

**Borough of Highlands
Mayor & Council
Work Shop/Regular Meeting
March 7, 2012**

Mayor Nolan called the meeting to order at 7:10 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. Francy, Ms. Kane, Mayor Nolan

Absent:

Late Arrival: Mr. O'Neil – arrived at 7:11 p.m.

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-12-47
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. Borough**
 - 3. Hilling vs. Borough**
 - 4. American Legion (possible litigation)**
- 2.Contract: 1. CWA, UFCW Union Contracts, PBA Contract**
 - 2. Exxon Mobile Agreement,**
 - 3. Borough Administrators Contract**
 - 3. Borough Attorney Contract**
- 3.Real Estate:**
- 4. Personnel Matters: 1. Police Staffing**
- 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

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

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ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:20 p.m.

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

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

Mr. O'Neil asked for a moment of silence for two member of his son's division who were killed in Afghanistan.

Committee Reports:

Finance:

Mr. Pfeffer stated that we have an ordinance to authorize the change to calendar year. He further explained. He is also in the process of finishing the best practice check list. He will have a resolution for the next meeting.

Public Safety:

There was no report at this time.

Administration:

Mr. Hill read thru his report.

Borough Administrator's Report March 7, 2012

1. DPW- Report provided by DPW (17 items listed)

- Built and installed new reception desk / counter area at Community Center
- Furniture picked up from AH for use at Borough Hall
- Demo and removal of concrete at Vet's Park for sidewalk repairs
- Sign survey being completed in conjunction with PD
- Started Electronic Recycling

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2. Building and Housing-

Code Enforcement – 50 items completed during Feb – 31 CO inspections, and 19 additional complaints followed up with

Continue efforts / warnings issued to various property owners

Construction Office – 17 permits issued, working with FEMA on possible substantial damage for homes.

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

Item regarding Bees – has been addressed.

3. Parks and Recreation

Condos 4, Girl Scouts 6, FOB 3, AA / Women's Step Group 4, Tae Kwon Do 4, 4-H Variety Club, SET 4-H Club, Garden Club, Girl Scout Leader Mtg., Highlands Business Partnership Mtg., Municipal Alliance Mtg, and Boating Safety Class.

Senior Citizens: Exec. Mtg. 2/2/12, Business Mtg. 2/9/12, Bingo / Lunch 2/16/12 - Navesink Girl Scout Troop donated Valentine's goodies for the seniors; cookies, candy, cupcakes, and made them Valentine's cards - 10 participants, SC Social 2/23/12 - Past Presidents Luncheon - 12 participants. Special Events: Teen Night 2/10/12 - 25 participants. Kids on the Move Valentine's Day Celebration 2/14/12 - 21 participants - Served refreshments. Other: Games & More Program - 20 participants registered. Kids on the Move Program - 38 participants registered. Adult Open Gym Programs ~ Basketball - 4 registered, Indoor Soccer - 31 registered, & Volleyball - 5 registered. Seniors Upcoming Schedule: Exec. Mtg. - 3/1/12, Business Mtg. - 3/8/12 NJNG Speaker, Bingo / Lunch - 3/15/12, Social (St. Patrick's Day Luncheon) - 3/22/12, Special Event (Tricky Tray) - 3/29/12. Other Upcoming Events: Teen Nights - 3/9/12 & 3/23/12, Rutgers Safety Clinic - 3/10/12, Boating Safety Class - 3/11/12, & Easter Egg Hunt and Candy Bingo - 3/31/12 10:00 am for Egg Hunt on Community Center Beach for children 8 years old and under & 11:00 am for Candy Bingo for children ages 9 and up.

4. 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 approx.. 100, 000+for A&B.

Feb. attendance Planning FEMA, Police Dept, Code Enforcement/ Construction Meeting, Contract Negotiation Meeting & Shared Services Meeting.

Verizon – working with property owner

Veteran's Park – electrician returned to troubleshoot lighting.

END Timothy Hill, Borough Administrator

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Library:

No report at this time.

HBP:

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Mrs. Braswell spoke of a letter submitted to the council describing upcoming projects and the completion of Miller Hill. She thanked Mr. Hill for getting the irrigation set up. The plantings will start in the next few weeks. The Bay Avenue maintenance program will begin at the end of April. The Clean Communities Program will begin in the next two weeks with initial clean up of parks and public spaces, it will be completed before the parade. They will be doing spring plantings in the planters. They have raised \$5,735.00 for the parade so far. The St. Patrick's Day Parade will have nine pipe bands and school of Irish dancers. The events committee has submitted a letter of consideration for a Taste of Highlands event. They are also working with Chillango's on breaking the worlds record of the largest enchilada in the world. They are meeting with the sponsor's for the benches for Veterans Park next week, she will submit to Mr. Hill. She hopes to have new benches by late spring. The sign for Veteran's Park, the sketch will be submitted to the Borough in the near future. They will also have new way fare sign emblems that will be submitted to Mr. Hill for approval.

Shared Services:

Mayor Nolan, Mr. Hill and Chief Blewett have been meeting with Atlantic Highlands every two weeks. We are trying to get a shared service for dispatch and then the court.

Other Business:

Veterans Park – Proposal from Top One Maintenance Corp

Mr. Hill explained the proposal to redo the basketball resurfacing at the park from a local resident. He would like to do a red, white and blue color code with Veteran's Park in lettering and a flag in the interior circle at no cost to the Borough.

Mayor Nolan asked Mr. Hill to set up a meeting with Ms. Kane ,the VFW and the resident to work at the details.

Letter of Resignation

Mr. Hill explained that Valerie Chapparo submitted a letter of resignation. She is relocating. We have applicants on file. He will go thru the file to see if there is still interest.

Police Vehicles

Mrs. Cummins stated that we received a letter from Captain Clagett.

