

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
May 2, 2012**

Mayor Nolan called the meeting to order at 7:16 p.m.

Mrs. Cummins read through the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Work Shop/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
Steve Pfeffer, Chief Financial Officer
Bruce Padula, Labor Attorney
Dale Leubner, Borough Engineer**

Executive Session Resolution

Mrs. Cummins read the following Resolution for approval:

Mr. O'Neil offered the following Resolution and moved its adoption:

**R-12-95
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: * Captains Cove Marina**
- 2.Contract: *PBA Union Contract
*Mechanics Shared Service Agreement Amendment**
- 3.Real Estate: *Fifth Street Parking Lot Lease (Dan-Rob)**
- 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:

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,

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training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. **Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collecting bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.**
5. **Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.**
6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law
7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing Co. v. New Jersey Expressway Authority*, 124, NJ 478 (1991).
9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

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

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

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:07 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
Steve Pfeffer, Chief Financial Officer
Bruce Padula, Labor Attorney
Dale Leubner, Borough Engineer

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Committee Reports:

Finance:

Mr. Pfeffer will be away at a conference for the next meeting. He also ran a revenue report for the month. Large tax processing companies have not made their payments yet. It makes him uncomfortable when he doesn't see the revenue coming in right away. He just wanted to make the council aware of this and hopefully in May the money will be there

Public Safety:

Chief Blewett read through the following report:

**POLICE DEPARTMENT
BOROUGH OF HIGHLANDS**



JOSEPH R. BLEWETT
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



TEL: 732-872-1158
FAX: 732-872-9240

**Report to Council
May 2012**

- * As the result of a two month long investigation into the distribution of narcotics; the Highlands Police Department executed a narcotics search warrant on April 28, 2012. Johannus C. Robinson, 27 years of age, was arrested at his home on Bay Avenue and charged with possession of over 50 grams of marijuana, distribution of marijuana, distribution of marijuana within 1,000 feet of a school, distribution within 500 feet of park, as well as, unlawful possession of a weapon, possession of a weapon for an unlawful purpose and possession of drug paraphernalia. Mr. Robinson's bail was set at \$152,500.00 and he was subsequently transported to the Monmouth County Correctional Institution. Lauren C. Wells, 21 years of age, Sea Bright was also arrested and charged with possession of under 50 grams of marijuana and drug paraphernalia. Ms. Wells was later released on her own recognizance pending court appearances. During the execution of the search warrant officers found approximately a quarter pound of marijuana, packaging materials, scales and a stun gun.
- * While on routine patrol on April 19, 2012, Sgt. Fundora observed a 2012 Honda Civic driving erratically on Bay Avenue. Sgt. Fundora attempted to stop the vehicle and a slow speed chase ensued. The driver of the Honda Civic pulled over but then sped off as Sgt. Fundora approached the vehicle. The driver finally came to a stop on Waterwitch Avenue but could not produce proper identification. Sgt. Fundora attempted to detain the driver for further investigation at which time a struggle ensued and the two fell to the ground. Ptl. Cheseck then assisted in subduing the driver who was found to be carrying a folding knife and several bags of cocaine. In all officers located approximately 35 small bags of cocaine, marijuana, hashish, pills and paraphernalia in the vehicle. Louis Gonzalez, 39 years of age, Long Branch was subsequently arrested and charged with possession of a controlled dangerous substance, possession with the intent to distribute, possession of a weapon, resisting arrest and aggravated assault. Mr. Gonzalez was transported to the Monmouth County Correctional Institution, Freehold in lieu of \$100,000.00 bail.

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- * The Highlands Police Department is investigating several reports of criminal mischief including spray painting that occurred in various locations throughout town. The department is asking residents to be vigilant and not to hesitate in contacting us with information regarding suspicious activity or persons

