

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
September 19, 2012**

Mayor Nolan called the meeting to order at 7:05 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, Mayor Nolan

Absent: Ms. Kane

**Also Present: Carolyn Cummins, Borough Clerk
Tim Hill, Borough Administrator
Steve Pfeffer, Chief Financial Officer
Bruce Padula, Labor Attorney
Dale Leubner, Borough Engineer
Rob Keady, Borough Engineer**

Executive Session Resolution

Mrs. Cummins read the following Resolution for approval:

Mayor Nolan offered the following Resolution and moved its adoption:

**R-12-205
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: Chief Blewetts Contract - Riced**
- 3.Real Estate:**
- 4. Personnel Matters: Construction/Code/Zoning Dept Operations**
- 5. Attorney-Client Privilege:**

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

BE IT FURTHER RESOLVED that no portion of this meeting shall be electronically recorded unless otherwise stated; and

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

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1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Rendered confidential by State Statute or Court Rule.
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 Mr. Redmond and approved on the following roll call vote:

ROLL CALL:

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

The Governing Body then entered into Executive Session.

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Mayor Nolan called the Regular Meeting back to order at 8:24 p.m.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

2012 Transitional Year Municipal Budget Public Hearing:

Mrs. Cummins stated that this is a public hearing for the 2012 Transitional Year Municipal Budget Public Hearing. This was published in the August 24th edition of the Two River Times.

Mayor Nolan opened the public hearing.

Mr. Pfeffer explained the TY 2012 budget. He stated that we were asked by the State to convert back to a calendar year.

Don Mandrodt of 268 Bayside Drive questioned transitional year spending and how will this affect the 2013 tax rate.

Mr. Pfeffer explained.

Mr. Francy questioned total tax rate.

Don Mandrodt asked when the tax bill will go out.

Mr. Pfeffer responded and spoke about our \$8.1 million dollar budget being supported by \$6 million dollars in taxes. We have no revenue.

There were no further questions.

Mayor Nolan closed the public hearing.

Mr. Pfeffer read Resolution R-12-206 into the record.

R-12-206

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Insert R-12-206

HIGHLANDSNJ.COM

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Hearing on Liquor License Violations for Grala, LLC t/a Chubby Pickle:

Mr. Padula stated that we received the paperwork today. They requested a two week delay. This will be tabled to the October 3rd meeting.

Mayor Nolan offered a motion to table the hearing to the October 3rd meeting, seconded by Mr. O'Neil and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Consent Agenda:

Mayor Nolan asked if anyone had any concerns or questions on the Consent Agenda.

Mr. Francy requested Resolution R-12-207 to be removed.

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

R-12-208

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**RESOLUTION - SPECIAL ITEM OF REVENUE
N.J. DEPARTMENT OF AGRICULTURE
2012 SUMMER FOOD PROGRAM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the Transition Year 2012 in the amount of \$12,747.64 which is now available from State of New Jersey Department of Agriculture.

BE IT FURTHER RESOLVED that a like sum of \$12,747.64 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

2012 Summer Food Program	\$12,747.64
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BE IT FURTHER RESOLVED that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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

R-12-209

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**RESOLUTION - SPECIAL ITEM OF REVENUE
STATE OF NEW JERSEY
ADMINISTRATIVE OFFICE OF THE COURTS
MUNICIPAL COURT ALCOHOL EDUCATION, REHABILITATION AND
ENFORCEMENT FUND**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the Transition Year 2012 in the amount of \$2,482.30 which is now available from State of New Jersey Administrative Office of the Courts.