Mr. Hill forwarded this to the council. The Police Department had put in a request for a military Humvee for emergency purposes only. There is no cost up front. It has been reported that its in good condition.

Further discussion continued.

Mr. Francy doesn't feel we need another vehicle that is not running,

Mr. Hill said this would help when patrol cars can not go thru high water.

Mr. O'Neil feels we need to get prices for any repairs.

Mr. Hill recommends that we get the vehicle. He needs an answer.

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Mr. O'Neil made an offer to obtain the vehicle, and seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL :

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

NAYES: Mr. Francy

ABSENT: None

ABSTAIN: None

North Street Bulkhead

Mrs. Cummins stated that we received a letter from Mr. Urbanski regarding the pump station dated February 7th, 2012.

Mr. O'Neil spoke about problems at the North Street Pump Station during the hurricane. We need to fix the electrical problem and secure the pole.

Mr. Francy agreed.

Mr. Leubner said he did an evaluation in November. He will resend the memo.

Mayor Nolan asked this to be carried to the 2nd meeting next month after we have all looked at the information.

HBP Request for Approval of Additional Event

Mrs. Braswell explained the new event – Taste of Highlands. Recently the PBA expressed interest in doing an event with them to raise money. Some of the local restaurants have requested this also. She explained further. The profits will go to the 2012 Holiday decorations. She would like to do this event June 23rd.

Mayor Nolan said we will have a resolution for the next meeting.

Consent Agenda:

Mrs. Cummins stated that in Resolution R-12-57, there is a typo in the last paragraph. It should be George Ruth.

Mayor Nolan asked if there were any questions or concerns regarding the consent agenda from the Council.

Mr. O'Neil asked if the HBP Bay Avenue work is on the consent agenda.

Mayor Nolan said that it is not.

Mr. O'Neil wants them to get three quotes for this project.

Mr. Hill will look in to it.

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

R-12-48

RESOLUTION

BOROUGH OF HIGHLANDS

NJEITP LOAN NO. S340901-03

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WHEREAS, the Borough of Highlands intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Borough's Drainage Improvements Project:

The proposed project includes the construction of various drainage system improvements in the downtown, low lying areas of the Borough. The intent of the improvements is to increase the capacity of the existing drainage system and add a pumpstation to the northwestern portion of the downtown region to alleviate flooding and sediment pollution concerns. Proposed improvements include construction of a new stormwater pump station in Jones Creek, replacement of the existing outfall from the Valley Street Pumpstation, the replacement/upgrade of portions of the existing stormwater infrastructure and the installation of additional drainage infrastructure in various portions of the Borough.

NOW, THEREFORE BE IT RESOLVED, that Carolyn Cummins, Borough Clerk, be authorized to act as the Authorized Representative to represent the Borough of Highlands in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at:

Borough of Highlands
171 Bay Avenue
Highlands, New Jersey 07735
(732) 872-1224

Seconded by Mr. Francy 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-12-49

IN RECOGNITION

WHEREAS intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families;

AND WHEREAS public awareness and education enhance a community's

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understanding of the issues affecting people with intellectual and developmental disabilities;

AND WHEREAS people with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us;

AND WHEREAS the month of March has been designated Developmental Disabilities Awareness Month by the state of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives;

AND WHEREAS The Arc of Monmouth serves over 1400 individuals with intellectual disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families,

AND WHEREAS The Arc of Monmouth is celebrating 63 years of service to families and individuals throughout Monmouth County;

THEREFORE Honorable Frank Nolan, Mayor of Highlands does hereby Proclaim March, 2012 as

DEVELOPMENTAL DISABILITIES AWARENESS MONTH

In the town of Highlands, New Jersey and urges that the citizens of Highlands, New Jersey give full support to efforts towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.

Seconded by Mr. Francy 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-12-50

RESOLUTION AUTHORIZING AWARD OF CONTRACT

FOR: GASOLINE AND DIESEL FUEL

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WHEREAS, bids were received on February 22, 2012; and

WHEREAS, one (1) bid was picked up by a vendor and one (1) Responsive Bid

was received as follows:

VENDOR

J. SWANTON FUEL OIL CO. INC.
214 SLEEPY HOLLOW ROAD
RED BANK, N.J. 07701

Bids were advertised as per N.J. State Statutes and affidavit of publication is on file in the Office of the Borough Clerk.

J. SWANTON FUEL OIL CO. INC., 214 SLEEPY HOLLOW ROAD, RED BANK, N.J. 07701. shall Furnish and Deliver the following as per Bid Proposal and Specifications and Covenants thereof dated February 22, 2012. said bidder being the Lowest Responsible Bidder.

DESCRIPTION

VENDOR

PROVIDE GASOLINE AND DIESEL FUEL FOR A TWENTY FOUR (24) MONTH PERIOD	J. SWANTON FUEL OIL CO. INC. 214 SLEEPY HOLLOW ROAD RED BANK, N.J. 07701
--	--

WHEREAS, bids have been reviewed by the Purchasing Agent and it is his

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recommendation that the contract be awarded to J. SWANTON FUEL OIL CO. INC.,

214 SLEEPY HOLLOW ROAD, RED BANK, J.07701.

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. It hereby awards the contract for "Gasoline and Diesel Fuel" to
2. This contract is awarded pursuant to a Fair and Open Process in accordance with N.J.S.A.-20.5 et seq.
3. This contract is open-ended pursuant to N.J.A.C. 5:34-5-2 (b) with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase orders prior to each request for service.

