

**Borough of Highlands
Mayor & Council
Work Shop/Regular Meeting
March 21, 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. 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-12-61
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. 2 Private Rd Wall Damage (Possible Litigation)**

2.Contract: 1. CWA, UFCA Union Contracts & Prof Consultant Contract

3.Real Estate:

4. Personnel Matters:

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:

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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 formal action may be taken after the executive session.

Seconded by Mr. O'Neil 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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The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:13 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

Superintendent of Schools, Chris Rooney – Budget Presentation:

Mr. Rooney thanked the Mayor and Council for inviting them to the meeting. He then gave a power point presentation for both school budgets. They are looking for an increase of \$32,000.00 for Highlands Elementary School. He then gave the presentation for Henry Hudson Regional High School. They are looking at a zero increase in taxes.

Mr. O'Neil asked if electronic text books are taken home.

Mr. Rooney explained that they don't have enough for IPADS for that. They do have an on line component. They are constantly updated.

Mayor Nolan asked about programs for assistance.

Mr. Rooney responded and he spoke about Monmouth/Ocean Service Commission purchasing program.

Mr. Francy requested Mr. Rooney's email address.

Consent Agenda:

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

R-12-62

**CANCELLATION OF PROPERTY TAX AND SEWER OVERPAYMENTS OR
DELINQUENT AMOUNTS +/- \$10.00**

WHEREAS, NJSA 40A:5-17 allows for the cancellation of property tax and sewer overpayments or delinquent amounts +/- \$10.00; and

WHEREAS, the governing body may authorize a municipal employee chosen by said body to process, without further action on their part, any cancellation of property tax and sewer overpayments or delinquencies +/- \$10.00.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, that the Tax Collector is hereby authorized to cancel said tax amounts as deemed necessary.

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

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

**R-12-63
AUTHORIZING REFUND OF TAX OVERPAYMENT**

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

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

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

| <u>BLOCK</u> | <u>LOT</u> | <u>YEAR</u> | <u>AMOUNT</u> |
|--------------|------------|-------------|---------------|
| 3 | 4 | 2011 | 514.00 |
| 4 | 7 | 2009 | 264.00 |
| 9.01 | 14 | 2010 | \$199.30 |
| 10 | 1.01 | | \$2,266.33 |
| 10 | 7.06 | 2009 | 201.34 |
| 11.01 | 3 | 2009 | 230.85 |
| 11.03 | 2 | 2009 | 130.04 |
| 11.05 | 7 | 2009 | 15.24 |
| 11.05 | 7 | 2011 | 151.61 |
| 19 | 5 | 2010 | 364.31 |
| 20 | 5.16 | 2009 | 31.30 |
| 27 | 12 | 2010 | 99.70 |
| 28 | 11 | 2010 | 62.34 |
| 28 | 11 | 2011 | 4,368.62 |
| 29 | 4 | 2010 | 10.69 |

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| | | | |
|--------|-------|------|-----------------|
| 36 | 4 | 2009 | 250.00 |
| 43 | 4 | 2010 | 20.33 |
| 43 | 4 | 2011 | 1.34 |
| 44 | 13 | 2010 | 86.67 |
| 48 | 5 | 2009 | 229.25 |
| 54 | 20.01 | 2009 | 825.02 |
| 54 | 20.01 | 2010 | 1,637.04 |
| 54 | 20.01 | 2011 | 2,416.87 |
| 54 | 20.01 | 2012 | 848.23 |
| 59 | 22 | 2010 | 760.26 |
| 59 | 35 | 2010 | 26.65 |
| 71.73 | 7.13 | 2009 | 1,119.40 |
| 71.73 | 7.24 | 2010 | 2,056.60 |
| 72 | 9.06 | 2009 | 186.10 |
| 72 | 34 | 2009 | 402.04 |
| 74 | 5 | 2009 | 219.64 |
| 79 | 8 | 2009 | 98.33 |
| 81 | 7 | 2009 | 28.58 |
| 83 | 2 | 2009 | 1,174.99 |
| 90 | 8 | 2009 | 151.58 |
| 92 | 8.02 | 2009 | 122.71 |
| 98 | 6.15 | 2010 | 15.10 |
| 98 | 11 | 2010 | 4,154.01 |
| 100.12 | 160 | 2009 | 193.99 |
| 101 | 7 | 2010 | 622.15 |
| 106.1 | 1103 | 2009 | 141.15 |
| 106.1 | 303 | 2009 | 21.30 |
| 114 | 7.09 | 2012 | <u>1,561.31</u> |
| Totals | | | 28,081.01 |

Seconded by Ms. Kane 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 Resolution and moved on its adoption:

**R-12-65
RESOLUTION AUTHORIZING
THE REMOVAL OF TWO DISABLED PARKING SPACES
AT 16 OCEAN AVENUE AND 28 HUDDY AVENUE**

WHEREAS, the Governing Body approved via Resolution R-11-58 a disabled parking space for William Mesek residing at 16 Ocean Avenue on February 16, 2011; and

WHEREAS, the approved spot was identified as placard #P998205 which was located four feet north of pole #BT400364B on Ocean Avenue; and

WHEREAS, Mr. Mesek no longer resides at 16 Ocean Avenue and it is the recommendation of the Chief of Police that said disabled parking spot designation be eliminated; and

WHEREAS, there is another disabled parking space located at 28 Huddy Avenue and the current resident of 28 Huddy Avenue, William Bosco has informed the Police Department that he purchased the property over six years ago and there is no one residing in the home requiring a disabled parking spot. Therefore he requested that it be removed.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the disabled parking sign that was previously approved for William Mesek of 16 Ocean Avenue (Placard P998205) is hereby eliminated and the DPW Supervisor is hereby directed to remove said disabled parking sign.