BE IT FURTHER RESOLVED that a like sum of \$2,482.30 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:

N.J. Administrative Office of the Courts:

Municipal Court Alcohol Education, Rehabilitation and
Enforcement Fund

\$2,482.30

BE IT FURTHER RESOLVED that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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

R-12-210

**RESOLUTION APPROVING SOCIAL AFFAIRS PERMIT
FOR THE HIGHLANDS BUSINESS PARTNERSHIP**

WHEREAS, the Highlands Business Partnership has filed an application for a Social Affairs Permit for an event to be held on October 6, 2012 with a rain date of October 7, 2012; and

WHEREAS, the submitted application form is complete in all respects, fees have been paid, and the license has been properly reviewed and approved by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Highlands does hereby approve the Social Affairs Permit for the Highlands Business Partnership for an event to be held on October 6, 2012 with a rain date of October 7, 2012.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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

R-12-211

**RESOLUTION APPROVING STIPEND FOR ACTING
DPW SUPERVISOR**

FOR THE PERIOD OF JULY 1, 2012 THROUGH SEPTEMBER 30, 2012

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WHEREAS, Reggie Robertson of the DPW Department has been asked to perform additional supervisory duties for the period of July 1, 2012 through September 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 July 1, 2012 through September 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 July 1, 2012 through September 30, 2012.

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

ROLL CALL:

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

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

**RECAP OF PAYMENT OF BILLS
09/19/2012**

CURRENT:		\$	605,099.41
Payroll	(09/15/2012)	\$	107,915.01
Manual Checks		\$	120,611.07
Voided Checks		\$	
SEWER ACCOUNT:		\$	105,755.31
Payroll	(09/15/2012)	\$	5,827.48
Manual Checks		\$	3,905.33
Voided Checks		\$	
CAPITAL/GENERAL		\$	
CAPITAL-MANUAL CHECKS		\$	302,154.97
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	

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TRUST FUND		\$	922.04
Payroll	(09/15/2012)	\$	3,100.00
Manual Checks		\$	
Voided Checks		\$	
 UNEMPLOYMENT ACCT-MANUALS		 \$	
 DOG FUND		 \$	
 GRANT FUND		 \$	
Payroll	(09/15/2012)	\$	2,085.50
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

September 19, 2012

CURRENT FUND

Ceridian	Cobra Fees August 2012	45.19
T & M Associates	General Engineering	4,000.92
T & M Associates	Stormwater Management	139.00
T & M Associates	Washington Ave Repairs	6,791.00

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Total Current Fund	<u>10,976.11</u>
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CAPITAL FUND

T & M Associates	2011 Road Program	2,575.17
T & M Associates	Bay Avenue Reconstruction	26,407.14

Total Capital Fund	<u>28,982.31</u>
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GRANT FUND

Total Grant Fund	<u>0.00</u>
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SEWER UTILITY FUND

Total Sewer Utility Fund	<u>0.00</u>
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TRUST FUND

Total Trust Fund	<u>0.00</u>
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Total Supplemental Bill List	<u>39,958.42</u>
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Seconded by Mr. Francy and approved for payment on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the September 5th, 2012 Regular Minutes and Executive Session Minutes, seconded by Mr. Francy and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

R-12-207 Resolution Authorizing Refund of Tax Overpayment:

Mr. Francy stated that we have a request to authorize a refund of a tax overpayment for \$6,090.51. He wants to know why we are refunding. It is not clear if it's a clerical error or an overpayment. He would like a memo from the tax assessor explaining why he is requesting a refund.

Mr. Pfeffer said this resolution comes from the tax collector. We can send it back for clarification.

Mr. Francy asked if this is a tax appeal.

Mayor Nolan said this would be tabled pending further explanation.

Other Resolutions:

R-12-203

R-12-203 Resolution Determining the Entire Borough an Area in Need of Rehab:

Mr. Padula stated that this was discussed at the last council meeting. It was sent to the Planning Board for review. The benefits are that this is a condition precedent to considering a tax abatement ordinance. He was at the planning board meeting last week where they discussed this resolution extensively. A lot of questions came up about tax exemption ordinance. The sole purpose is to allow the borough to move forward with the tax exemption ordinance.

Mr. Francy stated that this seems too simple.

Mr. Padula explained the exemption law to the council. He explained the three ways to permit the tax abatement ordinance.

Mr. Francy asked if this would apply to new construction.

Mr. Padula stated that it applies to improvements to dwellings and you also establish up to 30% abatement for new residential dwellings over a five year period. The same rule applies to the conversion of building to multi-dwellings. He continued to explain various ways we could word the ordinance. No existing taxes would go down, it would be for new or improvements.