A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:

- A) Administrator
- B) Chief Financial Officer
- C) Purchasing Agent
- D) Bidder

Seconded by Mr. Francy 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 its adoption:

R-12-51

**RESOLUTION APPOINTING MEMBER OF THE ATLANTIC HIGHLANDS-
HIGHLANDS REGIONAL SEWERAGE AUTHORITY**

WHEREAS, Kenneth Braswell's five year appointment to the AHHRSA expired on February 1, 2012; and

WHEREAS, it is the Governing Body's desire to reappoint Mr. Braswell to another five year term.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Kenneth Braswell is reappointed as a member of the Atlantic Highlands/Highlands Regional Sewerage Authority a five year term which expires on January 31, 2017

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Seconded by Mr. Francy 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-12-52

**RESOLUTION APPROVING LIST OF VOLUNTEER FIREMEN MEMBERS WHO
QUALIFY FOR THE BOROUGH OF HIGHLANDS LENGTH OF SERVICE AWARD
PROGRAM (LOSAP) FOR THE YEAR 2011**

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

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

WHEREAS, the Highlands Fire Department have submitted certified lists of qualified volunteers for the year 2011; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the certified lists provided by the Highlands Fire Department of qualified volunteers for the year 2011 are hereby approved and payment is subject to final review and approval of the Chief Financial Officer.

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

ROLL CALL:

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

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

R-12-53

**RESOLUTION AUTHORIZING
RENEWAL OF SERVICE AGREEMENT
WITH THE MONMOUTH COUNTY SPCA**

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WHEREAS, the Borough of Highlands has a need for providing housing services for stray animals in the Borough of Highlands; and

WHEREAS, the Borough currently uses the Monmouth County SPCA as a drop off site to be used by our Animal Control Officer to drop off stray animals at the following rates:

Stray Dogs - \$200

Wildlife - \$25.00

Cats - \$130.00

; and

WHEREAS, the Borough's current service agreement expired on January 31, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Service Agreement with the Monmouth County SPCA is hereby approved for the period of February 1, 2012 through January 31, 2013.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: Ms. Kane

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

**R-12-54
RESOLUTION
A RESOLUTION TO APPROVE
SHARED SERVICES AGREEMENT WITH MONMOUTH COUNTY**

WHEREAS, The State of New Jersey has mandated the use of the MODIV Property Assessment Computer System for all New Jersey Municipalities; and,

WHEREAS, The Board of Chosen Freeholders of the County of Monmouth, in conjunction with the County Board of Taxation, is offering the County's MOD IV Property Assessment Computer System services to the municipalities; and,

WHEREAS, A Shared Services Agreement has been proposed for this purpose, pursuant to N.J.S.A. 40A:65-1 et seq.; and,

WHEREAS, It is in the best interest of the Borough of Highlands to enter into such an Agreement;

NOW, THEREFORE, BE IT RESOLVED, By the Governing Body of the Borough of Highlands, that the agreement entitled, "**Agreement Between the County of Monmouth and the Borough of Highlands for MODIV Property Assessment Computer Services**", a copy of

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which is attached hereto, be approved for the First of January, 2012 through December 31, 2021;
and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk be and are hereby authorized and directed to execute the contract agreement.

Seconded by Mr. Francy 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 appointment:

R-12-55

**RESOLUTION APPOINTING
TEMPORARY
PART-TIME CASHIER, TYPIST**

WHEREAS, the Borough has a vacancy due to the resignation of Allison Worthington and the Borough is in need of a part-time cashier/typist in the Main Office at Borough Hall; and

WHEREAS, Donna Conrad has been performing the duties of P/T Cashier/Typist for the past three months; and

WHEREAS, it is the recommendation of the Borough Administrator that **Donna Conrad** be appointed for another three months.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands that **Donna Conrad** is hereby appointed temporarily as a part-time Cashier/Typist for the Borough of Highlands.

BE IT FURTHER RESOLVED that said appointment will be compensated at an hourly rate of \$15.00 per hour for four and one half (4 1/2) hours per day Monday through Friday effective March 1, 2012 to May 31, 2012.

Seconded by Mr. Francy 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 appointment:

R-12-56

**RESOLUTION APPOINTING PROVISIONAL
PART-TIME RECYCLING PROGRAM AIDE / YARD ATTENDANT**

WHEREAS, the Borough of Highlands is in need of hiring a temporary part-time

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Recycling Program Aide / Yard attendant to open, close, monitor the facility; and provide assistance and recycling information to residents during the hours of operation;

WHEREAS, the Borough Administrator has reviewed applications for said position; and

WHEREAS, it is the recommendation of the Borough Administrator that Barry J. McKellar, be appointed to this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Barry J. McKellar is hereby appointed to the provisional part/time position of Recycling Yard Attendant effective March 8, 2012.

BE IT FURTHER RESOLVED that said appointment is to be compensated at a rate of \$11.00 per hour not to exceed 25 hours per week.

Seconded by Mr. Francy 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 its adoption:

R-12-57

RESOLUTION

APPOINTING JUVENILE OFFICER

BE IT RESOLVED on January 1, 2012 the Governing Body of the Borough of Highlands appointed Robert Burton as Juvenile Officer for a one (1) year term to expire December 31, 2012; and

WHEREAS, the Chief of Police has reassigned to position and duties of Juvenile Officer to George Ruth effective March 1, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that George Ruth is hereby appointed as Juvenile Officer for the unexpired one year term effective March 1, 2012 and expiring on December 31, 2012.

BE IT FURTHER RESOLVED that compensation for said position shall be as set forth in the Municipal Salary Ordinance.

