

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
June 20, 2012**

Mayor Nolan called the meeting to order at 7:00 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, Ms. Kane, Mayor Nolan

Absent: Mr. O'Neil

Late Arrival: Mr. Francy arrived at 7:03 p.m.

Also Present: Carolyn Cummins, Borough Clerk
Steve Pfeffer, Chief Financial Officer
Bruce Padula, Labor Attorney
Dale Leubner, Borough Engineer

Executive Session Resolution:

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-154
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: Capt's Cove Marina

2.Contract: Shared Service Agreement for Dispatchers,
Municipal Shared Service Agreement – Bayview Condo
PBA Contract
Quick Chek Developers Agreement

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:

1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.

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3. Would constitute an unwarranted invasion of individual privacy.
4. **Deals with collective bargaining, including negotiation positions.**
5. Deals with purchase, lease or acquisition of real property with public funds.
6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
8. Related to investigation of violations or possible violations of the law.
9. **Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.**
10. **Falls within the attorney-client privilege and confidentiality is required.**
11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.
12. Quasi-judicial deliberation after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil, Mr. Francy was not present during roll call.

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:00 p.m.

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

ROLL CALL:

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

Absent: Mr. O'Neil

Also Present: Carolyn Cummins, Borough Clerk

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**Tim Hill, Borough Administrator
Steve Pfeffer, Chief Financial Officer
Bruce Padula, Labor Attorney
Dale Leubner, Borough Engineer**

Proclamation – Henry Hudson Band:

Mayor Nolan read the proclamation in to the record and presented it to the Henry Hudson Regional Band.

Proclamation

Recognizing Outstanding Achievement

WHEREAS, the involvement of the student population in the Band and Music Department at Henry Hudson Regional School is of great value and importance to an overall educational experience; and

WHEREAS, the students and faculty of the Henry Hudson Regional School District Band have given their time and musical talents to a wide variety of programs within the school and the community; and

WHEREAS, the efforts of the entire Henry Hudson Band and Music Department has been sought out and recognized through various public performances; and

WHEREAS, most recently, the HHRB Band competed in the "Music in the Park Festival" held on May 18th, 2012 at Hershey Park, PA; and

WHEREAS, the HHRB High School Band was awarded a Superior Rating and a First Place finish & the HHRB Middle School Band was awarded a Second Place finish in the 1A Band Category.

NOW, THEREFORE, let it be known by all that the Mayor & Council of the Borough of Highlands, NJ officially recognizes the recent achievements of the Henry Hudson Regional School Band; and we do hereby publicly congratulate the students, parents, and faculty members whose participation and support are so vital to the success of such programs.

Presented On this 20th Day of June, 2012

Frank L. Nolan

Frank L. Nolan, Mayor
Highlands, NJ

Consent Agenda:

Mayor Nolan offered with the removal of Resolution R-12-140

Mayor Nolan offered the following Resolution and moved its adoption:

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**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-12-138

**RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CANCEL
CAPITAL FUND ACCOUNTS PAYABLE**

WHEREAS, the Chief Financial Officer has determined that the following accounts payable should be canceled due to the completion of the project and expiration of the contract and;

George Cooper Rudolph III Architect
Bond Ordinance 98-11 \$1,656.00

WHEREAS, it is necessary to formally cancel said accounts payable so that the balance may be credited to capital surplus and;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the Chief Financial Officer is hereby authorized to cancel the above accounts payable in the general capital fund.

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

ROLL CALL:

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-12-139

RESOLUTION - CANCELING VARIOUS CURRENT FUND RESERVES

WHEREAS, various current fund reserve balances remain on the balance sheet of the current fund; and

WHEREAS, the Chief Financial Officer and various Borough Officials have investigated the reserve balances and have determined that the reserves should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the following reserves in the amount of \$30,000 be and the same are hereby canceled:

Revaluation (Special Emergency)	\$30,000
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Seconded by Mr. Francy and adopted on the following roll call vote:

ROLL CALL:

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

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

R-12-141

**RESOLUTION AUTHORIZING THE
BOROUGH OF HIGHLANDS TAX COLLECTOR
TO PREPARE AND MAIL ESTIMATED TAX
BILLS IN ACCORDANCE WITH P.L. 1994, c.72**

WHEREAS, due to the late certification of State Aid from the State of New Jersey, the Borough of Highlands and the Tax Collector will be unable to mail the Borough's 2012/2013 tax bills on a timely basis; and

WHEREAS, the Borough of Highlands Tax Collector in consultation with the Borough of Highlands Chief Financial Officer has computed an estimated tax levy in accordance with NJSA 54:4-66.3 and they have both signed a certification showing the tax levies for the prior year, the tax rates and the range of permitted estimated tax levies:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Council of the Borough of Highlands, in the County of Monmouth and the State of New Jersey on this 20th day of June, 2012, as follows:

1. The Borough of Highlands Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Highlands for the third installment of the 2012 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, c.72(NJSA 54:4-66.2 and 54:4-66.3)
2. The entire estimated levy for 2012 is hereby set at \$2.545. That the attached Certification of Billing Levies, Estimated 3rd Quarter installment of 2012 is hereby approved reflecting an estimated Municipal Tax Levy of \$6,221,272.55 for the calendar year 2012 and a Non-Municipal Levy of \$9,206,277.58.
3. In accordance with the law the third installment of 2012 taxes shall not be subject to interest until the later of August 10th. or the twenty-fifth calendar day after the date the estimated bill are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

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

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**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-12-142

