3 and 4. He further explained that if project 1 and 2 are rejected, we will get funding. He said that Congressman Frank Pallone will meet with T&M.

Mayor Nolan will reach out to Senator Jennifer Beck.

Mr. Francy said the Flood Control Project will cost \$4.3 million dollars and FEMA said we would qualify for a grant of \$3.5 million dollars. FEMA notification is going to be in September. We have a deadline of August for a referendum. We are waiting for FEMA, and will go forward with referendum.

**Public Safety**

Chief Blewett read thru the following report:

Police Report to Council  
February 2012

- \* The Highlands Police Department has been awarded a \$4000.00 reimbursement grant from the State of New Jersey, Division of Highway Traffic Safety for our participation in the Click It or Ticket Mobilization. These funds are used for special patrols to enforce violations of the seat belt laws between May 21, 2012 and June 3, 2012.
  
- \* On January 9, 2012, the Highlands Police Department responded to a report of an aggravated assault. An investigation into the matter was initiated and revealed that a 19 year old Highlands man was beaten unconscious then robbed. The victim reported that he had accepted a ride home from an acquaintance and during the ride an argument erupted over the color of a bandanna the victim was wearing. Officers charged William Gill, 23, Washington Avenue, Highlands with aggravated assault, robbery, criminal mischief and disorderly conduct. He was subsequently transported to the Monmouth County Correctional Institution in lieu of \$25,000.00 bail.
  
- \* Sometime between January 17<sup>th</sup> and January 18<sup>th</sup>, 2012 unknown person(s) caused over \$1300.00

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

worth of damage by breaking multiple vehicle windows and one apartment window in the area of

Highway 36, Highland Avenue and Portland Road. The matter is still under investigation and may be related to similar incidents in neighboring towns.

\* Total Calls for Service: 512

\* Arrests: Adults: 20 ( 1 for poss of CDS)

JV: 2

\* Summons: Total: 62

Moving Violations: 30

Non-Moving: 13

DWI: 7

Boro Ordinance: 12

---

**Other Business:**

**Review of Planning Board Comments on HBP Zoning Recommendations**

Mayor Nolan offered a motion to carry this to the next meeting, and second by Ms. Kane and tabled on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

**Review of Planning Board Comments on Ordinance Revisions to O-07-07**

Mayor Nolan offered a motion to carry this to the next meeting, and second by Ms. Kane and tabled on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

**ABSTAIN: None**

**Electronic Recycling Update**

Mr. Hill explained that this was discussed at the last meeting and he wishes to move forward with Advanced Recovery Inc. They will provide the borough with a 20 ft. container, which is 8 ft high by 6ft wide at no cost. We get minimal return on the pounds. He recommends that we give it a chance.

Mayor Nolan offered a motion to authorize Mr. Hill to move forward with his with this and seconded by Ms. Kane and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

---

**Consent Agenda:**

Mrs. Cummins stated that the Regular Minutes for the January 18, 2012 were not available and need to be removed from the Consent Agenda.

**Minutes Approved on Consent Agenda**

Mayor Nolan offered a motion for the approval of the January 18<sup>th</sup>, 2012 Executive Session minutes and removal of January 18<sup>th</sup> Regular Meeting minutes, and seconded by Mr. Redmond and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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

**R-12-37**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HIGHLANDS,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**WHEREAS**, the Mayor and Council of the Borough of Highlands, authorized the receipt of bids for Gasoline and Diesel Fuel; and

**WHEREAS**, no bids were received on January 24, 2012; and

**WHEREAS**, it is the desire of the Mayor and Council to authorize the receipt of new bids for Gasoline and Diesel Fuel.

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

1. That the Mayor and Council do hereby authorize the receipt of new bids for Gasoline and Diesel Fuel. The Purchasing Agent shall determine the time, date and place for the receipt of bids.

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

2. That a certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of following:

- A. Administrator
- B. Purchasing Agent
- C. Comptroller

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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

**R-12-38**

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

**WHEREAS**, the Borough of Highlands is in need of continuing to have testing services provided to certain Borough employees holding a CDL License; and

**WHEREAS**, services will be provided at the following rates:

DOT 5 Panel Urine Drug Screen:	\$45.00
Breath Alcohol with Confirmation:	\$35.00
Split Specimen Testing:	\$210.00

**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, 2012 to March 31, 2013.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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

**R-12-39**

**RESOLUTION APPROVING ANIMAL CONTROL SERVICES CONTRACT FOR THE PERIOD OF FEBRUARY 1, 2012 THROUGH APRIL 30, 2012**

**WHEREAS**, the Borough of Highlands has a need to provide Animal Control Services to the Borough; and

**WHEREAS**, Kerry Gowan, a Licensed Animal Control Officer is so qualified to provided Animal Control Services to the Borough of Highlands; and



**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

**WHEREAS**, Kerry Gowan will provide Animal Control Services to the Borough at a rate of \$30.00 per animal control response.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands Mayor & Council that Kerry Gowan is hereby awarded a contract to provide Professional Animal Control Services to the Borough of Highlands for the period of February 1, 2012 through April 30, 2012 and the Borough Administrator is hereby authorized to execute attached agreement.