- * **Administration:**

- Budget
 - Purchase of New Patrol Vehicle – after looking into the various options the department is prepared to order the new patrol vehicle pending Council approval.
 - Consolidation – We have not had any additional meetings regarding the possibility of shared dispatch services as Atlantic Highlands cancelled the last meeting. However, we are continuing to research financial issues as well as prisoner issues. We do have some preliminary numbers that have to be verified at this point
- Traffic
 - Bay Avenue Project: Spoke with L&L Paving regarding traffic control issues
 - Project schedule to start May 1 and is anticipated to continue for approximately 30 days.
 - Highland Avenue Project– work has continued, we have not as of yet received a work schedule as we have discussed, but we have scheduled officers for traffic control
- Homeland Security
 - Met with Seastreak, County and State Division of Office of Homeland Security regarding possible grants for updating the facility at Conner’s. A second meeting has been scheduled for next week.
- Hiring (regular police officer/special law enforcement officer candidates)
 - Special Law Enforcement Officers -completed candidate interviews
 - Hiring recommendations have been submitted pending psychological/physical examinations.
 - Regular Officers – applications have been returned and we are moving forward with the background investigations.
- Grants
 - Bayshore Saturation Patrol Grant – continuing participation with the ten towns of the Bayshore Task Force for driving while intoxicated violations.
 - The Grant went up this year to \$10, 000 for Highlands patrols which will add extra officers on holidays and during the summer months.
- Ordinances
 - I would like to thank Carolyn Cummins for her assistance and the Council for their prompt response regarding the recent ordinance changes that were submitted. That being said I would like to address further changes.
 - 7-3.8 (Resident Parking) – Although revisions were made to this ordinance our intention was to eliminate resident parking for all areas in the ordinance (Willow St, Locust St, Marie Ave and King St) not just on Shore Drive.

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- 7-15 (Signs, Marking and Enforcement) – Mr. Hill along with DPW have started replacing street signs throughout the Borough; we have spoken and are continuing to address the list that was previously submitted to Mr. Hilling.
- 3-6 (Storage of Boats) – Limits the storage of any boat on private property so as to extend onto any portion between the curb line and the front building line but the ordinance does not prohibit the storage of “junk boats” as it does for “junk cars” in ordinance 3-8.2.
- 10-11.4 (owner required to install street numbers) – states that the owner of every dwelling, house, store or other building which fronts upon a public street on which the proper number is not now placed shall cause the proper number to be legibly placed on such dwelling house, store, other buildings, on the premises, or on a free-standing mailbox. All existing buildings must be appropriately numbered within 90 days of the adoption of this section.
 - Department has been encountering ongoing problems locating certain residences in emergency situations due to the lack of noticeable house numbers. Recently these problems have mainly been in the South Peak/Grand Tour.

* **Investigations:**

- Identity Thefts – (5) additional identity thefts reported during the month of April
 - Increasing number of these crimes during tax season
 - Offenders are electronically filing tax returns in victim’s name
 - I cannot stress the importance of protecting your identity as a way to avoid this type of fraud.

* **Community Policing:**

- Explorers – Tour of Monmouth County Police Academy and Radio Room

* **Patrol:**

- 1703 – Due to ongoing problems with patrol vehicle; the borough mechanic recently took the transmission out of 1704 to replace the transmission in 1703. The radiator in 1703 also had to be replaced.

Juveniles (12 Total)

- Complaints – (6) for the month
- Arrests – (6) curfew violations
- Due to the increasing number of juvenile related incidents now that the warmer weather has arrived this department will be increasing enforcement of curfew and other juvenile related ordinances.
- We will also be enforcing ordinance 3-10: Parental Responsibility – parents will be charged if juvenile is convicted of a second juvenile delinquency after notice was given by the police department after the first offense.
- Domestic Violence Complaints
 - Simple Assault – (3)
 - Harassment – (5)
 - Terroristic Threats – (2)

* **Training:**

- Firearms – all officers attended the first of four mandatory range qualifications for the year.

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- Schools
 - Chief Blewett/Captain Clagett - Reid & Associates Pre-Employment Interviewing Techniques & Strategies
 - Ptl. Ruth – Juvenile Policy & Procedures Update
 - Ptl. Cheseck – K-9 Recertification
 - Det. Dobens – Cell Phone Investigation

* Total Calls for Service: 517
* Arrests: Adults: 25 (6 for possession of CDS)
JV: 6
* Summons: Total: 73
Moving Violations: 29
Non-Moving: 24
DWI: 6
Boro Ordinance: 14

(Statistical Information is from April 1 – 30, 2012)

Mayor Nolan asked Chief Blewett to put his suggestions on ordinance changes in writing and give to Mr. Hill and Mr. Redmond.

Administration:

Mr. Hill is absent; there is no report at this time.

Library:

Mrs. Ryan stated that there was no report at this time.

Highlands Business Partnership:

Mrs. Braswell read through the following report:

HBP Council Report for May 2, 2012

Visual Improvement Committee

HBP obtained 2 quotes for the Bay Avenue Pilot Program and Frank Rahm was selected \$13,500 from April 4 through October 28. Our VIC Maintenance Pilot Program is in its fourth week of operation. The objective of this program is to improve the overall appearance of downtown Highlands and to improve the Bay Avenue district for the start of our busy weekends. Frank Rahm and his crew have been out on Bay Avenue every week doing a great job. So far the feedback from the town residents and businesses has been positive. The meter has been installed on Miller Terrace and we will begin the plantings by end of May in conjunction with Frank Rahm Landscaping and Hufnagel Tree Expert.