**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
Administrator:		
Salaries & Wages	\$ 20,000	
Accumulated Leave		\$ 20,000
	\$ 20,000	\$ 20,000

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

ROLL CALL:

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

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

R-12-143

**RESOLUTION
RENEWING 2012-2013 LIQUOR LICENSES**

WHEREAS, Liquor License Renewal Applications were filed for the year 2012-2013 for the following Liquor Licenses; and

WHEREAS, no objections were filed against the renewals of licenses and Tax Clearance Certificates have all been received for the licenses listed below:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following liquor licenses be renewed for the period of July 1, 2012 to June 30, 2013:

- | | | |
|------------------------|--|-------------------------|
| 1317-31-027-001 | American Legion Twilight Post 143 | 85-87 Bay Avenue |
| | t/a American Legion Twilight Post 143 | |
| 1317-31-028-001 | Highlands Post 6902 VFW of US | 331 Bay Avenue |
| | t/a Highlands VFW 6902 | |

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1317-32-009-007	GRALA, LLC t/a The Chubby Pickle	23 Bay Ave
1317-32-018-005	DDS Enterprise, LLC t/a Driftwood Liquors	300 Bay Avenue
1317-32-021-003	Andy's Shore Bar, Inc. t/a Andy's Shore Bar	150-52 Bay Ave
1317-33-001-003	Bahrs Restaurant Inc. t/a Bahrs Landing Moby's	2 Bay Avenue
1317-33-003-007	Claddagh of Highlands t/a Claddagh	297-299 Bay Ave
1317-33-004-012	Bay Avenue Restaurant Co, LLC t/a Grimaldi's	123 Bay Avenue
1317-33-005-002	Sandy Hook Holdings, LLC t/a Original Oyster	1 Willow Street
1317-33-007-003	Inlet Café, Inc. t/a Inlet Café Inc.	3 Cornwall St
1317-33-008-004	Seastreak, LLC t/a Seastreak	325 Shore Drive
1317-33-010-011	JWALKER BLACK, LLC t/a Havana Tropical Cafe	409 Bay Ave
1317-33-012-004	Dan-Rob Restaurant Assoc. t/a Windansea	56 Shrewsbury Ave
1317-33-015-007	Chilangos Restaurant, Inc t/a Chilango's Restaurant	272 Bay Ave
1317-33-016-003	Filip Enterprises, Inc. t/a Doris & Ed's Restaurant	348 Shore Drive
1317-33-019-010	Triple Beta, LLC t/a Clam Hut	1 Atlantic Street
1317-33-022-010	M & D, Inc. t/a Off The Hook Restaurant & Bar	1 Navesink Avenue
1317-33-030-008	Waterwitch Highlands, LLC t/a Havana Tropical Cafe	None

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<u>DPW</u>	<u>Position</u>	<u>Name</u>	<u>Hrly. Rate</u>
(6/21-9/7/12)	Laborer	Wallace Hartsgrove	\$12.00
(6/21-9/7/12)	Laborer	Barry J. McKellar	\$12.00

<u>Mun. Office</u>	<u>Position</u>	<u>Name</u>	<u>Hrly. Rate</u>
(6/21-8/31/12)	Clerical	Bridget Rafter	\$9.00

<u>Rec. Dept.</u>	<u>Position</u>	<u>Name</u>	<u>Hrly. Rate</u>
Summer	Supervisor	Kim Karaman	\$18.00
6/25/12 - 8/22/12	Supervisor	Stephanie Paroumakian	\$16.50
	Programmer	Mike Gannon	\$15.00
	Programmer	Lisa Ucci	\$12.50
	Rec Aide	Amy Cullen	\$10.00
	Rec Aide	Amanda Norakus	\$ 9.00
	Rec Aide	Julie Dellapietro	\$ 8.75
	Rec Aide	Thomas Bell	\$ 8.25
	Rec Aide	Ashley Knochel	\$ 8.00
	Rec Aide	Alexandra Mitchell	\$ 7.50
	Rec Aide	Jacob Link	\$ 7.50

Lifeguards	Head Lifeguard	Elyse Parker	\$15.00
6/25/12 – 9/3/12	LG	Andrew Mueller	\$ 8.50
	LG	Jacob Bremekamp	\$ 8.00
	LG	Sean Mulkeen	\$ 8.00
	LG	Kyle Harvey *	\$ 7.50

(* Pending LG, FA, CPR Certifications completion/documentation)

Summer Food	Food Prep	Dillon Vargas	\$ 8.25 (25 hrs/wk)
7/2/12 - 8/17/12	Food Prep	Victoria Torres	\$ 8.00 (25 hrs/wk)
	Food Prep	Diana Roth	\$ 7.75 (25 hrs/wk)
	Director	Jennifer Strehl	\$17.00 (34 tot hrs)
	Record Keeper	Amanda Campbell	\$10.00 (34 tot hrs)

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Seconded by Mr. Francy adopted on the following Roll Call Vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

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

**R-12-149
RESOLUTION AUTHORIZING
THE SUBMISSION OF APPLICATION TO COUNTY
FOR PAPER SHREDDING EVENT**

WHEREAS, the Monmouth County is offering a one day paper shredding event at to residents in the Borough of Highlands; and

WHEREAS, the application process for the Paper Shredding Event requires the signed agreement to participate in said event.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby authorizes the Borough Administrator to execute agreement between the Borough of Highlands and Monmouth County for the one day paper shredding event.