Seconded by Mr. Francy 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-12-58

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RESOLUTION AUTHORIZING DISPOSAL OF
BOROUGH EQUIPMENT**

WHEREAS, the Chief of Police has determined that the Borough of Highlands Police Department office equipment which now longer works and is of no value; and

WHEREAS, the Chief of Police desires to dispose of a GBC Shredmaster Model #5270 Serial #1757751.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following equipment may be disposed of:

**1. GBC Shredmaster
Model #5270**

Serial #1757751

Seconded by Mr. Francy 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-12-59

RESOLUTION APPROVING AGREEMENT #12A-6

2012 ALLIANCE TO PREVENT ALCOHOLISM & DRUG ABUSE

WHEREAS, the Borough of Highlands adopted Resolution R-11-159 Supporting the 2012 Municipal Alliance Program Grant Application and funding on July 20, 2011; and

WHEREAS, the County of Monmouth, Department of Human Services, Division of Mental Health and Addiction Services has submitted the 2012 Agreement to the Borough for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that the 2012 Alliance Agreement #12A-6 is hereby approved and the Mayor, Chief Financial Officer and the Borough Clerk are hereby authorized to execute said agreement.

Seconded by Mr. Francy 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

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

R-12-60

**RESOLUTION
AWARDING CONTRACT FOR THE BOROUGH OF HIGHLANDS
2011 ROAD IMPROVEMENT PROGRAM**

WHEREAS, the Borough of Highlands has advertised for bids for the 2011 Road Improvement Program Project in accordance with the Local Public Contracts Law; and

WHEREAS, the following one (3) bids were received and reviewed by the Borough Engineer and the Borough Attorney:

<u>Name</u>	<u>Proposal A</u>	<u>Proposal B</u>	<u>Total</u>
Black Rock Ent. LLC	\$187,461.68	\$211,883.60	\$399,345.28
Fiore Paving Co., Inc	\$230,391.74	\$229,556.74	\$459,948.48
JADS Construction	\$243,552.00	\$248,261.70	\$491,813.70

; and

WHEREAS, the Black Rock Enterprises, LLC is the lowest responsible bid ; and

WHEREAS, certification of funds is hereby made by the Chief Financial Officer that funds are available in the municipal bond ordinance adopted for said purpose:

Bond Ordinance#O-11-12 \$399,345.28

Stephen Pfeffer, CFO

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the contract for the 2011 Road Improvement Program Project is hereby awarded to Black Rock Enterprises, LLC, 1316 Englishtown Road, Old Bridge, NJ 08857 in the sum of \$399,345.28 subject to the approval of the Borough Attorney, NJDOT Municipal Aid and NJ Department of Labor, Office of Wage and Hour Compliance

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

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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 Payment of Bills and moved on its approval for payment:

RECAP OF PAYMENT OF BILLS

03/07/2012

CURRENT:		\$ 59,102.34
Payroll	(02/29/2012)	\$ 264,089.72
Manual Checks		\$ 17,725.99
Voided Checks		\$
SEWER ACCOUNT:		\$ 4,248.34
Payroll	(02/29/2012)	\$ 14,583.72
Manual Checks		\$ 253.91
Voided Checks		\$
CAPITAL/GENERAL		\$
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 1,652.96
Payroll	(02/29/2012)	\$ 2,600.00
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$ 103.80
GRANT FUND		\$ 7,312.58
Payroll	(02/29/2012)	\$

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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**

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CURRENT FUND

Division of Pensions	Public Employees Pension Payment - 2012	134,054.00
Division of Pensions	Police Pension Payment	317,828.00
Future Sanitation	Waste/Recycling Contract 2/1/12- 2/15/12	8,408.34
Future Sanitation	Waste/Recycling Contract 2/16/12- 2/29/12	8,408.34
Future Sanitation	Waste/Recycling Contract 3/1/12- 3/15/12	8,408.34
Horizon Blue Cross	Dental Insurance 3/2012	458.24

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Nextel Communications	Emergency Management/Fire Cell Phones	197.39
N.J. State Health Benefits Program	Health Benefits March 2012	78,702.52
Frank Rahm Landscape Contracting	Repair Concrete Damage at Veteran's Park	1,500.00
Swanton Fuel	Unleaded & Diesel	3,152.26
Total Current Fund		<u>561,117.43</u>
CAPITAL FUND		
Total Capital Fund		<u>0.00</u>
GRANT FUND		
Total Grant Fund		<u>0.00</u>
SEWER UTILITY FUND		
N.J. State Health Benefits Program	Health Benefits March 2012	3,339.32
Division of Pensions	Public Employees Pension Payment - 2012	23,067.00
Total Sewer Utility Fund		<u>26,406.32</u>

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TRUST FUND

Total Trust Fund	0.00
Total Supplemental Bill List	587,523.75

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

ROLL CALL:

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

NAYES: Mr. O'Neil – Payment of Frank Rahm Landscape \$1,500

ABSTAIN: None

ABSENT: None

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the February 15th, 2012 Regular Meeting minutes and Executive Session minutes, and seconded by Mr. Francy 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

Other Resolutions:

Mrs. Cummins read the title of R-12-01 Resolution Appointing Borough Attorney & Award Contract.

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

R-12-01

**RESOLUTION APPOINTING MUNICIPAL ATTORNEY FOR THE CALENDAR
YEAR 2012 &**

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LEGAL SERVICES CONTRACT**

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WHEREAS, the Borough of Highlands has a need for professional legal services to be provided to the Borough of Highlands for the calendar year 2012 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the Mayor has offered the name of Bruce Padula, Esq. of the law office of Cleary, Giacobbe, Alfieri, Jacobs, LLC, 5 Ravine Drive, P.O. Box 533, Matawan, NJ 07747 and it is so recognized;

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

WHEREAS, the law office of Cleary, Giacobbe, Alfieri, Jacobs, LLC., has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Office of Cleary, Giacobbe, Alfieri, Jacobs, LLC 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 provide prohibit the Law Office of Cleary, Giacobbe, Alfieri, Jacobs, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Law Office of Cleary, Giacobbe, Alfieri, Jacobs has completed and submitted a Political Contribution Disclosure for in accordance with P.L 2005, c271; and

WHEREAS, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A.-19:44A-20.5 for an amount not to exceed \$21,000 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of March 1, 2012 through June 30, 2012 at rate of a monthly retainer in the amount of \$5,250.00 and an hourly rate of \$115.00 per hour for services outside of contract.