Marketing and Events Committee

The 2012/2013 Visitor Guides have been produced. There is a welcome message from Mayor Nolan on the inside cover. We donated ads to the Garden Club, the Highlands Historical Society, Kavookjian Restoration Committee, Twin Lights Historic Society, and National Park Sandy Hook. The guides cost approximately \$9,500 of which \$4500 will be recouped in ads once the payments are received. This Sunday, HBP will be attending the Great Five Boro Bike Tour with a promotional booth distributing visitor bags. We will be hosting the 12th Annual Seaport Craft Show, May 27th 10AM-5PM. It is a juried craft show and we are receiving a many vendor applications and we are hoping for a large attendance this year. Please come out and shop the Craft Show.

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HBP and the PBA Highlands members have been working together on the new Taste of Highlands Event, to take place on June 23rd, from 12PM to 6PM. The tickets are \$40.00 and to date we have 20 participating restaurants, each giving a spectacular sample of food and drink showcasing their best menus to attract people back to their establishment. There will be two party busses to shuttle ticket holders to each restaurant and a keepsake tote will be included. We have been very aggressive in advertising the event and we hope to sell all 500 tickets. We hope you all will come out and attend this exciting event. Proceeds for the event will be dedicated to renting 2012 Holiday decorations.

We are soliciting volunteers for the 18th Annual Clam Festival. If anyone is interested in becoming a volunteer please give us a call at 732-291-4713.

Economic Development Committee will be reviewing information from JCPL for potential underground utilities in the future utilizing the DBIZ program.

On behalf of the HBP, Thank you for your support.

Shared Services:

Mayor Nolan stated that we received a proposal tonight. We will discuss this at the next executive meeting. It could mean substantial savings.

Mr. Francy gave an update on the AHHRSA. We are moving ahead with the dissolution. The process is being driven by completion of a Capital project. The project will start by December or January. When this project is complete, then Highlands flow will bypass Atlantic Highlands completely. He further explained. We will be on our own by the summer of 2013. There are people interested in buying our sewer system.

Ms. Kane spoke of the Kavookjian Field Fund Raiser that was held last week. They raised \$900.00. Next Friday, a resident will do a clean up day at the field.

Other Business:

North Street Bulkhead & Pump Station Repair:

Mr. O'Neil stated that he looked at the pump station. Things need to be done which he further explained. We need to do some bulkhead work and sheathing. He will speak with the engineer to come up with a cost.

Mr. Leubner stated that we can pursue this during the next CDBG Grant Funding.

Mr. Francy asked if FEMA comes thru, we can use it for part of the project.

Street Vacation Request::

Mrs. Cummins said that we received a notice from Mrs. Gill from Spring and Bay, Inc. requesting that Spring Street be vacated by the Borough.

Council is not interested.

Mr. Hill was directed to send a letter of no interest.

Mayors Appointment to the Planning Board:

Mrs. Cummins stated that there is a vacancy due to the resignation from a regular member, George Roberts.

Mayor Nolan made the following appointments to the Planning Board:

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Mayor Nolan's appointment to the Planning Board:

Whereas on George Roberts has recently resigned from the Highlands Planning Board as a Regular Member; and

Whereas such resignation has created a vacancy on the Planning Board.

Whereby the following appointments are hereby made:

Arthur Gallagher	Regular Member of the Planning Board for the unexpired 4 Year Term to Expire 12/31/13
Larry Colby	Alternate Number #1 Member of the Planning Board for the unexpired 2 Year Term to Expire on 12/31/12
Phillip Russo	Alternate Number #2 Member of the Planning Board for the unexpired 2 Year Term to expire on 12/31/13

Consent Agenda:

Mayor Nolan asked if there were any questions or concerns and there were none.