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

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

**R-12-150
RESOLUTION APPROVING STIPEND FOR ACTING
DPW SUPERVISOR
FOR THE PERIOD OF APRIL 1, 2012 THROUGH JUNE 30, 2012**

WHEREAS, Reggie Robertson of the DPW Department has been asked to perform additional supervisory duties for the period of April 1, 2012 through June 30, 2012 ; and

WHEREAS, the Borough of has a genuine need for Reg Robertson to continue duties of Acting DPW Supervisor for the period of April 1, 2012 through June 30, 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 April 1, 2012 through June 30, 2012.

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

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ROLL CALL:

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

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

**R-12-151
RESOLUTION
A RESOLUTION TO APPROVE
SHARED SERVICES AGREEMENT WITH HIGHLANDS ELEMENTARY SCHOOL**

WHEREAS, the Borough and Highlands Elementary School have had a Shared Service Contract since 2004 to provide snow removal and trash collection services to the school to save Highlands Taxpayer dollars; and,

WHEREAS, the contract has expired and Governing Body wish to renew the Interlocal Shared Service Agreement.

NOW, THEREFORE, BE IT RESOLVED, By the Governing Body of the Borough of Highlands, that the Interlocal Services Agreement between the Borough of Highlands and the Highlands Board of Education is hereby approved for the period of July 1, 2012 through June 30, 2013; and,

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

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

ROLL CALL:

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

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

RECAP OF PAYMENT OF BILLS

06/20/2012

CURRENT:		\$	14,855.97
Payroll	(06/15/2012)	\$	103,969.97
Manual Checks		\$	11,146.96
Voided Checks		\$	
SEWER ACCOUNT:		\$	282.72
Payroll	(06/15/2012)	\$	6,108.95
Manual Checks		\$	318.74
Voided Checks		\$	

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CAPITAL/GENERAL		\$	
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	945.56
Payroll	(06/15/2012)	\$	1,850.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	3,320.00
Payroll	(06/15/2012)	\$	
Manual Checks		\$	
Voided Checks		\$	
DEVELOPER'S TRUST		\$	88.19
Manual Checks		\$	
Voided Checks		\$	

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

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SUPPLEMENTAL BILL LIST

June 20, 2012

CURRENT FUND

Bayview Condominium Association	Street Lighting Reimbursement 4/12	483.29
Bayview Condominium Association	Street Lighting Reimbursement 5/12	366.21
Future Sanitation	Tipping Fees 6/01/12-6/15/12	7,960.33
Highlands Business Partnership	Taste of Highlands Tickets	400.00
J.C.P. & L.	Electric Charges #12-12	1,987.40
Rebecca Kane	Cell Phone Reimbursement	90.00
Stephen Pfeffer	Postage Reimbursement	12.40

Total Current Fund

11,299.63

CAPITAL FUND

Total Capital Fund

0.00

GRANT FUND

Total Grant Fund

0.00

SEWER UTILITY FUND

Total Sewer Utility Fund

0.00

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TRUST FUND

Total Trust Fund

0.00

Total Supplemental Bill List

11,299.63

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

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Mayor Nolan offered a motion for the approval of the June 6th, 2012 Regular & Executive Session Meeting Minutes, seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Other Resolutions:

R-12-140

Mayor Nolan offered a motion to table Resolution R-12-140 – Resolution Canceling Various Grant Fund Reserves indefinitely, seconded by Ms. Kane and approved on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

R-12-144

Mrs. Cummins read the title of Resolution R-12-144 Approving Developers Agreement for Quick Chek.

Mayor Nolan explained that the Borough Attorney and Engineer will bring back a draft to the table.

Mayor Nolan offered a motion to carry this resolution to the next meeting, seconded by Mr. Francy and approved on the following roll call vote:

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ROLL CALL:

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

R-12-146

Mrs. Cummins read the title of Resolution R-12-146 Approving Change of Corp. Structure Application.

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

R-12-146

**RESOLUTION
APPROVING A CHANGE OF CORPORATE STRUCTURE
FOR LIQUOR LICENSE #1317-33-019-010**

WHEREAS, the Triple Beta, LLC has submitted a change of Corporate Structure for Liquor License 1317-33-019-010; and

WHEREAS, the change consists of the removal of two stockholders, not the addition of any therefore a Police Investigation is not required.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Change of Corporate Structure Application for Triple Beta, LLC is hereby approved.

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

ROLL CALL:

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

R-12-148

Mrs. Cummins read the title of Resolution R-12-148 Approving Place-to-Place Transfer of Liquor License.

Mr. Francy is concerned with the expansion of activities. He is not sure what they are doing.

Ms. Kane stated that it's a small area. She would like to see upgrades to the site.

Mr. Redmond wants lighting before we do anything.

Council discussed.

Mr. Francy stated the commitment to the site plan is with the property. They bought that obligation when they bought the property.

Ms. Kane offered the following Resolution and moved on its adoption:

**R-12-148
RESOLUTION APPROVING
PLACE-TO-PLACE TRANSFER OF LIQUOR LICENSE
#1317-33-008-005**

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WHEREAS, an application has been filed by Seastreak, LLC for a place-to-place transfer (Extension of Premises) of Liquor License 1317-33-008-005, for the purposes of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

NOW, THEREFORE BE IT RESOLVED that the Borough of Highlands Governing Body does hereby approve, effective June 20, 2012, the expansion of the aforesaid Liquor License 1317-33-008-005 located at 325 Shore Drive, Highlands, NJ, to place under license the area delineated in the application form and the sketch of the licensed premises attached hereto.