BE IT FURTHER RESOLVED that the disabled parking sign located at 28 Huddy Avenue also be removed and the DPW Supervisor is hereby directed to remove the disabled parking sign located at 28 Huddy Avenue.

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

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

**R-12-66
RESOLUTION APPROVING STIPEND FOR ACTING
DPW SUPERVISOR**

FOR THE PERIOD OF JANUARY 1, 2012 THROUGH MARCH 31, 2012

WHEREAS, Reggie Robertson of the DPW Department has been asked to perform additional supervisory duties for the period of January 1, 2012 through March 31, 2012 ; and

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WHEREAS, the Borough of has a genuine need for Reg Robertson to continue duties of Acting DPW Supervisor for the period of January 1, 2012 through March 31, 2012; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Reggie Robertson be paid a stipend in the amount of \$625.00 for his services as Acting DPW Supervisor for the period of January 1, 2012 through March 31, 2012.

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

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

**R-12-67
RESOLUTION APPROVING HIGHLANDS BUSINESS PARTNERSHIPS
"TASTE OF HIGHLANDS" EVENT**

WHEREAS, the Highlands Business Partnership in conjunction with the Police Benevolent Associate LOCAL #48 would like to plan an event entitled "Taste of Highlands" to be held on June 23, 2012 from Noon through 6:00 PM in the Borough of Highlands; and

WHEREAS, the Governing Body has considered said request for event at a meeting held on March 7, 2012.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Highlands Business Partnership in conjunction with the PBA Local #48 is hereby authorized to hold a new event entitled "Taste of Highlands" on June 23, 2012.

BE IT FURTHER RESOLVED that the HBP must coordinate details of the event operation with the Borough and must be approved by the Borough Administrator.

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

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-69
RESOLUTION APPROVING DISABLED PARKING SPACES**

WHEREAS, application for a Disabled Parking Designations were submitted to the Highlands Police Department by David L. Higbee of 50 Second Street and Eleanor McCartan of 10 Ocean Avenue; and

WHEREAS, the Chief of Police has reviewed the two applications and recommends the approval of both Disabled Parking Designation;

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the applications for Disabled Parking Designations for the following are hereby approved:

1. David L. Higbee, 50 Second Street – disabled parking designation sign be erected three (3) feet from the property line at 50 Second Street between the gas marker and water meter with placard #P947564.
2. Eleanor McCartan, 10 Ocean Avenue – disable parking designation sign be erected twenty four (24) feet south of Utility Pole #BT40037HB with placard #473759,

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

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

**R-12-70
RESOLUTION APPROVING ACCEPTANCE OF DONATION
FOR THE RESURFACING OF BASKETBALL COURT AT VETERANS PARK**

WHEREAS, Top One Maintenance Corp. has submitted a proposal for the resurfacing of the basketball court located at Veterans Park dated March 1, 2012 at no cost to the Borough; and

WHEREAS, the Borough Administrator presented said proposal to the Governing Body at the March 7, 2012 Council Meeting; and

WHEREAS, it is the desire of the Council to accept the donation of resurfacing the basketball court at Veterans Park.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Borough Administrator is hereby authorized to execute proposal agreement with Top One Maintenance Corp. dated March 1, 2012 for the resurfacing of the basketball court located at Veterans Park.

BE IT FURTHER RESOLVD, that the Borough Administrator is hereby directed to provide copy of proposal to Veterans to obtain their input on said project prior to moving forward with said project.

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

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

**R-12-71
RESOLUTION OF THE BOROUGH OF HIGHLANDS
OPPOSING THE FEDERAL GOVERNMENT’S DECISION TO CLOSE THE JAMES J.
HOWARD MARINE SCIENCE LABORATORY AT SANDY HOOK, NJ**

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WHEREAS, the James Howard Sciences Laboratory at Sandy Hook, known at Marine Labs, has been in operation since 1961; and

WHEREAS, Marine Labs was the first federal scientific laboratory in the United States devoted to researching marine recreational species, and now has an international reputation in the scientific community; and

WHEREAS, Marine Labs has been instrumental in successful efforts over the past several decades to clean up the ocean waters in a critical region extending from Long Island south to Cape May, including New York Bight and coastal Monmouth County; and

WHEREAS, the current federal administration proposes to close Marine Labs and reassign its staff to other National Oceanic and Atmospheric Administration facilities located in other states; and

WHEREAS, the Borough of Highlands recognizes that Marine Labs is important to the intellectual, economic and oceanic health and well-being of the region, and believes that the proposed closure is detrimental and unnecessary; and

WHEREAS, the Borough of Highlands further recognizes that Marine Labs is important to the education of the region's students, including those from Highlands and others attending the Marine Academy of Science and Technology, a premier Monmouth County high school whose campus neighbors marine labs and benefits from the facility and its scientist's expertise; and

WHEREAS, Marine Labs was recently rebuilt following a devastating fire, and subsequently improved at great expense to include multiple state of the art laboratories and a massive salt-water aquarium.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Highlands respectfully urges the current administration to reconsider the proposed closure, saving it from the fate suffered by Fort Monmouth felt throughout the region, and to instead preserve the reverend institution for the benefit of generations to come.