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

**ROLL CALL:**

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

**NAYES:** Mr. O'Neil

**ABSENT:** None

**ABSTAIN:** None

Mayor Nolan offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**R-12-40**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR  
PROFESSIONAL ENGINEERING SERVICES  
EMERGENCY GENERATOR TRANSFER SWITCHES  
T & M ASSOCIATES**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services to prepare the plans and specifications for the Emergency Generator Transfer Switches Project and to provide contract administrative services during construction phase. This contract is being awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$11,000 plus reimbursable expenses as per T & M Associates proposal dated January 6, 2012 for Professional Engineering Services for the Emergency Generator Transfer Switch Project to the Borough of Highlands for the period of one year; and

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

**WHEREAS**, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

Bond Ordinance O-08-02

-----  
**Stephen Pfeffer, Chief Financial Officer**

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

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

1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$11,000 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 execute the contract documents.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

**NAYES:** Mr. O'Neil

**ABSENT:** None

**ABSTAIN:** None

**Mayor Nolan offered the following Resolution and moved on its adopto**

**RECAP OF PAYMENT OF BILLS  
02/01/2012**

<b>CURRENT:</b>		\$ 1,499,526.07	
Payroll	( 01/30/2012)	\$	
<b>Manual Checks</b>		<b>\$ 14,857.98</b>	<b>Voided Checks</b>
			<b>\$ -237,449.03</b>
<b>SEWER ACCOUNT:</b>		\$ 28.00	
Payroll	(01/30/2012)	\$	
Manual Checks		\$ 253.91	
Voided Checks		\$	
<b>CAPITAL/GENERAL</b>		\$ 28,760.66	
<b>CAPITAL-MANUAL CHECKS</b>		\$ 135,500.42	
Voided Checks		\$	
<b>WATER CAPITAL ACCOUNT</b>		\$	
<b>TRUST FUND</b>		\$ 8,278.92	
Payroll	(01/30/2012)	\$	

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

Manual Checks	\$	876.44
Voided Checks	\$	

**UNEMPLOYMENT ACCT-MANUALS \$**

**DOG FUND \$**

**GRANT FUND \$ 652.50**

Payroll (01/30/2012)

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.**

**SUPPLEMENTAL BILL LIST  
February 1, 2012**

**CURRENT FUND**

Comcast	Internet Fees Police #12-07	122.98
N.J. State Health Benefits Program	Feb. 2012 Health Benefits	69,461.17
Nextel Sprint	Police Cell Phones 12/13/11-1/12/12	306.64
Swanton Fuel	Unleaded & Diesel 1/10/12	1,678.82
T & M Associates	Property Line & Row Line Stakeouts	4,211.50
Twin Lights Terrace Condo. Assoc.	Street Lighting Reimbursement	839.62
Twin Lights Terrace Condo. Assoc.	Snow Removal Reimbursement	140.63
Verizon Wireless	Cell Phone Charges 12/10/12-1/09/12	528.72
<b>Total Current Fund</b>		77,290.08

**CAPITAL FUND**

<b>Total Capital Fund</b>	0.00
---------------------------	------

**GRANT FUND**

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

<b>Total Grant Fund</b>	0.00
-------------------------	------

**SEWER UTILITY FUND**

N.J. State Health Benefits Program	Feb. 2012 Health Benefits	3,339.32
------------------------------------	---------------------------	----------

<b>Total Sewer Utility Fund</b>	3,339.32
---------------------------------	----------

**TRUST FUND**

Total Trust Fund	0.00
------------------	------

<b>Total Supplemental Bill List</b>	80,629.40
-------------------------------------	-----------

Seconded by Mr. Redmond and approved for payment on the following roll call vote:

**ROLL CALL:**

**AYES:** Redmond, O'Neil, Francy, Kane, O'Neil, Nolan

**NAYES:** None

**ABSTAIN:** None

**ABSENT:** None

**DATE:** February 1, 2012

---

Carolyn Cummins, Borough Clerk

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

\*\*\*\*\*

**Other Resolutions**

**R-12-01 – Resolution Appt. Boro Attorney & Awarding Prof. Legal Service**

Mayor Nolan offered that Resolution R-12-01 to be tabled to the next meeting, and seconded by Mr. Redmond and all were in favor on the following roll call vote:

**.ROLL CALL:**

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

**R-12-28 – Resolution Appointing Shade Tree Member**

Mayor Nolan offered the following resolution and moved its adoption:

**R-12-28  
RESOLUTION APPOINTING MEMBERS  
OF THE SHADE TREE COMMISSION**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following appointments be made to the Shade Tree Commission:

Joseph Hawley                                  Member

**BE IT FURTHER RESOLVED** that all appointments shall be for the term of 1 year with an expiration date of December 31, 2012.