Mr. Francy stated that the purpose of this is to improve property.

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Mayor Nolan feels that we would not lose any tax money that we are collecting now.

Mr. Padula then read the definition of improvement.

Council continued discussion.

Mr. Francy feels this is a positive and the entire town should be included.

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

R-12-203

RESOLUTION

**Resolution determining the entire Borough of Highlands to be
an area in need of rehabilitation in accordance with the
conditions set forth in N.J.S.A. 40A:21-3 and N.J.S.A.
40A:12A-14**

WHEREAS, N.J.S.A. 40A:21-3 and N.J.S.A. 40A:12A-14 provide that the governing body of a municipality may determine a delineated area within a municipality, or the entire municipality, may be determined an area in need of rehabilitation; and

WHEREAS, finding the Borough as an area in need of rehabilitation will enable it to enact legislation to encourage property owners with improve their property for residential, commercial and industrial use; and

WHEREAS, in order to make such a determination, the following conditions must exist: (1) a significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon or (2) more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and (3) a program of rehabilitation, as defined in section 3 of P.L.1992, c. 79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community; and

WHEREAS, the Highlands Planning Board previously considered this matter and, by letter dated October 31, 1995 informed the governing body of its support determining the entire Borough as an area in need of rehabilitation; and

WHEREAS, Ordinances O-95-33, amended by O-97-06 and O-04-08, determined that the entire Borough of Highlands to be an area in need of rehabilitation pursuant to the provisions of N.J.S.A. 40A:21-1 et seq., referencing N.J.S.A. 40A:12A-14; and

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WHEREAS, the Housing Plan Element of the current Master Plan identifies one of its goals as the rehabilitation of the existing housing stock within the Borough including the rehabilitation of substandard units;

WHEREAS, additional goals contained within Housing Plan Element include: (a) reestablishing a housing rehabilitation program within the Borough; (b) identifying commercial and industrial properties that are suitable for adaptive re-use and encourage their redevelopment for mixed use with housing on upper floors; and (c) recognize the potential of vacant, underutilized and deteriorated properties for in-fill residential development; and

WHEREAS, the Housing Plan Element recognizes the lack of maintenance and deteriorating condition of many units within the Borough and encourages increasing staffing for code enforcement; and

WHEREAS, according to the 2010 General Housing Characteristics provided by the United States Census Bureau, the Borough has an housing vacancy rate of 16.6%, which is an increase from the vacancy rate established by the 2000 Census; and

WHEREAS, the Borough Engineer has confirmed that a majority of the water and sewer infrastructure in the Borough is at least 50 years old and is in need of repair or substantial maintenance; and

WHEREAS, based on these factors, the Borough finds that a program of rehabilitation is expected to prevent further deterioration and promote the overall development of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the entire Borough is an area in need of rehabilitation as defined by N.J.S.A. 40A:21-3(b) and N.J.S.A. 40A:12A-14

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

ROLL CALL:

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

Resolution R-12-207:

Mr. Pfeffer stated that this resolution is for a duplicate payment that was made by a mortgage company. The taxpayer is asking for the money to be refunded.

Mayor Nolan asked Mr. Pfeffer to have the Tax Collector put the reason for the refund in future resolutions.

Mr. Francy offered the following Resolution and moved on its adoption:

**R-12-207
AUTHORIZING REFUND OF TAX OVERPAYMENT**

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain

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residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

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

BLOCK LOT YEAR AMOUNT NAME

1 2.02 2012 \$6090.51 Guenther,Kurt& Suzanne

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

ROLL CALL:

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

NAYES: **None**

ABSENT: **Ms. Kane**

ABSTAIN: **None**

R-12-212

Resolution Appointing Alt. #2 Member of the Zoning Board:

Mayor Nolan explained the Kevin Connelly resigned due to personal things he needed to handle.