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

ROLL CALL:

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

R-12-152

Mrs. Cummins read the title of Resolution R-12-152 Authorizing Adoption of Zoning Ordinance O-12-9.

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

R-12-152

**Resolution of the Mayor and Council of the Borough of Highlands pursuant
to N.J.S.A. 40:55D-25 rejecting the determination of the Planning Board
concerning Ordinance O-12-09**

Whereas, on March 7, 2012, the Mayor and Council (hereinafter referred to as the "Borough") approved for introduction Ordinance O-12-09 concerning changes to the land use and zoning code of the Borough related to the (MH) Mobile Home Residence District and referred O-12-09 to the Highlands Planning Board as required by law; and

Whereas, by Resolution dated March 8, 2012, the Highlands Planning Board ("Board") determined that O-12-09 was inconsistent with the Land Use and other elements of the Highlands Borough Master Plan (hereinafter referred to as "Master Plan") and recommended several changes to O-12-09; and

Whereas, on March 21, 2012, the Borough introduced revised Ordinance O-12-09 which incorporated in total the recommendations of the Board which were memorialized in its March 8, 2012 resolution and referred

Whereas, on April 4, 2012, the Borough introduced a second revised O-12-09 which incorporated a change requested by a member of the public during public comment concerning relocation rights; and

Whereas, by Resolution dated April 12, 2012, the Board found the second revised ordinance to be partially consistent with the Master Plan and recommended changes to the Ordinance;

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Whereas, on May 2, 2012, the Borough introduced a third revised O-12-09 which incorporated in total the recommendations of the Board memorialized in its April 12, 2012 resolution; and

Whereas by Resolution dated May 10, 2012, the Board determined that the third revision of O-12-09 was partially inconsistent with the Master Plan and recommended that the word “mid-size” set forth on Page 3, in section (5)(k) be replaced with the word “mid-rise;” and

Whereas, the Board did not identify any other inconsistency between the Master Plan and O-12-09; and

Whereas, the Borough Engineer has reviewed this matter and has advised the Borough that the term mid-rise is substantially similar to the word mid-size and that, in preparing the ordinance, the word “mid-size” was inadvertently used instead of “mid-rise;”

Whereas, the Borough finds that this recommendation is not substantial because use of the word “mid-size” is substantially similar to the word “mid-rise;” and

Whereas, the Borough shall amend the third revision of O-12-09 to replace the word “mid-size” with the term “mid-rise;” and

Whereas, notwithstanding the findings of the Board, the governing body determines that the proposed amendments constitute acceptable additional uses in the subject zone and implementation of the amendments will further the best interests and long-term economic interests of the Borough; and

Whereas, the proposed amendments shall provide property owners with flexibility in the use of their property and permit the area to evolve into uses consistent with the uses in the surrounding areas.

Now, therefore, be it Resolved by the governing body of the Borough of Highlands as follows:

(1) Section 1 of Ordinance O-12-09, amending Borough Code Section 21-89(A)(5)(k), shall be amended to change the word “mid-size” to “mid-rise;” and

(2) To the extent O-12-09 is inconsistent with the Master Plan, the Borough determines that it is in its best interest to permit mid-rise, multi-family residences, townhomes and single family detached dwellings in the affected zone. The Borough finds that the expansion of the number of residential uses will result in increased residential/neighborhood stability and enable a long-term economic benefit to the Borough by providing landowners with additional available acceptable uses for their property which shall permit the zone to evolve into uses that are more consistent with surrounding land use patterns.

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

ROLL CALL:

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

NAYES: Mr. Francy

ABSENT: Mr. O’Neil

ABSTAIN: None

R-12-153

Mrs. Cummins read the title of Resolution R-12-153 Authorizing Adoption of Zoning Ordinance O-12-10.

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

R-12-153

**Resolution of the Mayor and Council of the Borough of Highlands pursuant
to N.J.S.A. 40:55D-25 rejecting the determination of the Planning Board
concerning Ordinance O-12-10**

Whereas, on March 7, 2012, the Mayor and Council (hereinafter referred to as the "Borough") approved for introduction Ordinance O-12-10 to modify uses in the B-1, B-2, WC-2, R-1.03 and MXD zones and referred O-12-10 to the Highlands Planning Board as required by law; and

Whereas, by Resolution dated March 8, 2012, the Highlands Planning Board ("Board") determined that O-12-10 was inconsistent with the Land Use and other elements of the Highlands Borough Master Plan (hereinafter referred to as "Master Plan") and recommended several changes to O-12-10; and

Whereas, on March 21, 2012, the Borough introduced revised Ordinance O-12-10 which incorporated in total the recommendations of the Board which were memorialized in its March 8, 2012 resolution and referred

Whereas, by Resolution dated April 12, 2012, the Board found the second revised ordinance to be inconsistent with the Master Plan and recommended changes to the Ordinance;

Whereas, on May 2, 2012, the Borough introduced a third revised O-12-10 which incorporated in total the recommendations of the Board memorialized in its April 12, 2012 resolution; and

Whereas by Resolution dated May 10, 2012, the Board determined that the third revision of O-12-10 was inconsistent with the Master Plan but did not recommend any changes to O-12-10; and

Whereas, pursuant to N.J.S.A. 40:55D-26 rejects of the Board's finding that O-12-10 is inconsistent with the Master Plan; and

Now, therefore, be it Resolved by the governing body of the Borough of Highlands that to the extent O-12-10 is inconsistent with the Master Plan, the Borough determines that the addition of the uses implemented by O-12-10 effectuates the economic development purposes of the Master Plan and will result in a long-term economic development and growth in the Borough by providing landowners with additional available acceptable uses for their property and will further business revitalization of the downtown and other affected areas of the Borough.