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

**ROLL CALL:**

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

**R-12-35 – Resolution Appointing Member to Depuration Commission**

Mr. Francy offered a motion to table this until further notice, and seconded by Mayor Nolan and tabled on the following roll call vote:

**ROLL CALL:**

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

**R-12-36 – Resolution Changing School Election Date to General Election**

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

**R-12-36  
RESOLUTION  
Establishing the Election of Members of the Highlands Boards of Education**

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

**As the First Tuesday after the First Monday in November**

- WHEREAS,** P.L. 2011, c. 202 authorizes changing the election date of school board members from the third Tuesday in April to the first Tuesday after the first Monday in November (the General Election); and
- WHEREAS,** Such action requires the adoption of a resolution by a school district or the municipality or municipalities constituting such district, as set forth in P.L. 2011, c. 202; and
- WHEREAS,** P.L. 2011, c. 202 requires that the change to a November election remain in effect for four years; and
- WHEREAS,** P.L. 2011, c. 202 eliminates the annual voter referendum on the proposed general fund tax levy (i.e., the base budget which is at or below the statutory tax levy cap) in school districts where board of education members are elected at the General Election; and
- WHEREAS,** P.L. 2011, c. 202 requires that an additional general fund tax levy proposal (i.e., for an expenditure in excess of the tax levy cap) be presented to voters as a separate question at the General Election; and
- WHEREAS,** The Governing Body of the Borough of Highlands believes that the financial interest of its constituents is safeguarded by the state's tax levy cap and the thorough review of the proposed school budget by the Executive County Superintendent and the Executive County School Business Administrator; and
- WHEREAS,** The Governing Body of the Borough of Highlands believes that more citizens will participate in the selection of school board members at the General Election than on the third Tuesday in April and that the higher level of participation will foster positive interest in our public schools; and
- WHEREAS,** The Governing Body of the Borough of Highlands is committed to the non-partisan status of school board membership and the non-partisan conduct of school elections, and believes this principle will not be compromised by conducting board member elections in November.

**NOW, THEREFORE, BE IT RESOLVED,**

That, pursuant to P.L. 2011, c. 202, the Governing Body of the Borough of Highlands changes the annual election date for school board members from the third Tuesday in April to the November General Election, beginning in 2012; and be it further

- RESOLVED,** That, pursuant to P.L. 2011, c. 202, the annual organization meeting of the Board of Education will take place in the first week of January following the November General Election and that the board of education's next organization meeting will take place in the first week of January 2013; and be it further
- RESOLVED,** That, pursuant to P.L. 2011, c. 202, members of the Highlands Boards of Education whose terms would have expired by May 2012 will continue to serve in office until the January 2013 organization meeting; and be it further
- RESOLVED,** That this resolution be transmitted to the Monmouth County Clerk; the Monmouth County Board of Elections and/or Superintendent of Elections; the and school board secretary or secretaries; the Department of State, Division of Elections; the Department of Education's Executive County Superintendent; and the Department of Community Affairs, Division of Local Government Services; and be it further
- RESOLVED,** That a copy of this resolution also be provided to the New Jersey School Boards Association and New Jersey State League of Municipalities.

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

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

**ROLL CALL:**

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

---

**Ordinances: Introduction & Setting of a Public Hearing Date:**

**Ms. Kane leaves the room.**

**Ordinance O-12-1**

Mrs. Cummins read the title of Ordinance O-12-1 for introduction and setting of a public hearing date of March 7<sup>th</sup>.

Mayor Nolan offered the following ordinance pass introduction and that a public hearing date be set for March 7, 2012 at 8:00 P.M. after publication according to law:

**O-12-1**

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AUTHORIZING THE BOROUGH OF HIGHLANDS TO REVERT TO A CALENDAR FISCAL YEAR FROM A STATE FISCAL YEAR**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF HIGHLANDS** that pursuant to N.J.S.A. 40A:4-3.2 , that the Borough shall commence operating on a Calendar Fiscal Year beginning with Calendar Year 2013; and

**BE IT FURTHER ORDAINED** that this ordinance shall take affect upon approval of the Local Finance Board of the application as required by law.