Mayor Nolan offered the following resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-12-96

**RESOLUTION - AUTHORIZING TRANSFERS BETWEEN BUDGET
APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands (not less than two thirds of the governing body affirmatively concurring) that transfers between SFY 2012 Budget Appropriations be made as follows:

CURRENT FUND	FROM	TO
Legal:		
Other Expenses	\$ 39,267.11	
Emergency Management:		
Other Expenses		\$ 1,000.00
Police:		
Other Expenses		38,250.00
Interest on Notes		17.11
	\$ 39,267.11	\$ 39,267.11

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

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

**R-12-97
RESOLUTION AUTHORIZING
WAIVER OF MUNICIPAL FEES FOR BUILDING PERMIT**

WHEREAS, Our Lady of Perpetual Help Church has applied for building permits to make some needed renovations to the vacant convent building which is located at 159 Navesink Avenue; and

WHEREAS, one of the uses of this soon to be renovated building will be to store much of the food that is distributed to those in need; and

WHEREAS, OLPH has requested a waiver of fees for the required building and electrical permits for convent building located at 159 Navesink Avenue; and

WHEREAS, the municipal building permit fee is \$875.00, the municipal electrical permit fee is \$115.00 and the NJDCA permit fee is \$60.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that municipal permit fees in the amount of \$875 and \$115 are hereby waived and OLPH is only required to pay the NJDCA permit fee in the amount of \$60.00.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
R-12-98
RESOLUTION AUTHORIZING SETTLEMENT WITH
AMERICAN LEGION POST #143**

WHEREAS, the American Legion Post #143 (the American Legion) at 85-87 Bay Ave in Highlands, New Jersey has been charged with violations of the New Jersey Alcoholic Beverage Content Act, N.J.S.A. 33:1-1 et seq; and

WHEREAS, the Borough of Highlands (the Borough) and the American Legion are desirous of settling via amicable resolution the charges against the American Legion; and

WHEREAS, the Borough and the American Legion have agreed upon the terms and conditions of an amicable resolution and Stipulation of Settlement in the form annexed hereto; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the Borough approves the Stipulation of Settlement in the form annexed hereto so as to bind the Borough and the American Legion to the terms within.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-12-99
RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR(S) WITH STATE CONTRACT
FOR ONE (1) DODGE CHARGER**

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

1. In accordance with the requirements of the Local Public Contracts Law N.J.S.A. 40A:11-12 et seq., and the regulations promulgated thereunder, the following purchase without competitive bids from vendor(s) with State Contract is hereby approved.

ITEM # 1

VENDOR

**CHAS S. WINNER INC.
CARMAN DODGE JOINT VENTURE
250 HADDONFIELD BERLIN ROAD
CHERRY HILL, N.J. 08034**

STATE CONTRACT # A79009

AMOUNT \$ 32,659.00

DESCRIPTION

**ONE (1) 2012 DODGE CHARGER
FOR THE POLICE DEPARTMENT**

WHEREAS, the Chief Financial Officer does hereby certify funding:

Account:1190-5080	\$32,659.00
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Stephen Pfeffer, CFO

2. The Borough Attorney is satisfied that the availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.
3. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:

- A. Purchasing Agent
- B. Comptroller
- C. Tim Hill, Administrator
- D. Vendor

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-12-100
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATIONS NO. RA#1317-12-15 & RA#1317-12-16 & RA#1317-12-17**

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WHEREAS, the Highlands Business Partnership has submitted three Raffle License Applications No. RA1317-12-15 for a drawing to be held on August 5, 2012, Raffle License Application No. RA#1317-12-16 For 5 games of chance and 1 money wheel for August 2nd – August 5th and a raffle license for June 23, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Raffle License Applications RA#1317-12-15, RA#1317-12-16 and RA#1317-12-17 are hereby approved and the Borough Clerk is authorized to sign off on licenses.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-12-101
RESOLUTION AUTHORIZING
THE REMOVAL OF ONE DISABLED PARKING SPACE
AT 290 BAY AVENUE**

WHEREAS, the Governing Body approved via Resolution R-07-130 a disabled parking space for Barbara Gill residing at 290 Bay Avenue on July 18, 2007; and

WHEREAS, the approved spot was located sixteen feet northwest of reference point utility pole #90076HB on Bay Avenue; and

WHEREAS, Ms. Gill no longer resides at 290 Bay Avenue and it is the recommendation of the Chief of Police that said disabled parking spot designation be eliminated; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the disabled parking sign that was previously approved for Ms. Gill at 290 Bay Avenue is hereby eliminated and the DPW Supervisor is hereby directed to remove said disabled parking sign.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-12-102
RESOLUTION
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR THOMAS REED FOR PROPERTY LOCATED
AT 3 SNUG HARBOR AVENUE ALSO KNOWN AS
BLOCK 92 LOT 8**

WHEREAS, the applicant has requested the release of his Performance Guarantees in the amount of 8,919.00 (90% Performance Bond Amount posted with a Check) and \$991.00 (10% Cash Portion paid by check) for Block 92 Lot 8; and