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

R-12-212

**RESOLUTION APPOINTING MEMBER OF THE ZONING BOARD OF
ADJUSTMENT**

WHEREAS, Kevin Connelly, Alt #2 Member of the Borough of Highlands Zoning Board of Adjustment has resigned; and

WHEREAS, said resignation has created a vacancy on the Zoning Board.

NOW, THEREFORE BE IT RESOLVED the Governing Body of the Borough of Highlands that the following appointment is hereby made to the Zoning Board of Adjustment:

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1. Helen Maresca

Alternate #2 Member for an Unexpired

2 year term to expire December 31, 2013

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

R-12-213

Resolution Authorizing Right of Entry to Army Corp of Engineers:

Mr. Hill explained that the Right of Entry Program had a property removed from the program and they were looking for public right of way to complete surveys near Beach Blvd.

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

R-12-213

**RESOLUTION AUTHORIZING
FOR SITE ACCESS TO BOROUGH RIGHT-OF-WAY
TO THE DEPARTMENT OF THE ARMY**

NEW YORK DISTRICT, CORPS OF ENGINEERS

WHEREAS, on October 20, 2010 the Borough of Highlands granted authorization to the Department of the Army New York District, Corps of Engineers by adoption of Resolution R-10-207. This approval granted authorization for site access to several Borough Properties in connection with the Raritan Bay and Sandy Hook, New Jersey – Highlands Hurricane and Storm Damage Reduction Project; and

WHEREAS, the additional properties that the Department of the Army, New York District, Corps of Engineers is requesting access to a portion of a public thoroughfare known as Beach Boulevard – On Tax Map 17, adjacent to Block 100, Lot 23,23 & 25 (Exhibit "A").

NOW, THEREFORE, BE IT RESOVLED by the Mayor and Council of the Borough of Highlands that access to the above referenced borough right-of-way is hereby granted for a 12 month period from today's date and the Borough Administrator is hereby authorized to execute attached access agreement for the above referenced right-of-way.

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

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ROLL CALL:

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

Ordinances: 2nd Reading, Public Hearing – Adoption Carried to October 17th:

Ordinance O-12-20 Ordinance Bond Ordinance for Storm Water Improvements:

Mrs. Cummins read the title of Ordinance O-12-20 Bond Ordinance for Storm Water Improvements on for 2nd reading and public hearing.

Mayor Nolan explained the project and funding. If we do not get FEMA grant, then we will not spend the money.

Mayor Nolan opened for public hearing.

Carol Bucco of 330 Shore Drive asked if there is no grant, will you cancel the bond ordinance.

Mayor Nolan we would do a resolution to cancel.

Don Mandrodt of 268 Bayside Drive asked what effect this will have on our tax rate.

Mr. Pfeffer explained that if we get the FEMA grant then we would be subject to the debt service of the New Jersey Trust. We do not know what the impact will be yet.

Don Mandrodt asked if we should wait until we see if we get FEMA funding.

Mr. Pfeffer stated that this was done by the council to show that we are serious.

Don Mandrodt does not feel the work being done will not stop flooding

Mayor Nolan stated that the entire program will make a significant improvement.

Don Mandrodt spoke of the flooding from Monmouth Hills.

Mayor Nolan said he has started meetings with Middletown about Monmouth Hills.

Mayor Nolan closed the public portion.

Mrs. Cummins stated that the final reading and adoption of O-12-20 Bond Ordinance will be carried to the October 17th meeting. We need to go before the local finance board.

Mayor Nolan offered a motion to carry O-12-20 Bond Ordinance to the October 17th meeting, seconded by Mr. O'Neil and all were in favor on the following roll call vote:

ROLL CALL:

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

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Ordinances: Introduction & Setting of P.H. Date for October 17th

Ordinance O-12-21 Ordinance Permitting Parking in Front of Driveway for Homeowners:

Mrs. Cummins read the title of Ordinance O-12-21 – Ordinance Permitting Parking in Front of Driveway for Homeowners for introduction.

Chief Blewett feels this will be problematic.

Mr. Padula stated that they will be required to get a permit.