WHEREAS, Cleary, Giacobbe, Alfieri, Jacobs, LLC , Esq., has submitted the attached contract for Professional legal services for the calendar year 2012; and

WHEREAS, the Governing Body has reviewed the attached contract for Professional Engineering Services for 2012; and

WHEREAS, certification of the availability of funds is hereby provided in the SFY 2012 Budget by the Chief Financial Officer.

Legal Other Expenses

Sewer Utility Other expenses

Stephen Pfeffer, CFO

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

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

1. Bruce Padula Esq.. of the Law Office of Cleary, Giacobbe, Alfieri, Jacobs, LLC is hereby appointed as Borough Attorney for the calendar 2012 and is awarded a professional service contract for an amount not to exceed \$21,000 for professional legal services provided for the period of March 1, 2012 through June 30, 2012.
2. The attached Professional legal services Contract is hereby approved and the Mayor and Borough Clerk are hereby authorized to sign the contract.
3. This contract is awarded without competitive bidding as "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.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk.
5. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

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

Ordinances: Introduction & Setting of a Public Hearing Date:

Ordinance O-12-9

Mrs. Cummins asked Mayor Nolan what hearing date he wanted.

Mayor Nolan said to set it for the April 4th meeting.

Mrs. Cummins read the title of Ordinance O-12-9 for introduction and setting of a public hearing date of April 4th, 2012.

Mayor Nolan offered the following ordinance and moved on its introduction and setting of a public hearing date for April 4, 2012 at 8:00 p.m. and authorized its publication according to law:

ORDINANCE O-12-9

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21 OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH , STATE OF NEW JERSEY ENTITLED "ZONING" TO MODIFY THE REQUIREMENTS OF THE MH MOBILE HOME RESIDENCE DISTRICT, AND TO FURTHER ALLOW MID-RISE MULTI-FAMILY DEVELOPMENTS IN THE MH ZONE AS CONDITIONAL USES, AND TO ESTABLISH REGULATIONS PERTAINING THERETO).

WHEREAS, on May 6, 2011 the Mayor and Council of the Borough of Highlands authorized the Borough Planning Board to undertake a review of potential zoning ordinance amendments to replace Borough Ordinance #07-07; and,

WHEREAS, the Borough of Highlands Planning Board submitted a report to the Council on July 1, 2011 with a series of recommendations; and,

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WHEREAS, the Mayor and Council of the Borough of Highlands, Monmouth County, New Jersey has reviewed said report and desires to adopt changes in the current zoning requirements for the Mobile Home zone district to allow mid-rise Multi-family development under certain conditions;

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

SECTION 1

§ 21-89 (MH Mobile Home Residence) is hereby amended and supplemented as follows: (Additions noted by underline. Deletions noted by strikeover.)

§ 21-89 MH Mobile Home Residence

A. The following regulations shall apply to all MH districts:

1. Permitted Uses:

Mobile Homes, in a mobile home park only.

2. Permitted Accessory Uses:

Utility buildings incidental to residential use.

Clubhouses, swimming pools and other recreational facilities and structures for the exclusive use of the residents.

Tennis Courts

Other accessory uses and structures incidental to the permitted principal and conditional uses, including but not limited to structured parking for multi-family residences only.

3. Conditional Uses:

Satellite Dish Antennas

Mid-rise Multi-family dwellings, and structured parking accessory or appurtenant thereto.

4. Relocation Rights and Non-severability

Any approval for development in the MH Mobile Home Residence District Zone, which results in the retirement of the Mobile Home Park or the removal of any residents of the Mobile Home Park shall contain a condition that the applicant shall provide proof, to the satisfaction of the Board of Original Jurisdiction, that adequate private residential facilities and circumstances exist for the relocation of those mobile park residents consistent with the requirements of N.J.S.A. 46:8C-21. Although N.J.S.A. 46:8C-21 is invoked by an application for one or more variance(s), the requirements of N.J.S.A. 46:8C-21 shall apply to the aforementioned circumstances regardless of whether or not the application requires one or more variance(s). For purposes of this Ordinance, adequate private residential facilities and circumstances shall share the definition of comparable housing or park site as provided in N.J.S.A. 2A:18-61.7(a). An applicant must provide proof of compliance with Section 15 to the Board of Original Jurisdiction prior to obtaining Final Approval. This Section is not severable from the other provisions of the Ordinance and the zoning of the property to the MH Mobile Home Residence District Zone is conditioned upon the above relocation provision:

Section 2

1. § 21-97 (Conditional Uses) is hereby amended and supplemented to add subsection J (Mid-Rise Multi-Family Developments in the MH Zone): (Additions noted by underline. Deletions noted by strikeover.)

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§ 21-97 Conditional Uses

"J. Reserved.

J. Mid-rise Multi-Family Developments in the MH Zone

Mid-rise Multi-family developments in the MH Zone are subject to RSIS standards, and shall not required to meet the requirements of Schedule I where said requirements are inconsistent with either RSIS or the following requirements.

1. Density shall not exceed 20 dwelling units per acre.
2. Minimum lot size: 10 acres.
3. Minimum front yard: 100 feet to a principal building.
4. Minimum side yard; 60 feet to a principal building.
5. Minimum rear yard: 60 feet to a principal building.
6. Minimum Buffer area along any property line: 25 feet. Driveways and sidewalks shall be permitted to cross buffer areas to provide access to streets and adjacent properties. Pedestrian paths shall be permitted within buffer areas. Development identification signs and gatehouses shall be permitted in buffer areas within 75 feet of driveway entrances providing access to a public street.
7. Maximum building coverage: 25 per cent.
8. Maximum lot coverage: 50 per cent.
9. Maximum FAR: 1.50.
10. Maximum Height: 6 stories above finished grade; parking levels that are provided underground (that is, below finished grade) will not be considered a story.
11. Minimum distance or separation between all residential buildings shall be equal to the height of the taller of the two structures.