BE IT FURTHER RESOLVED that a copy of this resolution shall be submitted to the United States Senators Robert Menendez and Frank Lautenberg and Congressman Rush Holt, Frank Pallone and Christopher Smith.

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

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

**RECAP OF PAYMENT OF BILLS
03/21/2012**

| | | |
|-----------------|---------------|---------------|
| CURRENT: | | \$ 64,483.74 |
| Payroll | (03/15/2012) | \$ 184,837.06 |

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| | | |
|----------------------------------|--------------|----------------------|
| Manual Checks | | \$ 15,847.10 |
| Voided Checks | | \$ |
| SEWER ACCOUNT: | | \$ 105,188.90 |
| Payroll | (03/15/2012) | \$ 9,946.26 |
| Manual Checks | | \$ 592.37 |
| Voided Checks | | \$ |
| CAPITAL/GENERAL | | \$ 1,429.04 |
| CAPITAL-MANUAL CHECKS | | \$ 975.00 |
| Voided Checks | | \$ |
| WATER CAPITAL ACCOUNT | | \$ |
| TRUST FUND | | \$ 3,825.36 |
| Payroll | (03/15/2012) | \$ |
| Manual Checks | | \$ |
| Voided Checks | | \$ |
| UNEMPLOYMENT ACCT-MANUALS | | \$ |
| DOG FUND | | \$ 103.80 |
| GRANT FUND | | \$ 721.50 |
| Payroll | (03/15/2012) | \$ |
| 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.**

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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

Minutes Approved on Consent Agenda:

Mrs. Cummins stated that there is a correction to the Executive Minutes, Mr. O'Neil was marked as absent but arrived late at 7:11 p.m.

Mayor Nolan offered a motion for the approval of the March 21, 2012 Regular and Executive minutes with the change for Mr. O'Neil's arrival time, and seconded by Ms. Kane 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-12-64 Resolution Authorizing Payment of Unused Accrued Time.

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

R-12-64

BOROUGH OF HIGHLANDS

COUNTY OF MONMOUTH

**RESOLUTION AUTHORIZING PAYMENT TO D. BRUCE
HILLING FOR UNUSED ACCRUED TIME IN ACCORDANCE
WITH HIS EMPLOYMENT CONTRACT AND APPROVING A
FULL AND FINAL RELEASE AND SEPARATION AGREEMENT**

WHEREAS, the Borough of Highlands formerly employed D. Bruce Hilling; and

WHEREAS, Hilling's last date of employment with the Borough was on April 9, 2011;

and

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WHEREAS, due to the litigation which Hilling brought concerning his separation of employment, final payment for unused accrued time was not made; and

WHEREAS, that litigation has been resolved in favor of the Borough; and

WHEREAS, the Borough wishes to make a final severance payment to Hilling according to contract and to secure a release of any claims Hilling may have against the Borough;

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. The Borough approves the Full and Final Release and Separation Agreement and authorizes the Mayor to execute the Agreement on behalf of the Borough; and
2. The Borough authorizes payment of \$5,000.00 to Hilling representing payment of \$4,581.66 in accrued unused leave time according to contract and \$419.34 as consideration for the full and final release and separation agreement. Payment shall be made via payroll check with deductions to be made as appropriate and as required by law.

Seconded by Mr. O'Neil 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

Mrs. Cummins read the title of R-12-68 Resolution Declaring an Emergent Condition-Sewer Backup.

Mr. Hill explained the sewer back up area.

Mr. Francy asked what material was being removed from the pipe.

Mr. Hill said he was told it was slurry, a pipe coating, a cement like surface.

Mr. Francy wants T&M to look at it to see what material it is and where it came from.

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

R-12-68

**RESOLUTION DECLARING AN EMERGENT CONDITION FROM A SEWER
BACKUP ON BAY AVENUE AND TO PROVIDE AUTHORIZATION TO OBTAIN
CONTRACT WITHOUT PUBLIC BIDDING PURSUANT TO THE
PROVISIONS OF N.J.S.A. 40A:11-6**

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WHEREAS, an emergent condition developed on Saturday, March 10, 2012 as a result of a major sewer back up which caused manholes on Bay Avenue to overflow with sewerage in the borough; and

WHEREAS, provisions of N.J.S.A. 40A:11-6 permit the Borough to award contracts without public bidding or quotes when an emergency affecting the health, welfare and safety of the public requires the immediate performance of services; and

WHEREAS, the Mayor, Frank Nolan declared the situation an emergency condition affecting the health and safety of the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that authorization be and is hereby given to the Borough Administrator to proceed with processing the necessary payments for services and material rendered to rectify the problems caused by Sewer Backup on Bay Avenue.