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

**ROLL CALL:**

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

**Ordinance O-12-2**

Mrs. Cummins read the title of Ordinance O-12-2 for introduction and setting of a public hearing date of March 21, 2012.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for March 21, 2012 at 8:00 P.M. after publication according to law:

**O-12-2**

**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~~}

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

**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

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**



**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

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

**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 550 gallons \$100

Demolition or removal of tanks above 550 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**

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

**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**

**Solar system R-5 flat fee** **\$200**

**all other cost per thousand.**

**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

200 amperes \$65

Up to 201-400 amps \$100

~~Larger than above 401-1000~~ **600** \$400

**601 to 1000+** **\$800**

Transformers and Generators:

Up to 10 kilowatts \$25

Up to 45 kilowatts **\$60**

Up to 112.5 kilowatts \$100

Larger than above ~~\$325-~~ **\$400**

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-~~ **\$60**

Up to 100 horsepower ~~\$90-~~ **\$125**

Larger than above ~~\$325-~~ **\$400**

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

**Annual electrical inspection fee**

for bonding and grounding certificates for

public swimming pools, spas and hot tubs                      \$75

Solar system Installation Flat Fee R-5                      \$200

all others cost per device.

The minimum fee for Electrical permits shall be:              ~~\$50~~ **\$60**

**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~~ **\$50**

Each additional 15    \$20

Alarm devices (heat pulls, water flow) 5 or less              ~~\$40~~ **\$50**

Each additional 15    \$20

Supervisory devices (tamper, low/high air)

Or signaling devices (horns/strobes, bells)

5 or less    ~~\$40~~ **\$50**

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~~ **\$55** each

Gas and oil-fired appliance    ~~\$45~~ **\$55** each

Tank Installation:

Up to 550 gallons in water capacity                              \$50 each

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

Over 550 gallons in water capacity	\$75 each
Tank removal/abandonment up to 550 gals	\$100 each
over 550 gals	\$250 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	\$55

**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.     \$55 each

Steam/hot-water boilers     \$55 each

Gas piping service     \$55 per system

Appliances added to a gas piping system     ~~\$20~~ **\$25** per appliance

Hot water heaters     \$50 each

Back flow device annual inspection     \$55

Grease Trap Inspection annual per device     \$75

**The minimum fee for plumbing permits shall be     \$55**

**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

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

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 sub-code 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 sub-codes.

**State of New Jersey Permit Fees**

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

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

Seconded by Mr. O’Neil and introduced on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Redmond, Mr. O’Neil, Mr. Francy, Mayor Nolan

**NAYES:** None

**ABSENT:** Ms. Kane

**ABSTAIN:** None

**Ordinance O-12-3**

Mrs. Cummins read the title of Ordinance O-12-3 for introduction and setting of a public hearing date of March 21, 2012.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for March 21, 2012 at 8:00 P.M. after publication according to law:

**ORDINANCE O-12-3  
ADDING 2-3.5 (NEW SECTION) TO THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
ESTABLISHING EDUCATIONAL REQUIREMENTS FOR ELECTED OFFICIALS**

2-3.5 (New Section) Education Requirement for Elected Officials.

a. Introduction. The following is the educational requirement for elected officials for the Borough of Highlands.

b. Purpose. The purpose of this policy is to ensure that the elected officials of the Borough of Highlands fully understand their responsibilities and to conduct themselves in an ethical manner at all times.

c. Basic Requirements. All newly elected officials must attend basic courses on their responsibilities and obligations (budgeting, policy setting, local government contracting, etc.). At least one (1) course must be completed by April 1 after taking office.

Additionally, all elected officials are required to take an ethics course no later than April 1 after taking office. It is recommended that they take an ethics course every other year for the duration of their term.

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

**ROLL CALL:**

**AYES:** Mr. Redmond, Mr. O’Neil, Mr. Francy, Mayor Nolan

**NAYES:** None

**ABSENT:** Ms. Kane

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

ABSTAIN: None

**Ordinance O-12-4**

Ms. Kane returns to the meeting.

Mrs. Cummins read the title of Ordinance O-12-4 for introduction and setting of a public hearing date of March 21, 2012.

**Mayor Nolan offered the following Ordinance and moved that it pass introduction and that a public hearing be schedule for March21, 2012 at 8:00 P.M. after publication as required by law:**

**O-12-4  
AN ORDINANCE ADDING 2-3.6 (NEW SECTION) TO THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS, COUNTY  
OF MONMOUTH, STATE OF NEW JERSEY  
ESTABLISHING ATTENDANCE POLICY OF ELECTED AND APPOINTED  
OFFICIALS**

**2-3.6 (New Section)**

**ATTENDANCE POLICY OF ELECTED AND APPOINTED OFFICIALS.**

a. *Introduction.* The following is the Attendance Policy for elected and appointed officials for the Borough of Highlands.

b. *Vacancy Due to Change to Nonresident Status or Upon Resignation; Filling; Municipal Offices Open to Nonresidents.* As per N.J.S.A. 40A:9-11, whenever a County or municipal officer, who is required to be a resident shall cease to be a bona fide resident of the County or municipality, as the case may be, or whenever the resignation of any such officer shall have been accepted by the proper authority, his office shall immediately be deemed to be vacant. The County or municipality, by the proper authority, shall thereupon proceed to fill the vacancy in the manner prescribed by law. A nonresident of any municipality may hold office as counsel, attorney, engineer, health officer, auditor or comptroller of such municipality and no such office shall be deemed vacated by a change of residence of any such person.