Section 3 REPEALER

All ordinance or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4 SEVERABILITY

If any section, subsection, clause or phrase of this ordinance shall, for any reason, be held to be unconstitutional or invalid, such decision shall not affect the remaining portion of this ordinance.

SECTION 5

§ 22-16. EFFECTIVE DATE.

This ordinance shall take effect as provided by law.

SECTION 6 CERTIFIED COPY

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

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

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

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

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ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Ordinance O-12-10

Mrs. Cummins read the title of Ordinance O-12-10 for introduction and setting of a public hearing date of April 4th, 2012.

Mayor Nolan offered the following ordinance and moved on its introduction and setting of a public hearing date for April 4, 2012 at 8:00 p.m. and authorized its publication according to law:

Ordinance No.O-12-10_

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 21 ENTITLED "ZONING AND LAND USE REGULATIONS" TO
MODIFY USES IN THE B-1, B-2, WC-2, R-1.03 AND MXD ZONE DISTRICTS**

WHEREAS, the Economic Development Committee of the Highlands Business Partnership (HBP) submitted on June 9, 2011 a comprehensive list of recommendations to the Highlands Mayor and Council addressing proposed changes in the Borough zoning to further business revitalization of the downtown and other areas of the Borough; and,

WHEREAS, the Highlands Mayor and Council authorized the Highlands Planning Board on June 9, 2011 to undertake a review of the potential zoning changes recommended by the Highlands Business Partnership; and,

WHEREAS, the Highlands Planning Board, after several special meetings devoted to discussion of the various topics and with public comment, submitted a report to the Mayor and Council dated September 8, 2011

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Highlands after review of the Planning Board report, does hereby amend and supplement Chapter 21 entitled Zoning and Land Use Regulations of the Borough of Highlands as follows:

Section 1

Section 21-8 (Definitions) is hereby supplemented to add the following definition:

"ESSENTIAL SERVICES - Underground gas, electrical, telephone, telegraph, water transmission or distribution systems, including mains, drains, sewers, pipes, conduits and cables; and including normal aboveground appurtenances, such as fire alarm boxes, police call boxes, light standards, poles, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utilities or municipal or other governmental agencies or for the public health or safety or general welfare."

Section 2

§ 21- 74 (Prohibited Uses) is hereby amended and supplemented to add the following (additions are noted by underline; deletions are noted with a strikeover):

21-74 Prohibited Uses.

Those uses not specifically permitted in a zone district are prohibited. Additionally, the following uses are specifically prohibited: adult entertainment, arcades, pool halls, any accessory use within an establishment with a liquor license designed for use by minors, auctions or sales conducted outside a structure except when a private home is being cleaned or vacated or for the raising of funds for charitable institutions and done not more than twice a year nor for more than two (2)

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days duration, short- or long-term storage of trucks or trailers for use as storage facilities, the keeping of farm animals, such as horses, cows, pigs, fowl, or rabbits.

In addition the following uses are prohibited in the B-1 and B-2 zones: pawn shops, tattoo parlors, check-cashing shops, taxi/livery companies on parcels fronting on Bay Avenue, automotive transmission, automobile body shops, heavy duty machine shops and new or used automobile sales are also prohibited.

Section 3

§ 21-85. C. (R-1.03 Single Family Residential) is amended to add the following to subsection C.3 (Conditional Uses):

“d. Additional Permitted Uses for the R-1.03 zone district, north side of Shore Drive that encompasses the Locust Street neighborhood. (Specifically Locust Street, west of Willow Street portions of Block 101 and 102): All uses that are permitted in the MXD Mixed Use District, with the exception of Mobile Home Parks, shall be permitted in the R-1.03 zone district, limited to the parcels in the Locust Street neighborhood. (Specifically Locust Street, west of Willow Street, portions of Block 101 and 102) subject to the condition that any development in the R-1.03 zone, using the MXD standards, shall have a minimum tract of two (2) acres. If the minimum tract area is met, the bulk requirements of the Mixed Use Development MXD District shall be utilized for any development.”

Section 4

§ 21-90. A .1, 2, and 3 (B-1 Neighborhood Business District; Permitted principal uses) is hereby deleted and the following is inserted in its place:

- “1. Permitted principal uses:
 - a. Retail sales and services, business and personal service establishments;
 - b. Finance such as banks, savings institutions, credit unions, consumer lending, and securities brokerage;
 - c. Insurance offices such as life, health, medical carriers, claims adjusting and all other insurance related activities;
 - d. Medical and health care offices;
 - e. Restaurants, bars, and taverns and other eating establishments, except drive-through restaurants;
 - f. Professional, administrative and business office and services;
 - g. Recreational retail sales and service businesses related to water sports and outdoor recreation, such as, but not limited to, bicycling, fishing, and surfing;
 - h. Houses of worship;
 - i. Bed and Breakfasts;
 - j. Essential services, as defined in this chapter.
 - k. Offices and facilities for municipal, county, state and federal government;
2. Permitted Accessory Uses- Off-street parking areas; uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.
3. Conditional Uses.
 - a. Wireless communication facilities, in accordance with the requirements of Section 97.G.
 - b. Art, Handicraft studios/workshops and galleries, in accordance with the requirements of Section 97.B
 - c. Single family residences not fronting on Bay Avenue, in accordance with the requirements of § 21-97.”