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

Ordinances: Second Reading, Public Hearing, and Adoption:

Ordinance O-12-2

Mrs. Cummins read the title of Ordinance O-12-2 for second reading and public hearing and stated that this ordinance was published in its entirety in the February 17th edition of the Two River Times.

Mayor Nolan opened the public hearing.

There were no questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance 0-12-2 for the third and final reading and adoption.

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

O-12-2

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

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OF THE BOROUGH OF HIGHLANDS, 1975,**

COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

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

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

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

FEES:

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

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

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

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.

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

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

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

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

Installation of Swimming Pools: Construction of a Swimming Pool

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

Construction of Accessory and storage structures:

Construction of accessory storage sheds,

~~\$ 20~~ **\$27.00** per \$1000.00 pool cabana or similar accessory structures

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:

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Tank Installation:

| | |
|---|------------|
| Up to 550 gallons in water capacity | \$50 each |
| 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

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

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

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

Annual review of fee schedules

The Construction Official shall, with the advice of the 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 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

Ordinance O-12-3

Mrs. Cummins read the title of Ordinance O-12-3 for second reading and public hearing and stated that this ordinance was published in its entirety in the February 17th edition of the Two River Times.

Mayor Nolan opened the public hearing.

Carol Bucco of 330 Shore Drive thought this is a good idea, but where will these courses be offered.

Mrs. Cummins said the League of Municipalities offers a lot of classes.

Carol Bucco asked if there would be certificates of completion.

Mayor Nolan said yes.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance 0-12-3 for the third and final reading and adoption.

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Mayor Nolan offered the following Ordinance and moved on its adoption and authorized its 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 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: Mr. O'Neil

ABSENT: None

ABSAIN: None

Ordinance O-12-4

Mrs. Cummins read the title of Ordinance O-12-4 for second reading and public hearing and stated that this ordinance was published in its entirety in the February 17th edition of the Two River Times.

Mayor Nolan opened the public hearing.

Carol Bucco of 330 Shore Drive feels the reason for absence are a little sketchy, further explained.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-12-4 for the third and final reading and adoption.

Mayor Nolan offered the following Ordinance and moved adoption and authorized its 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.

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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, 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.

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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. 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

Ordinance O-12-5

Mrs. Cummins read the title of Ordinance O-12-5 for second reading and public hearing and stated that this ordinance was published in its entirety in the February 17th edition of the Two River Times.

Mayor Nolan opened the public hearing.

Carol Bucco of 330 Shore Drive questioned the elimination of these requirements.

Mrs. Cummins explained other uses for the equipment

Chief Blewett explained will still use it for Police and Borough ID's.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance 0-12-5 for the third and final reading and adoption.

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

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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.**~~

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~~**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.~~

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~~**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~~

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~~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 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.~~

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~~—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 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

Ordinance O-12-6

Mrs. Cummins read the title of Ordinance O-12-6 for second reading and public hearing and stated that this ordinance was published in its entirety in the February 17th edition of the Two River Times.

Mayor Nolan opened the public hearing.

Carol Bucco of 330 Shore Drive questioned why we are eliminating section 3 of the parking ordinance.

Chief Blewett said they recommended it because we no longer have two ferry services operating.

Carol Bucco feels there will still be a need for this.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance 0-12-6 for the third and final reading and adoption:

Mayor Nolan offered the following Ordinance and moved on its adoption 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***.

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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 adopted 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

Mr. Francy asked for a discussion regarding Carol Bucco's comments. He feels she has good points but the reality is that SeaStreak is using Sandy Hook Marina's parking lot and there is a valet parking. He feels it will be a mistake. There is no pressure to do it now. He also wants permit parking for all residents.

Ordinance O-12-7

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Mrs. Cummins read the title of Ordinance O-12-7 for second reading and public hearing and stated that this ordinance was published in its entirety in the February 17th edition of the Two River Times.

Mayor Nolan opened the public hearing.

There were no questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-12-7 for the third and final reading and adoption:

Mayor Nolan offered the following Ordinance and moved on its adoption 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.~~

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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.

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~~—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, 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~~

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~~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 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

Ordinance O-12-8

Mrs. Cummins read the title of Ordinance O-12-8 for second reading and public hearing and stated that this ordinance was published in its entirety in the February 17th edition of the Two River Times.

Mayor Nolan opened the public hearing.

There were no questions.

Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance 0-12-8 for the third and final reading and adoption:

Mayor Nolan offered the following Ordinance and moved on its adoption 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~~

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~~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 Mr. O'Neil 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

Other Business:

Borough Engineer's Status Report:

Mr. Keady read thru his report.