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WHEREAS, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates and they have authorized the release of said Performance Guarantees subject to the following conditions:

1. A maintenance guarantee be posted in the amount of \$1,487.00 for a two year period retroactive to June 1, 2011.
2. Payment of any outstanding inspection or other fees owed to the Borough plus post an additional \$200 to cover prior deficiencies as well as anticipated time pertaining to project closeout ; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highland that the Performance Bond for Thomas Reed for Block 92 Lot 8 Shrewsbury Avenue is hereby released and the Chief Financial Officer is hereby authorized to refund the Performance Bond in the amount of \$8,919.00 (90% Bond Amount) and \$991.00 (10% Cash Portion) plus any accrued interest **less the required maintenance bond that must be posted in the amount of \$1,487.00 and any outstanding engineering invoices plus post an additional \$200 for escrow. Any remaining legal fees shall also be refunded if such exist.**

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

ROLL CALL:

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

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

**R-12-103
RESOLUTION AUTHORIZING
REFUND OF ZONING BOARD ESCROW FUNDS**

WHEREAS, the Zoning Board Secretary has reviewed certain zoning board escrow accounts: and

WHEREAS, no further review is needed for the following accounts and the applicant has requested that the remaining funds be refunded:

ZB#2010-2 Account :9500-9-2-10 Metro PCS New York, LLC \$703.39

ZB#2011-5 Account: 9500-9-5-11 Metro PCS New York, LLC \$381.01

; and

WHEREAS, there are no outstanding fees due to board engineer or board attorney for said applications.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund monies as specified in resolution.

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

ROLL CALL:

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

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

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**R-12-104
RESOLUTION APPOINTING
PROVISIONAL PART-TIME SPECIAL LAW ENFORCEMENT OFFICERS
CLASS II**

WHEREAS, there exists a need within the Police Department to appoint two part-time Special Law Enforcement Officers, Class II to cover open shifts ; and

WHEREAS, it is the recommendation of the Chief of Police that both Matthew D. Gajewski of Union Beach and Ronald Osadacz of Morganville, New Jersey be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Matthew D. Gajewski and Ronald Osadacz, Jr. are hereby appointed as a part-time provisional Special Law Enforcement Officers, Class II effective immediately.

BE IT FURTHER RESOLVED that said provisional appointments be compensated at an hourly rate of \$15.00 per hour.

BE IT FURTHER RESOVLED that said appointments are contingent upon the candidate's completion of a psychological and physical examinations.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

**R-12-105
RESOLUTION APPOINTING PROVISIONAL
PART-TIME RECREATION LEADER**

WHEREAS, due to the recent resignation of Valerie Chaparro the Borough of Highlands is in need of hiring a part/time Recreation Leader to assist within the Recreation Department; and

WHEREAS, Jennifer Strehl, Recreation Assistant & the Borough Administrator Tim Hill have interviewed applicants for said position and have recommended that Shannon Travis be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Shannon Travis is hereby appointed to the provisional part/time position of Recreation Leader effective May 2, 2012

BE IT FURTHER RESOLVED that said appointment is to be compensated at an hourly rate of \$11.00 per hour.

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

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

**RECAP OF PAYMENT OF BILLS
 05/02/2012**

CURRENT:		\$ 1,232,620.70
Payroll	(04/30/2012)	\$
Manual Checks		\$ 8,659.18
Voided Checks		\$
 SEWER ACCOUNT:		 \$ 29,851.25
Payroll	(04/30/2012)	\$
Manual Checks		\$ 82.43
Voided Checks		\$
 CAPITAL/GENERAL		 \$
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$
WATER CAPITAL ACCOUNT		\$
 TRUST FUND		 \$ 8,638.09
Payroll	(04/30/2012)	\$
Manual Checks		\$
Voided Checks		\$
 UNEMPLOYMENT ACCT-MANUALS		 \$ 3,303.88
 DOG FUND		 \$
 GRANT FUND		 \$ 6,650.00
Payroll	(04/30/2012)	\$
Manual Checks		\$
Voided Checks		\$
 DEVELOPER'S TRUST		 \$
Manual Checks		\$
Voided Checks		\$

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

**SUPPLEMENTAL
 BILL LIST**

May 2, 2012

CURRENT FUND

		Tipping Fee
Future Sanitation	4/13/12-4/30/12	7,8
NJ State Health Benefits	May 2012 Health Insurance	70,