Mr. O’Neil offered the following Ordinance and moved on its introduction, setting of a public hearing date of October 17, 2012 at 8:00 P.M. and authorized its publication according to law:

Borough of Highlands

County of Monmouth

O-12-21

An Ordinance supplementing Section 7-3 of the Code of the Borough of Highlands to provide Section 7-3.9, “Parking in Front of Driveway,” permitting homeowner or resident parking in front of that residence’s driveway

Whereas, N.J.S.A. 39:4-138.3 *et seq.* enables municipalities to adopt an ordinance permitting parking in front of driveways, subject to certain restrictions contained therein; and

Whereas, the Borough finds that it is in its best interest to adopt an ordinance pursuant to this section to maximize parking opportunities in the Borough.

Now, therefore, be it Ordained as follows:

SECTION ONE: The Code of the Borough of Highlands shall be supplemented with the addition of Section 7-3.9, which shall provide as follows:

§ 7-3.9 Parking in front of driveway.

A. Pursuant to N.J.S.A. 39:4-138.4, the Administrator or Chief of Police, or their designee, (hereinafter referred to as the “Municipal Official,”) may issue to owners of private driveways and, in the case of a private residence to members of the same household, permits authorizing the parking of private passenger vehicles in front of the owner's driveway. The Municipal Official may require an owner to file a complete application for such a permit on a form provided by the Municipal Official. An owner of a private driveway shall be eligible to apply for up to three (3) permits for his or her own motor vehicles or for use by other parties authorized by the owner to park in front of the private driveway. In the case of a private residence, each member of the owner's household who owns a motor vehicle shall also be eligible to apply for a permit issued under this section. The Municipal Official may require an applicant to

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provide evidence that the driveway was legally established in accordance with the municipal Zoning Code.

B. The permit shall identify the location of the driveway and the vehicle authorized to park in front of the driveway. The permit shall be 5 1/2 inches by 8 1/2 inches in size and shall bear an appropriate certification of authenticity and shall be displayed prominently within the vehicle when parked so as to be seen from the middle of the street.

C. No owner may permit any vehicle to park in front of the owner's driveway without a valid driveway parking permit displayed prominently within the vehicle when parked so as to be seen from the middle of the street.

D. No owner may charge a fee for permitting anyone to park a vehicle in front of the owner's driveway.

E. The parked vehicle must be parked parallel to the curb in front of the driveway. No vehicle shall be parked in such a way as to block access to any sidewalk.

F. Markings for the driveway shall not exceed the minimum necessary clearance to safely ingress and egress the driveway.

G. No permits shall be issued for multiuse or connecting driveways.

SECTION TWO: 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.

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

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Mayor Nolan asked for information regarding cost and who will be issuing permits for the meeting.

Other Business:

Borough Engineer's Status Report:

Mr. Keady read thru his report.

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Re: Engineer's Status 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
- Minor concrete work remains on Valley Avenue
- Utility delay on Woodland Street due to concerns over leaning utility pole. JCP&L has presented a solution. Working with Contractor to resume construction.
- Valley Avenue and Bay View Street have been final paved.

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

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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.
- 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.
- Project has been substantially completed.
- Speed humps to be installed at the revised locations the week of September 24, 2012.
- Final restoration/punchlist items to be completed the week of September 24, 2012.

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 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.
- Project has been substantially completed.
- Punchlist items are being addressed.
- Contractor will proceed with sod installation at Huddy Park the week of September 24, 2012.

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. **FEMA House Lifting Program:** A meeting was held with Borough Officials and the affected residents on July 24, 2012 and again on July 30, 2012 with FEMA and State

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officials. Conflicting information was provided on July 30, 2012 and we are currently attempting to obtain a clear directive from the State on how to proceed.

3. **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. We provided a formal presentation to the Committee on August 22, 2012.
4. **FY 2013 NJDOT Local Aid Applications:** The NJDOT has recently announced they are soliciting projects for Municipal Aid, Transit Village, Bikeways and Safe Streets to Transit grants. Applications are due October 16, 2012.