HGHL-G1201 **March 15, 2012**
Via Facsimile (732) 872-0670 and First Class Mail

Timothy Hill

Borough Administrator

Borough of Highlands

171 Bay Avenue

Highlands, New Jersey 07732-1405

Re: Engineer's Status Report

Dear Mr. Hill:

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

Capital Improvement Projects

1. **Flood Reduction Program:** Permit applications were submitted to the various agencies on March 4, 2011 and the project plans and specifications submitted to the NJDEP under the EIT program on March 7, 2011. A Tidelands License has been approved by the NJDEP to relocate the Valley Street Pumpstation outfall line to the Borough right-of-way. The permits for the project have been issued by the Army Corps of Engineers on July 7, 2011 and the NJDEP issued CAFRA and Waterfront Development Permits on July 27, 2011. As requested, we have prepared and submitted a cost impact analysis to relocate the proposed pumpstation in Jones Creek to the footbridge adjacent to the community center. A presentation was held on September 20, 2011 to present the anticipated improvements of the overall project. As discussed at the December 7, 2011 Council meeting, the Mayor and Council have

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elected to delay advertisement of the project and enter the 2013 EIT funding cycle due to the timing of potential FEMA funding amounts.

2. **2011 Roadway Improvements Project:** T&M Associates has been authorized to design and provide contract administration services for the following roadways:

- **Valley Avenue Resurfacing:** from Highland Ave. to the western terminus
- **Woodland Street Reconstruction:** from Highland Avenue to Prospect Street (NJDOT Local Aid funding: \$160,000)
- **Prospect Street Mill/Overlay:** from Osborne Street to the vicinity east of Woodland Street (NJAW funding: \$38,800)
- **Bay View Street Rehabilitation:** The entire length

Bid Date: February 29, 2012

Award Date: March 7, 2012

Contractor: Black Rock Enterprises, L.L.C., Old Bridge, NJ

Amount: \$399,345.28

- Project has been conditionally awarded by the Mayor and Council. Concurrence of award from the NJDOT is currently being sought.

3. **The Reconstruction of Highland Avenue:** The NJDOT awarded the Borough \$1,184,000.00 in Discretionary Aid for Highland Avenue and the portions of Valley Avenue and Miller Street between Route 36 and Highland Avenue.

Bid Date: July 19, 2011

Award Date: July 20, 2011

Contractor: Fiore Paving Company, Inc., Oceanport, NJ

Amount: \$1,186,325.00

- A preconstruction meeting was held on August 23, 2011.
- Contractor has mobilized and has begun drainage improvements. Gas main relocation by NJNG on Miller Street by Route 36 has been completed.
- Concrete work is underway.
- Paving operations will not commence until spring 2012 due to the onset of winter weather and seasonal closing of asphalt plants.
- All NJDOT access and drainage permits have now been received.
- Drainage and concrete crews have remobilized and work has resumed.

4. **The Reconstruction of Bay Avenue:** The NJDOT awarded the Borough \$250,000.00 for the reconstruction of Bay Avenue between Waterwitch Avenue and Central Avenue. The Monmouth County Community Development Block Committee awarded the Borough \$183,603.00 for the reconstruction of Bay Avenue between Central Avenue and Gravelly Point. This project includes drainage improvements to the northern portion of Huddy Park. The plans have been approved by the NJDOT and the Monmouth County Community Development Office. The project was advertised and conditionally awarded as follows:

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Bid Date: November 30, 2011
Conditional Award Date: February 15, 2012
Contractor: L&L Paving Company Inc., Tinton Falls NJ
Amount: \$387,842.40

- Concurrence of award has been received by the NJDOT and Monmouth County Community Development.
- A pre-construction meeting is currently being scheduled.

5. **Automatic Transfer Switches for Four Emergency Generators:** The Borough has been awarded \$40,000 in discretionary funding from the Monmouth County Community Development Office to replace manual transfer switches with automatic transfer switches at the following locations:

- South Bay Avenue Pumpstation
- Waterwitch Avenue Pumpstation
- Robert D. Wilson Community Center

The Borough is also providing an automatic transfer switch at Borough Hall and will pay for this work utilizing local funds.

Bid Date: November 30, 2011
Conditional Award Date: December 21, 2011
Contractor: Gary Kubiak and Son Electric, Allentown
NJ
Amount: \$49,335.00

- Concurrence of award has been received by the Monmouth County Community Development Office.
- A pre-construction meeting was held on January 25, 2012.
- Contracts have been executed
- Shop drawings have been submitted and approved.
- Contractor is awaiting delivery of remaining switches and will proceed with the installation of them upon receipt.

Grants and Loans

1. **FEMA Hazardous Mitigation Assistance Grant Application:** The Letter of Intent was submitted to FEMA on April 8, 2011 as required. FEMA has reacted favorably to the Borough's flood reduction project as described in the Letter of Intent. T&M Associates has prepared and submitted the grant application on behalf of the Borough. The application was submitted on October 28, 2011. The Borough has been notified that the project ranks third and fourth on the State funding list.

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2. **NJDOT Local Aid Grant Application:** As requested by the Borough, we have submitted an application for the Reconstruction of Valley Street from Shore Drive to Fifth Street. The project will include replacement of the storm sewer system as well.
3. **NJDOT Bikeways Application:** As requested by the Borough, we have submitted an application to implement the bikeway improvements planned and approved under the ANJEC grant.

Mr. Francy questioned the repairs of the water main break on Valley Avenue and the repairs on Highland Avenue openings are done properly.