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

ROLL CALL:

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

NAYES: Mr. Francy

ABSENT: Mr. O'Neil

ABSTAIN: None

Ordinances: 2nd Reading, Public Hearing, Adoption:

Ordinance O-12-9:

Mrs. Cummins read the title of Ordinance O-12-9 for 2nd reading and public hearing. Notice was served and published in the May 11th, 2012 edition of the Two River Times and the June 13th, 2012 edition of the Asbury Park Press. It may now be open for public hearing.

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Mayor Nolan asked if there were any questions from the table.

Mr. Francy read his comments into the record.

Ordinance O-12-09 Changes to MH District- Shadowlawn

The proposed ordinance replaces ordinance O-07-07, the ordinance that permitted the large 16 story hi-rise development at the site of the Shadowlawn mobile home park. That ordinance was overturned March 2011 by the NJ Appellate Court in Jennings vs Highlands Borough case. The court ruled that O-07-07 was invalid because the council members at that time did not consider, on the record, a PB report that had concerns about the ordinance nor did they defend/explain their positions in the face of significant resident opposition in the public hearings.

Summarizing the PB report, presented to the PB June-Aug. 2007, the PB found:

- that the hi rise use with 282 units (20 units/acre) was consistent with development in the area, implying that it was consistent with the Master Plan
- that other residential uses should be allowed single family, town house, mid rise development
- and various other non zoning issues including steep slope issues

While the court didn't rule on the specifics of O-07-07 or whether it was consistent with our MP, many of us agreed with the one PB member that protested O-07-07 that the ordinance was manifestly not consistent with our MP.

The proposed ordinance O-12-09 corrects all these deficiencies in O-07-07:

- Permits other residential uses single family, town homes, mid rise MF
- Limits density to 14 units/acre, same as our MP town wide recommendations.
- Legislates ridgeline protection as recommended by our MP
- Re-establishes relocation rights for the current mobile home park at the site

None the less, the current PB has ruled that the proposed ordinance is not consistent with our MP. This in spite of the council sending the ordinance to the PB 3 times, each time revising it as per their recommendations. It is baffling to me that a PB (and its planning expert) that found O-07-07 to be consistent finds the proposed changes to be inconsistent with our MP.

The appellate court raised a question about O-07-07: is it spot zoning? They didn't rule on it because they overturned the ordinance. As the current council considers the proposed ordinance, we have to be sensitive to the concern. In my opinion, we are not spot zoning because we've added multiple other uses and we are implementing MP recommendations in terms of density, ridgeline and steep slope concerns.

In my opinion, the council has listened to all concerns of the PB and is justified in voting for the new ordinance. I will be voting YES.

Councilman Chris Francy
6/20/2012

Ms. Kane feels this was a perfect summary.

Mr. Francy said this is not spot zoning and feels it is consistent with the Master Plan.

Council continued to discuss.

Ms. Kane stated that we went back and forth with the Planning Board a few time. She supports the ordinance.

Mr. Padula said the change is on the third page under 5K, was changed from mid-size to mid-rise. It is an administrative change, no need to re-introduce.

Mr. Francy feels the town owes gratitude to Mr. and Mrs. Jennings for their dedication for the over turning of O-07-07.

Mayor Nolan opened the public hearing.

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Peter Mullen of 11 Marine Place stated that he is a Planning Board member. The ordinance has five story buildings in it. They are not consistent with our Zoning in our town. He further explained.

Kim Skorka of 315 Shore Drive spoke of Mr. Francy's comments. She is against development on the slopes.

Mr. Francy stated that one of the things learned with the Highlander Development Group on Shadow Lawn, is that they had a Geotechnical engineer explain that there 16 story development could be engineered to be safe on the steep slope. He believed there can be safe construction on the steep slope. He further explained.

Mr. Francy and Ms. Skorka continued to discuss slope slide dangers.

Kathleen Murray of 319A Shore Drive spoke about the GeoTech report for Shadow Lawn. Have they been up there since the slope failure?

Mr. Padula recommended that we not discuss the slope slide issue that is in litigation.

Dan Mandrodt of 268 Bayside Drive expressed his opinion that the slope can not take that development.

Roger Clemente of 164 Linden Avenue spoke of water issues on the slope. We need to deal with that on the slope or we will have problems in the future.

Pauline Jennings of Ralph Street said that there has been another on the bike path. How can you agree with the developers about safety of developing on the slope? The wording in the ordinance that its consistent with properties in the area. It is not, other than Eastpointe Condo's.

Peter Mullen of 11 Marine Place said Eastpointe is not a permitted use.

Marin Kiely of Shore Drive – Isn't the road and bike path closed because of the slope slide? He further spoke about his concerns with the slope slide. He suggested that the developers post performance bonds to name possible effected residents.

Mayor Nolan responded and spoke of site plan.

Martin Kiely asked if NJAW is processing our water collection properly.

Mr. Francy responded.

Mayor Nolan closed the public hearing.

Ordinance O-12-9:

Mrs. Cummins read the title of Ordinance O-12-9 for 3rd and final reading and adoption.

Mayor Nolan offered the following Ordinance as amended pass third and final reading and moved on its adoption 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).

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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.

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.

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- 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 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.

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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 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 adopted on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Mr. Pfeffer left the meeting at 8:50 p.m.