c. *Vacancy from Any Cause Other Than Expiration of Term or Filing of Petition for Recall.* As per N.J.S.A. 40A:9-12, in any County or municipality, whenever a vacancy in office occurs from any cause other than expiration of the term of office or the filing of petition for recall, such vacancy shall be filled in the manner prescribed by law.

d. *Vacancy Deemed on Resignation, Incapacity, Death, Residence, Absence, or Removal; Filling Unexpired Term.* As per N.J.S.A. 40A:9-12.1: The office of any person appointed to a specified term, with or without compensation, by the Governing Body or chief executive of any local unit, including persons appointed to any board, committee, commission, authority or other agency of one or more local units, shall be deemed vacant:

1. Upon its being so declared by judicial determination;
2. Upon the filing by such officer of his written resignation;
3. Upon the refusal of a person designated for appointment to such office to qualify or serve;
4. Upon the determination of the appointing authority that such officer shall have become physically or mentally incapable of serving;
5. Upon the death of such officer;
6. Upon the determination of the appointing authority that, in violation of a lawful residency requirement, such officer no longer resides within the corporate limits of the local unit or other designated territorial area;
7. In the case of a member of a board, committee, commission, authority or other agency,

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

whenever the member, without being excused by a majority of the authorized members of such body, fails to attend and participate at meetings of such body for a period of eight (8) consecutive weeks, or for four (4) consecutive regular meetings, whichever shall be of longer duration, at the conclusion of such period, provided that such body shall notify the appointing authority in writing of such determination; provided, further, that such board, committee, commission, authority or other agency may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness; provided, however, that nothing in this subsection shall preclude a municipal appointing authority from adopting by ordinance a policy establishing a lower absentee threshold, provided that the ordinance shall not permit the removal of the member if the member has been absent for less than six (6) consecutive weeks, or three (3) consecutive meetings, whichever shall be of longer duration, without being excused, within the term of office for the position held by the individual;

8. Upon the removal of such officer for cause in accordance with law, or for any other reason prescribed by law.

Whenever any of the above shall occur the appointing authority shall forthwith fill the office for the unexpired term in the manner prescribed by law; provided, however, that in the case of a person failing to qualify or refusing to serve pursuant to subsection c., such office shall not be deemed vacant, if the incumbent officeholder is authorized by law to continue in such office until a successor is appointed and qualifies therefor.

e. *Absences.* Elected and appointed officials shall make every effort to attend meetings. The following is a list that constitutes excused absence:

1. Personal illness
2. Family emergencies
3. Military absences
4. Family weddings
5. Family graduation exercises
6. Bona fide business and vacation trips constitute good cause
7. Jury duty
8. Death
9. Child birth
10. Pandemic
11. Religious festivities or events
12. Classes for certification or Borough related business
13. Items covered under Family Leave Act (as amended)
14. Any other item taken on a case-by-case basis that the body can vote upon if requested by an absent official at the next official meeting after the absence.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

**Ordinance O-12-5:**

Mrs. Cummins read the title of Ordinance O-12-5 for introduction and setting of a public hearing for March 21, 2012.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for March 21, 2012 at 8:00 P.M. and authorized its publication according to law:

Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012  
ORDINANCE NO. O-12-5

AN ORDINANCE AMENDING CHAPTER 6-6 "REQUIREMENTS FOR EMPLOYEES SERVING ALCOHOLIC BEVERAGES" OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF HIGHLANDS

NOTE: The section of Chapter 6-6 that is to be amended by this Ordinance includes only the Sections specifically set forth below. All additions shown in **bold with underlines**. The deletions are shown as ~~strikeovers in bold italics~~. It is the intent to delete the entire SECTION.

**Section 6-6 REQUIREMENTS FOR EMPLOYEES SERVING ALCOHOLIC BEVERAGES (DELETED)**

~~6-6 — **REQUIREMENTS FOR EMPLOYEES SERVING ALCOHOLIC BEVERAGES.**~~

-

~~6-6.1 — **Identification Cards.**~~

~~— All persons, corporations, partnerships or other entities applying for an initial or renewal of alcoholic beverage sale and/or distribution licenses in the Borough of Highlands shall be required to obtain identification cards for every bartender, waiter, waitress or other employee or person connected with, or employed by or who, during the period of licensing, shall be connected with, or employed by the said licensee and who will handle alcohol directly during the course of duties required by the licensee. All cards shall be secured and obtained within ten days from the initial application for or renewal of the alcoholic beverage sale or distribution license, or within ten days of the employment of any employee connected with the licensed premises.~~

~~— a. — The fee for the issuance of an identification card as set forth in subsection 6-6.1 shall be twenty (\$20.00) dollars for the borough fee and the State fee, which is currently thirty (\$30.00) dollars, as it may be revised in the future.~~