Mr. Leubner said the damage was mainly kept to the roadway and sidewalk area. The sidewalk is scheduled to be replaced. The drainage is being done first. It will all be taken care of with contractors.

Mr. O'Neil asked if the drainage will change.

Mr. Leubner said there will be a small modification. He further explained.

Discussion continued about the Highland Avenue project and the water main break on Valley Avenue.

Review of Planning Board Comments on Ordinance O-12-9:

Mrs. Cummins stated that the Planning Board has reviewed the ordinance and adopted their recommendations via a resolution dated March 8, 2012.

Mayor Nolan asked for comments.

There were no comments.

Review of the Planning Board Comments on Ordinance O-12-10:

Mrs. Cummins stated that the Planning Board has reviewed the ordinance and submitted their recommendations.

Mayor Nolan asked for comments.

There were no comments.

Review of the Professional Engineer Services for Washington Ave. Repairs:

Mr. Francy would like to table this. The scope is beyond what we wanted.

Mr. Padula gave an update on Captains Cove/Washington Avenue. Representatives from the Borough and Mr. Rosiak and some professionals met to discuss proposals and discuss plans. After reviewing the second set of plans, he and Mr. Leubner had additional questions. They will speak to Mr. Rosiak's attorney, Mr. McKenna to see if we can work together. We can move forward with a Bond Ordinance to repair the road.

Mr. Francy wants the road repaired by the summer.

Mr. Francy stated that prior to the meeting, Richard Gardiner from the Baymen's Protective Association gave him a petition to give to the council that speaks of establishing that many of the boats moored at Captains Cove are clammers boats. They are asking the council to take this in to account if we close the marina down.

Richard Gardiner briefly spoke. He explained the need for the clammers to have a place to keep their boats.

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North Street Bulkhead Repair:

Mrs. Cummins explained that we received a letter from Mr. Urbanski. He is in the process of repairing the bulkhead portion that he owns. He is asking the Borough to repair their portion next to his.

Mr. O'Neil will get a report from Pumping Services for the next meeting.

Best Practices Review:

Mr. Pfeffer said we submitted the Best Practices Survey and will receive full State Aid. We are required to have the Council review the Best Practices Survey. The deadline is April 2nd.

Mrs. Cummins will do the certification.

Mayor – Appointment to Planning Board for unexpired term:

Mayor Nolan asked to carry this to the April 4th meeting. He thanked Mr. Parla for his service.

Authorize CFO to Prepare Bond Ordinance for Washington Avenue Repairs:

Mr. Pfeffer explained that the council is authorizing him to prepare a bond ordinance for the next meeting for improvements to Washington Avenue. He will proceed when he receives the information from T&M. He will have it for introduction at the April 4th meeting.

Mr. Keady said it is for repairs to a portion of Washington Avenue.

Mayor Nolan offered a motion authorizing the CFO to prepare a bond ordinance for repairs to Washington Avenue, and seconded by Mr. O'Neil 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

Ordinances: Introduction & Setting of Public Hearing Date:

Ordinance O-12-9 Revised

Mrs. Cummins read the title of Ordinance O-12-9 Zoning Ordinance Amendment for MH Zone for introduction. This is the revised ordinance that implements the Planning Board recommendations.

Mayor Nolan acknowledged that they have the report from the Planning Board, some changes were made.

Mr. Truscott briefly explained the amendments to the ordinance addressed by the Planning Board comments.

Mayor Nolan offered the following Ordinance as amended and moved on its introduction and setting of a public hearing date for May 2, 2012 at 8:00 P.M. and authorized its publication:

ORDINANCE O-12-9 REVISED

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, TO ALLOW SINGLE FAMILY, TOWNHOME AND MID-RISE MULTI-FAMILY

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DEVELOPMENTS IN THE MH ZONE 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,

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 Principal Uses:

- a. Mobile Homes, in a mobile home park only.
- b. Mid-rise Multi-family dwellings, and structured parking accessory or appurtenant, thereto subject to the requirements in Section 5 of this section.
- c. Townhomes, subject to the requirements of the Multi-Family zone district except that residential buildings will be limited to no more than four (4) attached dwelling units per structure.
- d. Single family detached dwellings subject to the R-2.03 zone district requirements.

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 uses.

3. Conditional Uses.

Satellite dish antennas.

4. Bulk, Area and Other Regulations. Mobile home developments shall meet the tract requirements of Schedule I. In addition, they shall meet the following requirements:

- a. Density shall not exceed twelve (12) dwelling units per acre.
- b. Mobile homes shall have a minimum of twelve (12) feet between units. Porches, decks, patios and accessory buildings shall also not be closer than five (5) feet to an adjacent mobile home or accessory.
- c. Accessory structures shall meet the requirements of subsection 21-65.1 and Section 21-79.

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5. 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.