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Ordinance O-12-10:

Mrs. Cummins read the title of Ordinance O-12-10 for 2nd reading and public hearing. Public notice was served and notice was published in the May 11th, 2012 edition of the Two River Times and the June 13th, 2012 edition of the Asbury Park Press.

Mayor Nolan asked if there were any questions from the table.

Mr. Francy read his comments into the record.

**Ordinance O-12-10 Changes to Bay Ave Zoning and the MXD
district**

This ordinance is a response to changes requested by the business community in a report dated 6/9/2011. There were many changes requested in that report, but in crafting the ordinance, the council rejected many requests that impacted residential areas or that increased potential for increased density in residential areas and on Bay Ave.

The purpose of this ordinance is to enhance the potential for commercial development along Bay Ave and in the MXD district at the northern end of town.

Part of the proposed changes in the MXD district were driven by the settlement of the Paradise Park court case, wherein the PHA won the right to purchase the park. The park was part of the MXD zone, but the mobile home use was not a permitted use. This had the effect that if residents home in the park was damaged, it could not be replaced in kind. The new ordinance re-established the Mobile home use for the park.

Also, the MXD zoning was 6 acre minimum. Carving out the MH park meant that no one could meet the 6 acre size requirement. The MXD zoning is changed in the new ordinance to 2 acre minimum.

The council also agreed with the business community that it made sense to extend the MXD zone to the properties adjacent to the current MXD zone, although not to the extent they had requested.

The council has sent this proposed ordinance to the PB for review 3x. For each review, the council has incorporated any requested changes with the exception of eliminating the extension of the MXD zone to adjacent properties. The PB finds that provision not consistent with our MP.

Our Master Plan, created in 2004 and updated in 2009, among other goals, specifically has a goal to promote commercial development. As such, I find that some of the business community requests for zoning changes contained in their 6/9/2011 report may be helpful to that goal of commercial development. We initiated rezoning efforts along Bay Ave to improve commercial development in 2006. Not much happened, due in part to the economy. This ordinance is a second attempt to enhance prospects for Bay Ave development. It's taken a year of the council working with the PB to get a zoning ordinance and we still cannot get PB agreement. The council needs to move on. We can't wait another year.

I will vote YES for ordinance O-12-10.

Councilman Chris Francy

6/20/12

Ms. Kane agreed that it is time to move on. We need to start building up our community.

Mayor Nolan agrees. He further expressed the need to adopt this ordinance and his reasons.

Mayor Nolan opened the public hearing.

Mr. Mullen stated his biggest concern with the MXD is it will benefit one person, such as Shadow Lawn not the whole town. He further explained his concerns

Jerry Feldman of 12 Locust Street stated that his house is affected by this. Will the

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current use of existing homes be grandfathered in this plan.

Mr. Francy said the current zoning which is R-1.03 is not changing. The overlay is what is affected. He further explained.

Carmin Flynn of 53 Matthew Street wanted clarification for a portion of block 101. Are any changes affecting Matthew Street and Matthew Street Beach?

Mr. Francy stated that if you are on the water side of Shore Drive, the answer is yes. If you are on the hillside of Shore Drive, the answer is no.

Marty Truscott said it goes past Doris and Ed's Restaurant. It includes 101 & 102 only.

Mr. Francy said it would not affect him because he does not neighbor the MXD zone.

Ellen Williams of 359 Shore Drive lives across from Doris and Ed's. What areas will be impacted in that area when Doris and Ed's is closed? What impact on the existing homes?

Mr. Francy said the existing homes, there zoning remains unchanged. He further explained the overlay.

Ellen Williams expressed her concern with this change. This is a residential community and the cars from the ferry and safety is an issue.

Mary Jane Tyson of 315 Shore Drive asked if this only benefits one person.

Mr. Francy stated that your residential zoning is not changed.

Ms. Tyson asked if her home burns down more than 50%, she would need a variance to rebuild. We need to allow residential use as permitted use.

Discussion continued with council and Ms. Tyson.

Roger Clemente of 160 Linden Avenue asked if we are upgrading the infrastructure.

Mr. Francy said it is not our obligation to create the infrastructure for future development. The town should look at Jones Creek and deal with that.

Pauline Jennings of 27 Ralph Street feels we should stop changing things to fast if there is no plan for development. She hasn't any confidence the developer will require Planning Board approval. She further expressed her frustration with the council ignoring the Planning Board comments. She feels the council is favoring developers over the residents.

Carmack Flynn of 52 Matthew Street spoke of Matthew Street Beach is one link from chain by Doris and Ed's. The town should exempt the beach from the zone.

Lou Longo of 15 Locust Street spoke of the eye soar behind his street. We are surrounded by corporate giants. He is not giving up his waterfront or his view. He further explained his objections. He also spoke of the marina soil being contaminated.

Delores Edelbach of 7 Willow Street agreed with Mr. Longo. The stuff that we put up with is outrageous.

Mayor Nolan closed the public hearing.

Ordinance O-12-10:

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Mrs. Cummins read the title of Ordinance O-12-10 for 3rd and final reading and adoption.

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

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 (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

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§ 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:

- “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;

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- 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 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.

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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.
 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.

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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 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.

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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
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 adopted on the following roll call vote:

ROLL CALL:

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

NAYES: Mr. Redmond

ABSENT: Mr. O'Neil

ABSTAIN: None

Ordinance O-12-14:

Mrs. Cummins read the title of Ordinance O-12-14 for 2nd reading and public hearing. This ordinance was published in its entirety in the June 9th, 2012 edition of the Asbury Park Press. It may now be open for public hearing.