-

~~6-6.2 — **Fingerprinting and Photographing Requirements.**~~

~~— It shall be the responsibility of the licensee to ensure that every agent, bartender, waiter, waitress or other employee or person connected with or employed by said licensee, or to be in the future connected with or employed by said licensee, and who will handle alcohol directly during the course of duties required by the licensee, have an impression of the thumb and fingertips of one or both hands taken by the Highlands Police Department and, further, to cause such persons to have their photograph taken by the Highlands Police Department.~~

~~— a. — Persons under the age of 18 shall be fingerprinted to obtain an identification card but shall be exempt from borough fees, not State fees.~~

-

~~6-6.3 — **Identification Cards; On File; Expiration Date.**~~

~~— The Borough of Highlands Police Department shall furnish to the licensee and to every agent, bartender, waiter, waitress or other employee connected with or employed by the licensee, and who will handle alcohol directly during the course of discharging duties by the licensee an identification card demonstrating compliance with the provisions of this section. This card shall be on file on the licensed premises and shall be exhibited upon demand at any time requested by any law enforcement officer or official of the Borough of Highlands. Such identification card shall expire three years from the date of issue, at which time new photographs shall be taken by the Highlands Police Department and a new fee therefor paid by the licensee. Every licensee and every agent, bartender, waiter, waitress or other employee connected or person associated or to be associated with or employed by licensee and who will handle alcohol directly during course of discharging duties by licensee in the future shall make application for liquor sale or distribution identification cards within ten days of employment or association with the license entity and shall secure the identification card as provided for in this section.~~

-

~~6-6.4 — **Information on Employees to be Submitted to Police.**~~

~~— In addition to fingerprinting and photographing, every bartender, waiter, waitress, agent, employee or person~~



**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

~~associated with a licensed premises shall, in addition, provide the Highlands Police Department with the following information:~~

- ~~— a. — Name and description of the applicant and permanent home address and full local address.~~
- ~~— b. — Name and address of the licensed employer.~~
- ~~— c. — Names of at least two property owners in the County of Monmouth and State of New Jersey who will certify as to the applicant's good character.~~
- ~~— d. — A statement showing whether the applicant has been convicted of any crime, disorderly persons violation or violation of any municipal ordinance, the nature of the offense and the punishment and penalty assessed therefor.~~
- ~~— e. — The applicant's date of birth and social security number.~~
- ~~— f. — Such other information as may be required by the Borough of Highlands Police Department.~~

~~6-6.5 — Notification of Police of Changes Regarding Employees.~~

~~— Every licensee shall be responsible for notifying the Highlands Police Department of any change of employment or association of any agent, bartender, waiter, waitress or other employee who is the holder of an identification card from the Highlands Police Department, and shall forthwith report to said police department the employment or association of such other agents, bartenders, waiters, waitresses or other employees or persons connected with the licensed premises who may hereinafter be associated with the said licensed premises.~~

~~6-6.6 — Investigation by Police.~~

~~— It shall be the duty and obligation of the Highlands Borough Police Department to investigate violations and to enforce this section.~~

~~6-6.7 — Violations and Penalties.~~

~~— Any licensee or person or agent violating the provisions of this section who is neglecting or refusing to comply with any of the terms or conditions hereof shall, upon conviction thereof, forfeit and pay a fine of not less than fifty (\$50.00) dollars and not exceeding five hundred (\$500.00) dollars for the first offense, and for each subsequent offense, a fine of not less than two hundred fifty (\$250.00) dollars and not exceeding one thousand (\$1,000.00) dollars. Each and every nonconformance with this section shall be construed as a separate and distinct violation thereof.~~

~~6-6.8 — Responsibilities of Employees.~~

~~— Any bartender, waiter, agent, employee or other person connected with or employed by or about to be connected with or employed by or who may in the future be connected with or employed by the licensed premises and who will handle alcohol directly during the course of discharging duties required by the licensee shall, notwithstanding the responsibility of the licensee to ensure compliance with this section, be responsible individually to comply with the terms and conditions of this section and, for any violation thereof by such person, shall be subject to the same fines and penalties and forfeiture as herein provided for the licensee.~~

~~6-6.9 — Display of State Penalties.~~

~~— Each licensed premises shall be required to display in a prominent place, visible to the public, a statement setting forth the penalties for drunken driving, refusal to take breathalyzer tests and possession of an open container of an alcoholic beverage in a motor vehicle as is provided in Title 39 of the New Jersey Statutes.~~

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

**ROLL CALL:**

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

**NAYES:** None

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

**ABSENT: None**

**ABSTAIN: None**

**Ordinance O-12-6**

Mrs. Cummins read the title of Ordinance O-12-6 for introduction and setting of a public hearing date for March 21, 2012.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for March 21, 2012 at 8:00 P.M. and authorized its publication according to law:

**ORDINANCE NO. O-12-6**

**AN ORDINANCE AMENDING CHAPTER 7-3.8 “PERMIT PARKING FOR RESIDENTS” IN THE  
REVISED GENERAL ORDINANCE OF THE BOROUGH OF HIGHLANDS**

**NOTE:** The section of Chapter 7 that is to be amended by this Ordinance includes only the Sections specifically set forth below. All additions shown in **bold with underlines**. The deletions are shown as *strikeovers in bold italics*.