- a. Density shall not exceed fourteen (14) dwelling units per acre. Up to sixteen (16) units per acre may be permitted if a public scenic overlook area is included pursuant to paragraph 6 of this section.
- b. Minimum lot size: 10 acres.
- c. Minimum front yard: 100 feet to a principal building.
- d. Minimum side yard: 60 feet to a principal building.
- e. Minimum rear yard: 60 feet to a principal building.
- f. 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.
- g. Maximum building coverage: 25 per cent.
- h. Maximum lot coverage: 50 per cent.
- i. Maximum FAR: 1.50.
- j. Maximum Height: 6 stories above finished grade, with the residential units above the parking garage; parking levels that are provided underground (that is, below finished grade) will not be considered a story.
- k. The minimum distance or separation between all residential buildings shall be equal to the height of the taller of the two structures.
- l. A mid-rise multifamily development may include the following Permitted Accessory Uses:

Utility buildings incidental to residential use.

Community or club room, 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.

6. Density Bonus for Public Access area. (Multi-Family)

To encourage the provision of a public access easement leading to a scenic overlook area within a multi-family residential development, the Planning Board, at its sole discretion, may allow an increase of the maximum density of up to 2 units per acre to a maximum density (for a maximum overall density of 16 units per acre) if an acceptable scenic overlook area is included in the development plan. The Board may allow a lesser bonus than 2 units per acre if the overlook or access provisions offer only minimal public benefits. The scenic overlook area must include a public access easement for the circulation of vehicles across the site to the overlook area. The overlook area shall, at a minimum, be accessible from a public roadway and provide several off-street parking spaces.

7. Ridgeline Protection

In addition to compliance with the Borough Steep Slope requirements, the placement of buildings in a residential development should exhibit a high level of sensitivity to the terrain and an effort to minimize the visual impact. The project design should attempt to blend in with the existing contour elevations

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through appropriate grading design as well as building heights and design. Structure locations should, as feasible, blend with the natural landform. Therefore, multiple level pads for new buildings as opposed to one level building pad area are encouraged. Roof forms and roof lines should be disaggregated into a series of smaller components to reflect the irregular slopes and grades. The slope angle of the roof pitch of all proposed buildings is encouraged to reflect the natural slope of the hillside.

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 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 as amended 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

Ordinance O-12-10

Mrs. Cummins read the title of Ordinance O-12-10 Revised Zoning Ordinance Amendment for B-1, B-2, WC-2, R-1.04 & MXD Zones for introduction

Mayor Nolan said this was amended to address the Planning Board comments.

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Mayor Nolan offered the following Amended Ordinance and moved on its introduction and setting of a public hearing date for May 2, 2012 at 8:00 P.M. and authorized its publication according to law:

Ordinance O- 12-10 REVISED

**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) 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, 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

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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. Taxi/livery/bus companies, except on parcels with frontage on Bay Avenue;
 - k. Essential services, as defined in this chapter; and,
 - l. 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. Art, Handicraft studios/workshops and galleries, in accordance with the requirements of Section 97.B

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

Section 5

§ 21-91. A .1, 2 and 3 (B-2 Central 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. Taxi/livery/bus companies, except on parcels with frontage on Bay Avenue;
 - k. Essential services, as defined in this chapter; and,
 - l. Offices and facilities for municipal, county, state and federal government.

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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. Art, Handicraft studios/workshops and galleries, in accordance with the requirements of § 21-97.B

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 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:

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- a. Marinas, including retail boat sales.
 - b. Ferry services.
 - c. Professional offices.
 - d. Restaurants, including full service and outdoor dining facility.
3. Existing Mobile Home Parks, as defined herein, as a principal permitted use, and in accordance with the requirements of Section 21-89. Existing Mobile Home Parks shall not be permitted to expand the boundaries of the park area that are existing at the time of the adoption of this amendment and any and all replacement of dwellings within an existing park and any construction shall be in full compliance with Federal Emergency Management Agency rules and Part 7 Flood Damage Prevention flood hazard regulations of this chapter.
4. Hotels, maximum height of four stories and forty-seven feet.
- 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:
 - 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

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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

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:

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 as amended 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-12-11

Mrs. Cummins read the title of Ordinance O-12-11, an Ordinance Setting Sewer Delinquent Interest Rate for introduction. This was a request from the auditors.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for April 18, 2012 at 8:00 P.M. and authorized its publication according to law:

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O-12-11**

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

ORDINANCE ADOPTING SECTION 9-8.14

**OF THE CODE OF THE BOROUGH OF HIGHLANDS ESTABLISHING A
LATE FEE TO BE CHARGED FOR OVERDUE SEWER BILLS**

WHEREAS, the Borough of Highlands provides and sewer services to the residents and businesses of the Borough; and

WHEREAS, the Borough's auditor has recommended that late charges be charged for any sewer charges not be paid when due, and that said late charges shall take the form of interest on overdue charges;

WHEREAS, the Borough wishes to establish and codify late charges to be charged for overdue sewer charges, in accordance with applicable law and regulations; and

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

SECTION ONE. Section 9-8.14 of the Code of the Borough of Highlands shall be adopted to provide as follows:

All sewer charges shall be due and payable within thirty (30) days of the quarterly due date. In the event that any charges are not paid within thirty (30) days of the quarterly due date, then the charges shall be considered delinquent as of the quarterly due date. Interest shall accrue from the date of delinquency on all unpaid delinquent balances at the rate of 8% per annum on the first \$1,500.00 of any unpaid balances and 18% per annum for any balances in excess of \$1,500.00, with said interest accruing upon the balances, and interest thereon, until such time as they are paid in full.