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Nolze Garage Door	Firehouse: Cable Repair on Garage Door	125
Nolze Garage Door	Firehouse: 3 Button Control Station	123
Nolze Garage Door	Boro Garage: 2" Roller Garage Door	128
Total Current Fund		79,
 CAPITAL FUND		
Total Capital Fund		0.0
 GRANT FUND		
Total Grant Fund		0.0
 SEWER UTILITY FUND		
NJ State Health Benefits	May 2012 Health Insurance	4,2
Total Sewer Utility Fund		4,2
 TRUST FUND		
Total Trust Fund		0.0
Total Supplemental Bill List		83,

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

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ABSENT: None
ABSTAIN: None

Approval of Minutes:

Mayor Nolan offered a motion for the approval of the April 18, 2012 Regular & Executive Session Meeting Minutes, seconded by Mr. Redmond and approved on the following roll call vote:

ROLL CALL:

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

Other Resolutions:

R-12-106:

Mrs. Cummins read the title of Resolution R-12-106 Approving Agreement with UFCW Local.

Mr. Padula explained the agreement to the public.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
R-12-106
RESOLUTION APPROVING A
MEMORANDUM OF AGREEMENT WITH UFCW LOCAL 152 FOR A
SUCCESSOR COLLECTIVE NEGOTIATIONS AGREEMENT**

WHEREAS, the Borough of Highlands (“Borough”) and the United Food & Commercial Workers Union Local 152, CLC (“Union”) are engaged in negotiations for successor Collective Negotiations Agreement (“Agreement”); and

WHEREAS, the Borough and the Union have agreed to the terms and conditions set forth in a Memorandum of Agreement (“MOA”); and

WHEREAS, the Union has ratified the terms contained in the MOA;

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

- 1) That the Borough hereby accepts and approves the terms and conditions of the Memorandum of Agreement and approves incorporating those terms into a successor collective negotiations agreement;
- 2) The Mayor is authorized to execute the Memorandum of Agreement on behalf of the Borough;
- 3) The Borough directs labor counsel to incorporate the changes contained in the MOA into a successor collective negotiations agreement;
- 4) That this Resolution shall take effect immediately.

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

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NAYES: None
ABSENT: None
ABSTAIN: None

R-12-107

Mr. Cummins read the title of Resolution R-12-107 Authorizing the Bid of the Fifth Street Lot.

Mr. Padula read the resolution in its entirety in to the record.

Mayor Nolan explained the resolution.

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

**R-12-107
RESOLUTION AUTHORIZING BID
FOR PARKING LOT LEASE**

WHEREAS, the Borough owns a parcel of property located at block 56 lot 3 which is not needed for public use; and

WHEREAS, the Borough wishes to lease the property out;

WHEREAS, NJSA 40A:12-14(a) requires that such property be leased to the highest bidder by open public bidding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands that the Clerk is directed to advertise for and solicit proposal for a lease of the subject property in accordance with NJSA 40A:12-14(a) with a minimum rental of \$1,250 per month for the months of May, June, July, August and \$100 per day on days outside of those months when use is desired and approved.

BE IT FURTHER RESOLVED that the Borough reserves the right to reject all bids where the highest bid is not accepted.

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

R-12-108:

Mrs. Cummins read the title of Resolution R-12-108 Authorizing Engineer to Prepare Bid Specs.

Mr. Padula read the resolution in its entirety for approval.

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

**R-12-108
RESOLUTION AUTHORIZING
T & M ASSOCIATES
TO PREPARE BID SPECIFICATIONS FOR
REPAIRS TO WASHINGTON AVE**

WHEREAS, by Resolution R-12-88, the Borough authorized a

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Professional Service Agreement with T & M Associates for the design and inspection of the repair project on Washington Ave; and

WHEREAS, the Borough directed T & M to delay preparation of the bid specification for the project; and

WHEREAS, in order to ensure that the Borough is in a position to effectuate repairs for the project if necessary the Borough wishes to instruct T & M Associates to proceed with preparation of bid specifications for the project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that T & M is instructed to prepare bid specifications in accordance with regard to the repair project on Washington Ave; and

BE IT FURTHER RESOLVED that the Clerk is authorized to advertise and solicit proposals for the goods and services described in the bid specifications for the repair project on Washington Avenue in accordance with the Local Public Contracts Law.

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

ROLL CALL:

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

R-12-109:

Mrs. Cummins read the title of Resolution R-12-109 Revised CWA Agreement

Mr. Padula read the resolution in its entirety for approval.