7-3.8 Permit Parking for Residents.

a. Parking on the following streets or portions of said streets shall be restricted at all times to vehicles of residents, their family members and guests displaying a proper permit or placard issued by the borough clerk pursuant to this subsection.

1. Willow Street—entire paved portion on both sides of street no parking any time; Willow Street residents may park on Locust Street.

2. Locust Street—entire length on both sides of street to intersection with Willow Street.

~~3. Shore Drive from intersection of Marie Avenue west to Willow Street on both sides of street and on the north side only west of Willow to its terminus for residents that do not have off street parking with the exception of placards for guests.~~

4.3. Marie Street—entire paved portion on both sides of street.

~~5.4.~~ King Street—entire paved portion on both sides of street.

b. Residents shall fill out an application on a form to be established providing sufficient information to facilitate the administration of this subsection with the borough clerk and obtain a sticker to be affixed to each vehicle owned or leased to the residents of the premises on these streets.

c. The application shall be kept on file with the borough clerk and the resident(s) shall be required to update same upon disposing of any vehicle on the application and/or acquisition or leasing of replacement or additional vehicles.

d. Guest placards, not to exceed two per residence, shall be available at the borough clerk's office upon application. These shall be assigned permanently to the applicant for use at the residence and shall be used by guests and/or visitors while parked on the said streets.

e. Upon disposing of any vehicle or moving from the residence, the person or persons so named on the application on file with the borough clerk shall advise the borough clerk in writing or in person and shall remove and surrender all permits and placards previously issued.

f. Permits and placards shall not be sold, traded, assigned or given to another person and may only be used in connection with the street of the residence on the application.

g. There shall be no fees charged to the residents for these permits and placards.  
(Ord. O-00-07)

Seconded by Mr. O’Neil and introduced on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Redmond, Mr. O’Neil, Ms. Kane, Mayor Nolan**

Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012

NAYES: Mr. Francy

ABSENT: None

ABSTAIN: None

**Ordinance O-12-7:**

Mrs. Cummins read the title of Ordinance O-12-7 for introduction and setting of a public hearing date for March 21, 2012.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for March 21, 2012 at 8:00 P.M. and authorized its publication according to law:

**ORDINANCE NO. O-12-7  
AN ORDINANCE AMENDING CHAPTER 4-10 "BICYCLES" OF THE REVISED GENERAL  
ORDINANCE OF THE BOROUGH OF HIGHLANDS**

**NOTE:** The section of Chapter 4-10 that is to be amended by this Ordinance includes only the Sections specifically set forth below. All additions shown in **bold with underlines**. The deletions are shown as *strikeovers in bold italics*. It is the intent to delete the entire chapter.

**Section 4-10 BICYCLES (DELETED)**

~~4-10.1 — Definitions.~~

~~— Bicycle shall mean and include a vehicle with two tandem wheels, neither of which is less than 15 inches in diameter, with solid or pneumatic tires, using a steering bar or wheel, a saddle seat, and propelled by human power.~~

~~— Operate or any form or tense thereof, shall mean and refer to the use, putting into action, or causing to function of a bicycle.~~

~~— Fit operating condition shall mean that all moving parts shall be in good functioning order; the frame shall be structurally sound; the tires shall be properly inflated; and the bicycle shall comply with all the requirements of R.S. 39:4-3, as amended.~~

~~4-10.2 — Registration; License Tags.~~

~~— No person residing within the borough shall operate a bicycle upon any street, sidewalk or other public place in the borough without first having registered the bicycle and secured a license tag therefor.~~

~~4-10.3 — Application Form; Registration Card and Tags.~~

~~— Application for license tags and registration certificates shall be made to the chief of police or any other person in charge of the police department, upon a form approved by the mayor and council and the registration card and license tags shall be issued as herein provided.~~

~~4-10.4 — Registration Fee; Proof of Ownership Required.~~

~~— A license fee for each bicycle is hereby fixed at one (\$1.00) dollar per year and shall be paid at the time a registration tag is applied for. The application shall be signed by the owner and shall state the full name and address of the owner of the bicycle, the name of the manufacturer, the serial number of the frame thereof, the approximate date when the owner obtained title thereto, and if not new when obtained. If the owner is a person under 18 years of age, the signature shall be witnessed and the application countersigned by a parent of the owner, or if no parent is living, then by the legal guardian of the owner, and shall contain a certification by the parent or guardian that the applicant is capable of operating the bicycle.~~