SECTION TWO. The Borough shall add to the Borough Code a new Section, 9-8.15, which shall be Reserved.

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SECTION THREE. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION FOUR. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FIVE. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

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:

Brian Cobb questioned the CFO about the bond ordinance for Washington Avenue.

Mr. Pfeffer explained the process. T&M will prepare the document with description of the project with estimated cost. He will then have a Bond Counsel prepare the Bond Ordinance for introduction at the next meeting; a public hearing date will then be set.

Mayor Nolan said this is for repair of a portion of the road.

Peter Mullen of 11 Marine Place asked if this is an acknowledgement that there will be FEMA money available.

Mr. Pfeffer said there will be language in the Bond Ordinance to address that.

Mr. Francy said we have not received money.

Mr. Pfeffer was excused from the meeting at 9:17 p.m.

Tara Ryan – passed.

Brian Wioncek of 317C Shore Drive said the soil was removed from the Verizon pole area. He is not sure if Verizon is coming back to remove the pole.

Mr. Hill said that it is between the property owner and Verizon. He will follow up with Verizon.

Brian Wioncek questioned pot holes that need to be filled.

Mr. Hill will follow up on it.

Brian Wioncek asked if there were any updates for upland owners.

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Mr. Padula said there is nothing to report. There is a Tort claim notice filed. There is a 6 month waiting period in the court.

Brian Wioncek asked Mayor Nolan about his meeting with Congressman Pallone.

Mayor Nolan said they did a walk thru. He has not received any feedback yet. He will see him on Saturday. The Army Corps of Engineers told Congressman Pallone that they will not touch the slope.

Carol Bucco of 330 Shore Drive spoke of the lights at Veteran's Park. She wants to know who is paying the electric bill.

Mr. Hill said that the Borough is. We had electric there prior.

Carol Bucco said the flags need to be lit.

Mr. Hill will look into it.

Carla Braswell stated that the flag is not lit by the Dough Boy statue.

Mr. Francy said we have to fix that.

Brian Cobb of Recreation Place questioned where the Borough stands with the engineers on Washington Avenue and Captains Cove.

Mr. Padula said we covered this throughout the meeting. He explained the engineering plan to get cost of repair. There were engineering issues with the plans and they will be meeting again this week to further discuss.

Brian Cobb asked what the impact will be on the surrounding area.

Mr. Padula spoke of the right of way.

Mayor Nolan then explained tonight discussion regarding Captains Cove.

Mr. Francy said we won't have plans for the Rogers Street side. We are working on Washington Avenue side only at this time.

Suzanne Thomas of 49 Huddy Avenue is concerned with the big hole in the basin. Why didn't we apply for a FEMA grant to repair the roads.

Mr. Hill said we applied to FEMA for road repairs and the marina. As of today, we have received \$110,000.00 which is 75% of the boroughs expenses

Discussion continued about the FEMA application.

Frank Thomas of 49 Huddy Avenue said the marina is a mess. We have had plenty of time to fix this. Let's get it fixed.

Council explained the process.

Miquel Marallis from Leonardo, he is a clammer. He is concerned about the marina. He would like the Borough and Mr. Rosiak to come to a solution. He is concerned about his future.

Mr. Francy said we want the same thing, we want it to get done.

Lori Dibble of 32 Paradise Park asked about O-12-9 Revised Ordinance. Section 4 relocation rights for residence of Manufacture Housing Community have been removed.

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Mr. Francy said its still there.

Mayor Nolan said we will add that language to O-12-9. It will be corrected at the next meeting.

Mr. Mullen wants Mr. Truscott to attend the next Planning Board meeting to discuss the new ordinances. He feels that the first two ordinances are inconsistent with the Master Plan.

Pauline Jennings of 27 Ralph Street has the same concerns as Ms. Dibble with the ordinance. She spoke of the revisions.

Mayor Nolan said we are mirroring the State. We are not taking anyone's rights away.

Pauline Jennings assumes the council is answerable to the residents. She cautioned the council to take there time with changes.

Fred Rosiak of Captains Cove said he has looked in to financing the marina. He can't get a loan till he gets a Mercantile License. He spoke about his plans, if any questions you should call his engineer.

Mr. Padula has no objection to both engineers speaking but both attorneys need to be aware of the conversation.

Fred Rosiak spoke of the FEMA application involving the marina and Washington Avenue. He made an OPRA request for the application and was denied.

Mrs. Cummins explained why she denied it. She needs more specific information.

Mr. Rosiak thinks the application got lost.

Mr. Hill will follow up.

John Bentham of Washington Avenue commented on the marina collapse. The entire marina property is a disaster. Even if fixed, we will have future damage to the street. Its all rotted wood. There is danger to the street and to the residential properties. The marina lot has equipment on it, so the customers have to park on the street.

Rich Gardiner said all his questions were answered.

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

The meeting adjourned at 9:52 p.m.

Debby Dailey, Deputy Clerk

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