Mayor Nolan asked Mr. Leubner to explain the ordinance.

Mr. Leubner said this will allow the Marina owner access to the Borough roadway to perform repairs necessary to keep his bulkhead intact. He further explained.

Mayor Nolan asked if there were any questions from the public. There were none. Mayor Nolan closed the public hearing.

Ordinance O-12-14:

Mrs. Cummins read the title of Ordinance O-12-14 for 3rd and final reading and adoption.

Mayor Nolan offered the following ordinance pass third and final reading and authorized its publication according to law:

O-12-14

Borough of Highlands

County of Monmouth

An Ordinance granting an Access Easement to RA Multimedia Corp. d/b/a

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**Captain's Cove Marina to maintain the underlying support for its bulkhead along
Washington Ave. and accepting a Drainage Easement from RA Multimedia Corp.
d/b/a Captain's Cove Marina**

Whereas, the Borough and Multimedia (hereinafter referred to as "the Marina") are the owners of adjacent property along Washington Avenue, comprised of, in part a length of roadway and a bulkhead; and

Whereas, during Hurricane Irene in August 2011, the Marina's bulkhead and Washington Avenue suffered damage; and

Whereas, since that time, the Borough and the Marina have alleged that each other are responsible for the damage; and

Whereas, the Borough has alleged, in part, that the Marina failed to maintain its bulkhead and the Marina has alleged that a Borough drain into the Marina is responsible, in part for the damage; and

Whereas, the Marina has filed a Tort Claim Notice with the Borough concerning the damage to its bulkhead; and

Whereas, each party had denied responsibility for the damage but the parties have nonetheless engaged in negotiations to amicably resolve these outstanding issues; and

Whereas, as part of these negotiations, the parties expressed a desire to exchange the mutual easements discussed herein; and

Whereas, N.J.S.A. 40A:12-16 provides that a municipality may, by ordinances, exchange any rights or interests in land therein owned by the municipality for other lands or rights or interests therein desired for public use.

Now, therefore, be it **ORDAINED** by the Borough of Highlands as follows:

(1) The Borough hereby grants an access easement to the Marina in the form attached hereto and incorporated herein by reference which shall include, inter alia, the following conditions: (a) the Marina shall provide the Borough with at least seventy-two (72) hours written notice, except in cases of emergency, and (b) obtain any necessary permits or other approvals which may be required by law, prior to accessing the property which is the subject of the access easement;

(2) The Borough hereby accepts a drainage easement from the Marina in the form attached hereto and incorporated herein by reference; and

(3) **SEVERABILITY**. 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.

(4) **REPEALER**. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

(5) **EFFECTIVE DATE**. This Ordinance shall take effect after final passage as provided by law.

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

ROLL CALL:

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

NAYES: None

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ABSENT: Mr. O'Neil

ABSTAIN: None

Other Business:

Engineer's Status Report

Ms. Kane stepped out of the meeting at 9:11 p.m.

Mr. Leubner read thru his report

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 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

- Preconstruction meeting held on May 4, 2012
- Contractor mobilized on May 10, 2012 and is advancing concrete work on Valley Avenue.
- Contractor is currently performing sanitary sewer repair work on Valley Avenue.

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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.
- Water main break on March 16, 2012 has delayed the completion of the drainage installation. Storm sewer has been redesigned to avoid conflicts with the waterman in its current location which differs from the information originally provided to our office during design.
- Meeting held with NJAW on April 11, 2012 to review proposed drainage changes. Follow up meeting to be held on April 13, 2012 due to NJAW's uncertainty distinguishing between live and inactive mains.
- Concrete work has been completed with the exception of Miller Street and South Peak Street.
- Work to resume once all utility information is accurately provided by the respective companies and the revised plan can be implemented without further conflicts.
- Working with Contractor to minimize additional costs associated with extra work required due to utility conflicts.
- Additional drainage work at the Ocean/Twin Lights/Highland intersection will cost approximately \$29,000. A change order will be provided for the governing body for approval prior to the work being completed.
- Contractor re-mobilized to Miller Street on June 15, 2012 to resume drainage work at that location.

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:

Bid Date: November 30, 2011

Conditional Award Date: February 15, 2012

Contractor: L&L Paving Company Inc., Tinton Falls

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NJ

Amount: \$387,842.40

- Concurrence of award has been received by the NJDOT and Monmouth County Community Development.
- A pre-construction meeting was held on March 21, 2012.
- Contractor has mobilized and is installing the drainage improvements associated with the project.
- Concrete work has commenced the week of June 11, 2012.

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.
- Switches have been installed and tested. Failure of one switch at Borough Hall has been rectified.
- Project is complete. No further action is required by T&M Associates.

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.
2. **Monmouth County Community Development Block Grant:** As requested, we have prepared and submitted a grant application for the improvements to the North Street Pumpstation and the North Street inflow pipe between Bay Avenue and the pumpstation.

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

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call.**

Very truly yours,

T&M ASSOCIATES

ROBERT R. KEADY, JR. P.E., C.M.E.

HIGHLANDS BOROUGH ENGINEER

Mr. Leubner can prepare a change order for Highland Avenue of \$29,000.00 for drainage work.

Mayor Nolan stopped meeting due to lack of quorum at 9:14 p.m.

Mr. Redmond left at 9:14 p.m. and returned at 9:15 p.m.

Meeting started again at 9:15 p.m.

Council discussed water drainage on Highland Avenue Project.

Mr. Leubner will process change order for the July meeting.