~~4-10.5 — Operating Requirements; Issuance of Tags.~~

~~— Before a license may be issued, the applicant shall demonstrate that the bicycle is in fit operating condition,~~

Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012

~~that the applicant is capable of operating the same and is familiar with the laws of the State of New Jersey relative to the operation of bicycles.~~

~~— Upon compliance by the applicant with the requirements herein set forth, the chief of police or any other person in charge of the police department, shall issue to the applicant a registration card and tag. The license tag shall at all times be attached to the bicycle, and, together with the registration card issued to owner, shall be subject to inspection at all times by any member of the police department.~~

~~4-10.6 — Registration Date.~~

~~— All bicycles regulated by this section shall be licensed on or before January 1 each year, and shall expire December 31 of the following year.~~

~~4-10.7 — Transfer of Ownership; Registration Not Transferable.~~

~~— It shall be the duty of every licensee who sells or transfers ownership of a bicycle to report the sale or transfer within 72 hours to the police department, by returning the registration card and license tag issued to such person and furnish the police department with the name and address of the person to whom the bicycle was sold or transferred.~~

~~4-10.8 — Bicycle Regulations.~~

~~— Every person operating a bicycle subject to the provisions of this section shall comply with all the provisions of R.S. 39:4, as amended, with applicable ordinances of the borough, and with all rules and regulations promulgated hereunder. The chief of police or any other person in charge of the police department, shall cause to be promulgated and issued to each licensee a printed copy of the safety rules of R.S. 39:4-3, as amended.~~

~~4-10.9 — Impounding of Bicycles.~~

~~— A bicycle being operated contrary to the provisions of this section may be impounded by the police department until such time as the owner meets with the requirements of this section, and shall not be returned except upon payment of two (\$2.00) dollars. All moneys received for registration or recovery of impounded bicycles shall be remitted by the chief of police, or any other person in charge of the police department, to the borough treasurer.~~

~~4-10.10 — Violations; Penalties.~~

~~— Any person under the age of 18 years who violates any of the provisions of this section shall for the first offense be reprimanded by the chief of police, or any other person in charge of the police department, in writing, addressed to the parents or guardian; second offense, the offender's registration card and tag shall be suspended for a fixed period of time at the discretion of the chief of police, or any other person in charge of the police department; third offense, the offender will be formally charged as a juvenile operator and appear before juvenile conference committee; fourth offense, the offender will be formally charged as a juvenile operator and appear before the Juvenile Court at Freehold.~~

~~— Any person 18 years or over violating any provisions of this section shall, upon conviction, in addition to the suspension of or revocation of such registration as herein mentioned, be subject to a fine not to exceed twenty-five (\$25.00) dollars, or by imprisonment not to exceed ten days, or both fine and imprisonment in the discretion of the judge.~~

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Ordinance O-12-8**

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

Mrs. Cummins read the title of Ordinance O-12-8 for introduction and setting of a public hearing date of March 21, 2012.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for March 21, 2012 at 8:00 P.M. and authorized its publication according to law:

**ORDINANCE NO. O-12-8  
AN ORDINANCE AMENDING CHAPTER 5-4 "DOG CANVASS" OF THE REVISED GENERAL  
ORDINANCE OF THE BOROUGH OF HIGHLANDS**

**NOTE:** The section of Chapter 5-4 that is to be amended by this Ordinance includes only the Sections specifically set forth below. All additions shown in **bold with underlines**. The deletions are shown as *strikeovers in bold italics*. It is the intent to delete the entire SECTION.

**Section 5-4 DOG CANVASS (DELETED)**

~~**5-4 DOG CANVASS:**~~

~~*—The chief of police of the borough shall annually cause a canvass to be made of all dogs owned, kept or harbored within the limits of the borough and shall report to the clerk, the board of health and the State Department of Health the results thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring dogs, the number of licensed dogs owned, kept or harbored by each person, together with the registration number of each dog; the number of unlicensed dogs owned, kept or harbored by each person, together with a complete description of each unlicensed dog.*~~

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

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

---

**Public Portion:**

Kim Skorka of Shore Drive asked if there was an update on the upland slope homeowners.

Mr. Hill said that a stop work orders has been issued to an upland property owner, due to permit requirements.

Kim Skorka asked if we had heard from the Army Corp of Engineers.

Mayor Nolan stated they will not step in which he further explained.

Michelle Pezzullo wanted to give a letter to the council from her husband about the Planning Boards report regarding the HBP zoning recommendations.

There were no further questions from the public.

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

The meeting adjourned at 8:40 p.m.

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

---

Debby Dailey, Deputy Clerk

HIGHLANDSNJ.COM

**Borough of Highlands  
Mayor & Council  
Work Shop/Regular Meeting  
February 1, 2012**

HIGHLANDSNJ.COM