No changes are proposed to Paragraph 4. (Area and bulk requirements) of 21-90.A

Section 5

§ 21-90. A .1, 2 and 3 (B-2 Central Business District; Permitted principal uses) is hereby deleted and the following is inserted in its place:

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- “1. Permitted principal uses:
- a. Retail sales and services, business and personal service establishments;
 - b. Finance such as banks, savings institutions, credit unions, consumer lending, and securities brokerage;
 - c. Insurance offices such as life, health, medical carriers, claims adjusting and all other insurance related activities;
 - d. Medical and health care offices;
 - e. Restaurants, bars, and taverns and other eating establishments, except drive-through restaurants;
 - f. Professional, administrative and business office and services;
 - g. Recreational retail sales and service businesses related to water sports and outdoor recreation, such as, but not limited to bicycling, fishing, and surfing;
 - h. Houses of worship;
 - i. Bed and breakfasts;
 - j. Essential services, as defined in this chapter.
 - k. Offices and facilities for municipal, county, state and federal government;
2. Permitted Accessory Uses- Off-street parking areas; uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.
3. Conditional Uses.
- a. Wireless communication facilities, in accordance with the requirements of Section 21- 97.G.
 - b. Art, Handicraft studios/workshops and galleries, in accordance with the requirements of § 21-97.B
 - c. Single family residences not fronting on Bay Avenue, in accordance with the requirements of § 21-97.”

No changes are proposed to Paragraph 4. (Area and bulk requirements) of 21-90.A

Section 6

§21-92.01 (Highway Oriented Business) A.1. (Permitted Principal Uses) is amended and supplemented as follows: (additions are noted by underline; deletions are noted with a strikeover):

1. Permitted Principal Uses
 - a. All uses permitted in the B-1 Zone, however drive-through type uses are permitted.
 - b. Health and Fitness establishments; athletic clubs, and day spas only on lots fronting on NJ Highway Route 36.

Section 7

§ 21-96 (WC-2 Waterfront commercial) is amended and supplemented to add the following new conditional use to § 21-96.A.3 (Conditional Uses):

“Additional Permitted Uses for the WC-2 zone district, north of Shore Drive, that adjoins the MXD zone in block 101: All uses that are permitted in the MXD Mixed Use District, with the exception of Mobile Home Parks, shall be permitted in the single WC-2 zone district that adjoins the Mixed Use Development MXD zone in block 101 subject to the condition that any development in the WC-2 zone using the MXD standards shall have a minimum tract of 2 acres. If the minimum tract area is met, the bulk requirements of the Mixed Use Development MXD District shall be utilized for any development”

Section 8

§21-96.01 (Mixed-Use Zone District) (MXD) Subsections A through and including D are amended as follows: (additions are noted by underline; deletions are noted with a strikeover):

21-96.01 Mixed-Use Zone District (MXD).

- A. Purpose. The purpose of the Mixed-Use Zone district (MXD) is to encourage the development

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of livable neighborhoods which contain townhouse residential dwelling units, professional work space; nonresidential uses which are supported by a multi-modal transportation node. The MXD zone district encourages uses that are compatible with and will benefit from the weekday New York City ferry service; the Sandy Hook Bay Marina and open space areas from the County Park. The MXD zone district also should incorporate a unifying seaside architectural theme that will provide attractiveness and consistency to the area.

It is the Borough's intention, in the creation of this zone district, to provide for comprehensive mixed-use development rather than lot-by-lot development to encourage innovative and desirable design and layout of residential and nonresidential structures. A mixed-use development shall consist of both residential and nonresidential uses.

B. Permitted Principal Uses.

1. Residential:
 - a. Townhouses.
 - b. Multi-family dwellings in accordance with the MF Multi-Family Residence Zone District standards, § 21-88.
2. Commercial Uses in Conjunction with a Planned Mixed-Use Development:
 - a. Marinas, excluding retail boat sales.
 - b. Ferry services.
 - c. Professional offices.
 - d. Restaurants, including full service and outdoor dining facility.
3. Mobile Home Parks, as defined herein, as a principal permitted use, and in accordance with the requirements of Section 21-89.
4. Hotels, maximum height of four stories.

C. Permitted Accessory Uses.

1. Boardwalks.
2. Charter and excursion boats, off-shore areas.
3. Community center, devoted exclusively to the residents of the mixed-use development.
4. Home professional offices.
5. Off and on-site parking.
6. Pools, tennis courts, exercise rooms and recreation facilities for use of residents and guests.
7. Public and private boatslip/dock for personal watercraft and as accessory to residential and commercial uses.
8. Retail services, specific to marina related services.
9. Uses accessory or incidental to the principal use.

D. Bulk and Area Requirements.

1. Minimum tract size: ~~six (6)~~ two (2) acres.
2. Average setback from tract boundaries and all other right-of-way lines: Twenty (20) feet, but in no case shall the setback be less than fifteen (15) feet.
3. Maximum density: Fourteen (14) dwelling units per acre.
4. Minimum tract width: One hundred twenty-five (125) feet.
5. Minimum tract depth: One hundred (100) feet.
6. Maximum building coverage for the entire tract: Thirty-five (35%) percent.
7. Maximum floor area ratio for the entire tract: 0.45.
8. Maximum impervious coverage for the entire tract: Eighty (80%) percent.
9. Maximum units per structure: Five (5) dwelling units.
10. Maximum building length: One hundred fifty (150) feet.
11. Maximum height: Two and one-half (2.5) habitable stories over the garage at grade level; thirty-five (35) feet.
12. A structure shall not have more than two (2) connected townhouse units on one (1) facade without providing a variation in setback of at least four (4) feet.
13. The spacing of residential buildings shall adhere to the following minimums:

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- a. End wall to end wall: Twenty-four (24) feet
 - b. End wall to window wall: Thirty (30) feet
 - c. Windowed wall to windowed wall:
 - (1) Front to front: Seventy-five (75) feet
 - (2) Rear to rear: Fifty (50) feet
 - (3) End to end: Thirty (30) feet
 - d. Any building face to residential access street curb and municipal right-of-way: Twenty (20) feet.
 - e. Any building face to common parking area: Twelve (12) feet.
14. Minimum separation of nonresidential structures from all other principal structures: Thirty (30) feet.
15. Any approval for development in the MXD Zone, which results in the retirement of the Mobile Home Park or the removal of any residents of the Mobile Home Park shall contain a condition that the applicant shall provide proof, to the satisfaction of the board of original jurisdiction, that adequate private residential facilities and circumstances exist for the relocation of those mobile park residents consistent with the requirements of N.J.S.A. 46:8C-21. Although N.J.S.A. 46:8C-21 is invoked by an application for one (1) or more variance(s), the requirements of N.J.S.A. 46:8C-21 shall apply to the aforementioned circumstances regardless of whether or not the application requires one (1) or more variance(s). For purposes of this chapter, "adequate private residential facilities and circumstances" shall share the definition of "comparable housing or park site" as provided in N.J.S.A. 2A:18-61.7(a). An applicant must provide proof of compliance with this paragraph 15 to the board of original jurisdiction prior to obtaining final approval. This section is not severable from the other provisions of the chapter and the zoning of the property to the MXD Zone is conditioned upon the above relocation provision.

Section 9

§21- 97 (Conditional Uses) is hereby amended to add subsection M. Single Family uses in the B-1 and B-2 zones as follows:

"M. Single Family uses in the B-1 and B-2 zones.

Single family detached residences shall be permitted as a conditional use in the B-1 and B-2 zones subject to the following conditions:

1. The dwelling and the parcel shall comply with the bulk requirements of the R-2.03 zone; and,
2. The front facade of the single family residence shall not front on Bay Avenue and any lot frontage on Bay Avenue will be used exclusively for a principal permitted use that is allowed in the B-1 or B-2 Zone."

22-14.REPEALER.

All ordinance or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

§ 22-15.SEVERABILITY.

If any section, subsection, clause or phrase of this ordinance shall, for any reason, be held to be unconstitutional or invalid, such decision shall not affect the remaining portion of this ordinance.
EFFECTIVE DATE.

This ordinance shall take effect as provided by law.

SECTION *Certified Copy*

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

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- 5. Borough Administrator
- 6. Borough Engineer
- 7. Planning Board
- 8. Zoning Board
- 5. Borough Attorney
- 6. Tax Assessor
- 7. Zoning Official

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

Seconded by Mr. 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: Second Reading, Public Hearing, Adoption:

Ordinance O-12-1

Mrs. Cummins read the title of Ordinance O-12-1 for the second reading and public hearing and stated that this ordinance was published in its entirety in the February 10th edition of the Two River Times.

Mayor Nolan asked Mr. Pfeffer if he had any comments.

Mr. Pfeffer said that the State has requested that the Borough convert back to a calendar year. We have to adopt an ordinance and we will do a six month transition budget from July 1st to December 31st, 2012.

Mayor Nolan opened the public hearing.

Carol Bucco of 330 Shore Drive asked what the benefits are to going to a calendar year.

Mr. Pfeffer explained that there will be no change in any cost of any service. The change to fiscal in the past was designed by the State to help towns out at that time. The State wants everyone to be back on a calendar year.

Mayor Nolan closed the public hearing on O-12-1.

Mrs. Cummins read the title of Ordinance O-12-1 for the third and final reading and adoption.

Mayor Nolan offered the following ordinance pass third and final reading and moved on its adoption and authorized its 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

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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 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

Public Portion:

Ed O'Neil of 286 Bay Avenue said that he applied for the job at the recycling yard. He is a veteran and worked for the town for 38 years. He worked at the recycling yard for 16 months until the lay offs. He was asked for consideration to get the job back. He explained his work experience.

Mayor Nolan stated that he was given consideration.

Ed O'Neil said he spoke with a past administrator if he would be given first consideration when he left this position.

Carol Bucco of 330 Shore Drive asked about the public hearing date for the two ordinances.

Mrs. Cummins said they will both be on April 4th.

John Bentham of Washington Avenue asked about the status of Washington Avenue

Mr. Leubner said that the right of way has been located as per request of the Mayor and Council. He is working on a cost estimate for the bulkhead and roadway.

Mayor Nolan stated that at some point, the town is going to be responsible if it is not taken care of.

John Bentham asked about a time frame.

Mayor Nolan hopes to have news at the next meeting.

Brian Cobb of 11 Recreation Place spoke of erosion on Washington Avenue. He would like to set up a meeting when the Borough has plans.

Mayor Nolan will set that up.

Brian Cobb asked about funding of street.

Mr. Hill said we have an application with FEMA. They are willing to fund a portion of the roadway not the bulkhead.

Brian Cobb asked how they can fix the roadway and not the bulkhead.

Mr. Padula said there are legal issues also

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Mr. Francy said we will take care of our assets.

Peter Mullen – will wait for the special meeting.

Fred Rosiak has sent letter to Mr. Hill and has not received a response.

Mayor Nolan said he wants to keep an amicable relationship and try to resolve this.

Mr. Rosiak will resend the correspondence to Mayor and Council.

Mayor Nolan spoke of a private upcoming meeting with Congressman Pallone with all the Mayors in the district. He will report any updates at the next meeting.

Frank Thomas of 49 Huddy Avenue asked if we are looking for a combined permit from FEMA.

Mr. Leubner said there may be a letter from DEP to put the bulkhead back to the same that was there. He explained the second part is a borough approval as well.

Mayor Nolan stated that if FEMA puts money in to it, they may require better than what was there before.

Frank Thomas continued to express concerns with Washington Avenue road collapse.

Carla Braswell announced that the Twinlights is celebrating 150th Birthday on June 24th. She also commented on the maintenance program price quotes.

Mr. Hill will contact her tomorrow to work it out.

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 9:14 p.m.

Debby Dailey, Deputy Clerk

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