Mr. Francy wants to talk about flooding at Valley and Bay. The water is not getting to the pump station. We have to do something. The cost to fix this is \$660,000.00.

Mr. Pfeffer spoke of bonding concerns and options.

Mr. O'Neil feels we should move forward on the Shore Drive project while we wait for FEMA.

Mr. Francy feels we need to move forward with Valley Avenue.

Mr. Leubner will need to do a cost estimate for Shore Drive

Mr. O'Neil offered a motion authorizing T&M Association to prepare application for Shore Drive Project, seconded by Mayor Nolan and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Mr. Keady will provide a draft resolution and send it to Mrs. Cummins for the meeting.

Mr. Leubner has a cost list in place for Valley and will forward to the council tomorrow.

Open Space Grant Update:

Mr. Hill stated that we applied for Monmouth County Open Space Grant program. The application was submitted today. We had a public hearing for Snug Harbor beach access improvements. The approximate cost is \$46,000.00 for the improvements. It is a dollar for dollar match. He also spoke of the CDBG funding. The North Street pump has been considered for funding. We are one of seven projects being considered. He further explained the process.

Substand Housing:

No discussion.

Request for Use of Veterans Park:

Mr. Hill explained a program request for a public program for October 10, 2012.

Mayor and Council all approved.

Review of Draft Tax Abatement Ordinance:

Mayor Nolan asked to table this to the October 17th meeting. He would like council to email or meet with each other to discuss this ordinance.

Mr. Padula will send all the charts with all the options to the council.

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Public Portion:

Tara Ryan of 17 Ocean Street spoke about the sign that was put up saying “no dogs on beach.” The sign is not working.

Mr. Hill will look in to it. It is a State fence and they may have put it up. He will find out.

Kim Skorka of 315 Shore Drive discussed the noise ordinance. Maybe we can ticket the band and not the bar owner.

John & Melissa McAleer – passed

Carol Bucco of 330 Shore Drive spoke about resolution R-12-203 if it will help with condemned houses.

Mayor Nolan explained how it could be an incentive for a homeowner if there is tax abatement in place.

Substandard Housing:

Mayor Nolan stated that we reinstated who should be on the substandard committee. We are trying for a first meeting on Wednesday. He discussed who will be on this committee and different processes they will discuss.

Carol Bucco feels the money for the speed bumps should be used for Valley Avenue. We do not need the speed bumps on Highland Avenue. She feels they are need only at the end of South Peak Street.

Carol Custer of 38 Central Avenue spoke of Central and Bay Avenue flooding. She feels the flooding is worse than ever. The DPW needs to clean the drains, engineers need to do something and Jones Creek needs to be cleaned. She also spoke about parking. She feels that people should be able to park in front of their houses. She would like to have permit parking. She puts cones out and the police removed her cones.

Mr. O’Neil explained permit parking and that it’s not exclusive.

Carol Custer spoke of sidewalk repair that she is doing. How wide can a driveway be?

Mr. Leubner answered that a residential driveway can be 18 feet.

Mr. Padula will find the State Statute, fines and amount.

Carol Custer asked what the Mayor and Council are doing to save money.

Mayor Nolan explained that many unions took a 0% increase.

Mr. Pfeffer listed other savings, such as: private garbage, State health benefits, and employee lay offs. The council has gone after all grants to help reduce costs.

Don Mandrodt of 268 Bayside Drive stated that the ditch on Bayside Drive can not be dug out because of the fence.

Mr. Francy stated that we hope to have the road repaved; we are waiting for an agreement from Exxon.

Mr. Hill will have DPW take care of the ditch.

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Claudette D'Arriyo of 12 Seadrift Avenue thanked all for taking care of 5 Seadrift Avenue.

Shanna King of 15 Seadrift Avenue thanked council regarding Seadrift Avenue parking.

Terrence King of 11 Seadrift Avenue spoke of parking problems and asked if we could allow parking on Marine Place.

Mayor Nolan stated that we will look in to it.

There were no further questions.

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

The Meeting adjourned at 9:49 p.m.

Debby Dailey, Deputy Clerk

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