Mayor Nolan offered a motion for Highlands Avenue Change Order, seconded by Mr. Francy and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Mr. Leubner continued his report to council regarding the Bay Avenue project and expressed frustration with timing of the project. He will talk to the contractors tomorrow. He did submit a CDBG Grant application for North Street Pump Station and inflow pipe.

Mr. Hill said CDBG presentation is August 22nd.

Willow Street Pipe Repair

Mr. Leubner spoke of Oswald doing video work on pipe. The pipe is in good shape till you get to water. Minor repairs are needed, he is not sure if DPW can handle repairs or he can get prices from local contractors.

Mr. Hill will speak with DPW Supervisor Reg Robertson.

Mr. Leubner and Mr. Hill will meet with DPW to see if they can make the minor repairs and will get a copy of Oswald's report.

Highland Avenue Project – Traffic Calming Devices

Mayor Nolan stated that Mr. O'Neil asked us to hold off discussion until the next meeting

Mr. Francy said the contract has traffic calming devices included.

Mr. Leubner said no action needs to be taken as long as everything stays the same.

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Mr. Francy said there is no favor from the council to eliminate the devices.

Mr. Redmond feels that they are not needed.

Ms. Kane feels we will probably pull them out in a few years.

HBP Beer Fest Event

Mrs. Braswell asked if we can approve to do this on the October 13th or 20th because there may be a conflict with dates.

Mayor Nolan offered a motion to allow both dates, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Mr. O'Neil

ABSTAIN: None

Mayor Nolan wanted to acknowledge the quick response of our first responders to the reported boating accident that turned out to be a hoax.

Public Portion:

Delores Edelbach – gone.

Joseph Nicosia – gone.

Cormac Flynn – gone.

Jerry Savnik – gone.

Kathleen Murray – no comment.

Tara Ryan – passed.

Carla Bucco of 330 Shore Drive wanted to address the traffic calming devices on Highland Avenue. She does not feel they are not needed and they would be a hindrance to the residents.

Mr. Leubner stated that they are asphalt speed humps.

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

The Meeting adjourned at 9:44 p.m.

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

Don Manrodt of 268 Bayside Drive asked when they will be paving Bayside Drive.

Mr. Hill will be having a meeting next week to discuss the proposal that the Borough has put forth.

Don Manrodt commented on the speed humps. He expressed his concerns with them.

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Roger Clemente of 164 Linden Avenue asked how FEMA works with regard to the house lifting grant. Why is the town involved?

Mr. Hill stated that we sent in a letter of intent to FEMA with regards to damage from the storm.

Mr. Leubner explained that the construction official solicited applicants. He then explained how FEMA came up with the dollar amounts.

Roger Clemente asked Mr. Hill if he looked at the ditch by the slope slide.

Mr. Hill explained that he did. He further commented on it and the overgrowth.

Kim Skorka of 315 Shore Drive questioned Mr. Hill about the overgrowth. Are there any updates on FEMA funding for stabilizing the hillside.

Mr. Hill can't comment on FEMA's position. We were told by FEMA from the beginning that the Borough can't apply for private property. He spoke with FEMA two weeks ago.

Carla Braswell of Gravelly Point Road asked when the sod is going in Huddy Park.

Mr. Leubner commented that the sod will be soft; we should not walk on it.

Carla Braswell said we can move the Farmer's Market to Veteran's Park.

The council was in favor of moving the market to Veteran's Park.

Martin Kiely of 39 Shore Drive asked if we have an Office of Emergency Management, and the residents should contact him regarding questions about FEMA.

Mr. Padula stated that because FEMA is a federal agency, if you have trouble reaching them, try contacting your congressman.

Martin Kiely spoke of the Municipal lot. There is no lighting, no parking. The lot is incomplete and is being used by the Borough to store asphalt. He wants asphalt moved to the Borough Yard. The Municipal lot on the south side of Shore Drive is also being used for equipment, supplies and debris. It does not belong there. He is asking the council to clean up these two areas.

Mr. Leubner responded about the pipes being stored on the lot for a project. The pipes and trucks will be gone soon.

Mr. Hill explained that as soon as we get permission to salvage the trucks, they will be gone.

Martin Kiely then commented on the DPW workers cleaning private property. He then spoke about requesting us to tax parking lots for non-residents and cell towers annually and the money could be used for technology at Highlands Elementary School.

Kim Skorka rebuts the raising of taxes on non-residential. We will pay for it eventually.

Pauline Jennings – left.

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Terrence King of 11 Seadrift Avenue spoke about information on short term rentals that he dropped submitted.

Mayor Nolan said all is being taken in to consideration.

Peter Mullen of 11 Marine Place asked what the current status of Captain's Cove Marina.

Mr. Padula stated that we have signed agreements. Mr. Rosiak will provide performance bond and inspection fees.

Mr. Mullen asked is there any town coordination with this.

Mayor Nolan said yes, and further explained.

Mr. Mullen asked if the easements will be utilized.

Mayor Nolan stated he still needs permits, and notice for inspections.

Ann Hamilton of 3 Seadrift Avenue handed out pictures to the council of her property and condition of 5 Seadrift Avenue. She wants 5 Seadrift Avenue to be cleaned up. She also spoke about the problems with the bulkhead.

Mr. Hill said they have been working on this. They have failed to appear in court and a warrant has been issued. There is a process we have to go thru.

Jerry Feldman – left.

Mary Jane Tyson – left.

There were no further questions.

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

The Meeting adjourned at 10:20 p.m..

Debby Dailey, Deputy Clerk

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