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

**R-12-109
RESOLUTION APPROVING
REVISED MEMORANDUM OF AGREEMENT
WITH THE COMMUNICATION WORKERS OF AMERICA UNION**

WHEREAS, by Resolution R-12-78, the Borough approved a Memorandum of Agreement for a successor Collective Bargaining Agreement with the CWA; and

WHEREAS, the Borough and the CWA desire to revise the Memorandum of Agreement concerning Crossing Guards hired after January 1, 2012; and

NOW, THEREFORE, BE IT RESOLVED that the Borough approves the revised Memorandum of Agreement between the Borough and the CWA for incorporating terms into a successor Collective Bargaining Agreement.

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

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**Ordinances: Introduction as amended and Setting of Public Hearing Date for
June 20th, 2012;**

HIGHLANDSNJ.COM

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Ordinances: Introduction as amended and Setting of Public Hearing Date for June 20th, 2012;

Ordinance O-12-9:

Mrs. Cummins read the title of Ordinance O-12-9 as amended for introduction and setting of public hearing date of June 20, 2012.

Mayor Nolan stated this is being sent back to the Planning Board for review.

Mayor Nolan offered the following Ordinance as amended and moved on its introduction as amended and the setting of a public hearing date for June 20, 2012 at 8:00 P.M. and authorized its publication according to law:

ORDINANCE O- 12-09
THIRD REVISION

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 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:

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- 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.

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. All mid-size developments shall be required to consist of multiple buildings or structures and not one (1) residential structure.
- l. The minimum distance or separation between all residential buildings shall be equal to the height of the taller of the two structures.
- m. A mid-rise multifamily development may include the following Permitted

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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 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.

8. Relocation Rights

Any approval for development in the MH Mobile Home Residence Zone District, which results in the retirement of the Mobile Home Park or the removal of any residents of the Mobile Home Park shall contain a condition that the applicant shall provide proof, to the satisfaction of the board of original jurisdiction, that adequate private residential facilities and circumstances exist for the relocation of those mobile park residents consistent with the requirements of N.J.S.A. 46:8C-21. Although N.J.S.A. 46:8C-21 is invoked by an application for one (1) or more variance(s), the requirements of N.J.S.A. 46:8C-21 shall apply to the aforementioned circumstances regardless of whether or not the application requires one (1) or more variance(s). For purposes of this chapter, "adequate private residential facilities and circumstances" shall share the definition of "comparable housing or park site" as provided in N.J.S.A. 2A:18-61.7(a). An applicant must provide proof of compliance with this paragraph to the board of original jurisdiction prior to obtaining final approval. This section is not severable from the other

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provisions of the chapter and the zoning modifications herein are conditioned upon the above relocation provision

Section 2 REPEALER

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

SECTION 3 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 4 EFFECTIVE DATE.

This ordinance shall take effect as provided by law.

SECTION 5 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 (3rd Revision) 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-12-10:

Mrs. Cummins read the title of Ordinance O-12-10 Ordinance for introduction and setting of public hearing date of June 20, 2012.

Mayor Nolan offered the following Ordinance as Amended (2nd Revision) moved on its introduction and setting of a public hearing date for June 20, 2012 at 8:00 P.M. and authorized its publication according to law:

Ordinance No. 12-10
SECOND REVISION

**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

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(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 parcels in the Locust Street neighborhood. (Specifically Locust Street, west of Willow Street, portions of Block 101 and 102) The bulk requirements of the Mixed Use Development MXD District shall be utilized for any development, unless the applicant requests to develop the property or tract with the R-1.03 standards.”

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:

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- “1. Permitted principal uses:
- a. Retail sales and services, business and personal service establishments;
 - b. Finance such as banks, savings institutions, credit unions, consumer lending, and securities brokerage;
 - c. Insurance offices such as life, health, medical carriers, claims adjusting and all other insurance related activities;
 - d. Medical and health care offices;
 - e. Restaurants, bars, and taverns and other eating establishments, except drive-through restaurants;
 - f. Professional, administrative and business office and services;
 - g. Recreational retail sales and service businesses related to water sports and outdoor recreation, such as, but not limited to, bicycling, fishing, and surfing;
 - h. Houses of worship;
 - i. Bed and Breakfasts;
 - j. 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.
 - m. Art, Handicraft studios/workshops and galleries.
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: Reserved”
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.
 - m. Art, Handicraft studios/workshops and galleries.
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: Reserved”
No changes are proposed to Paragraph 4. (Area and bulk requirements) of 21-90.A

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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, unless the applicant requests to develop the property or tract with WC-2 standards.”

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:
 - a. Marinas, including retail boat sales.
 - b. Ferry services.
 - c. Professional offices.
 - d. Restaurants, including full service and outdoor dining facility.

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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, in accordance with the following:
 - a. The minimum floor area per unit shall be two hundred fifty (250) square feet.
 - b. All solid waste containers for storage and pickup shall be centrally located and easily accessible and within a screened enclosure on the street level.
 - c. All hotel uses shall be provided with adequate fire safety and evacuation provisions and sprinkler systems. Regardless of the number of rooms, such facilities shall be approved by the Municipal Fire Subcode Official and shall incorporate all applicable requirements of the National Fire Protection Association Code and the NJ Uniform Construction Code.
 - d. Each unit of accommodation shall contain a minimum of two (2) rooms, a bedroom, and a separate bathroom which affords privacy to a person within the room and is equipped with a toilet, a wash basin and bathtub/shower. Kitchen facilities are prohibited.
 - e. The hotel shall contain a main lobby, a central reservation/guest registration desk and a specified area for the pickup and drop off of guests and luggage.
 - f. Each hotel shall provide parking at a minimum ratio of one (1) space per unit of accommodation.
 - g. The structure shall not be a "rooming house" or "boarding house" as defined by current New Jersey statute.
 - h. Once established, a hotel use shall not be converted to a multifamily residential use such as apartments, townhouses, or condominium living arrangements.
- 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.

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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 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 10 *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

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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 Ms. Kane 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

Public Portion:

Kim Skorka of 315 Shore Drive questioned noise ordinance and said the noise is better at Havana but from 4:00 pm to 8:00 pm the outdoor noise is so loud.

Chief Blewett explained the noise ordinance.

Mayor Nolan suggests that she calls the police and he can determine if the noise is in violation.

Mr. O'Neil will speak with the owner.

Brian Cobb of 11 Recreation Place spoke of the meeting the Mayor had with the residents of Washington Avenue. He is looking for status updates on some issues. One was the mercantile license being issued, second issue is engineers working with the marina's engineers and last issue was diversion of responsibility between borough and Mr. Rosiak and he would like an update.

Mayor Nolan explained the diversion of responsibility. Mr. Leubner is waiting for Rosiak's statement about the calculations. Mercantile license we did receive list of boat slips but Rosiak has not signed agreement.

Mr. Francy stated that we have not received the engineers statement.

Mr. Cobb stated that he spoke with Mr. Hill today and is concerned. He wants a drop dead date for repairs.

Mayor Nolan stated that the Council authorized the borough engineer to design bid specs.

Mr. Francy stated that we have no control, up to Rosiak.

Mr. Cobb – is it possible for summer for the repairs to be done by then.

Mr. Leubner – perhaps late summer.

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Fred Rosiak of 9 Marine Place stated that he is waiting to get agreement agreed upon and ready to make repairs. He also stated that both his and the Borough's Attorneys have been speaking.

Mayor Nolan stated that Mr. Rosiak was underinsured.

Mr. Rosiak – yes, they were underinsured.

Mayor Nolan informed Mr. Rosiak that he has not complied with things that have been requested of him.

Mr. Cobb stated that cooperation seems to be sidetracked.

Mayor Nolan – we need movement.

Mr. Francy informed Mr. Rosiak that the Borough still does not have statement from his engineer.

Mr. Padula explained borough's requested for Mr. Rosiak's engineer to certify the underlying calculations.

Carol Bucco of 330 Shore Drive questioned sewer rates for condo's. She then questioned R-12-108 and stated that she thought the bid specs for Washington Ave were already done.

Ann Hamilton of 3 Seadrift Avenue wanted to know what was going on with the cleanup of 5 Seadrift Avenue because it is filled with debris.

Mayor Nolan stated that Mr. Hill is working on it.

Ann Hamilton expressed her frustration with the property located at 5 Seadrift and the lack of clean up.

Claudette D'Arrigo of 12 Seadrift Avenue stated that 5 Seadrift Ave is bank owned and is advertised for \$150,000. She stated that Mr. Coffee is using property as dumping ground. It's been two years and nothings been done.

Discussions continued about concerns of 5 Seadrift Ave.

Mayor Nolan will speak with Mr. Hill about this and have him call you within 48 hours.

Claudette D'Arrigo provided the Council with information about 11 Seadrift Avenue that is advertising daily rentals of the home.

Mrs. Cummins informed the Council that Mr. Hill is looking into this matter.

Carla Cefalo Braswell of the HBP stated that daily rentals were looked into years ago and basically you can collect lodging fees.

There were no further questions.

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

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The Meeting adjourned at 9:09 P.M.

Debby Dailey, Deputy Clerk

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