

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
February 20, 2013**

Meeting Location: Highlands Elementary School, 360 Navesink Avenue, Highlands, NJ 07732

This meeting was not electronically recorded.

Mayor Nolan called the meeting to order at 7:15 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: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Kane

Absent: Ms. Kane

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

Executive Session Resolution:

Mayor Nolan offered the following Resolution and moved its adoption:

R-13-70

**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, Highlands Damage Assessment Mercado & Vitale
- 2.Contract:** Shore Grafx
- 3.Real Estate:**
- 4. Personnel Matters:**
- 5. Attorney-Client Privilege:** Potential Ord for ABFE and/or C/o's

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

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

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

- 1. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.**
- 2. Any matter in which the release of information would impair a right to receive funds from the federal government.**
- 3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal**

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

4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.

5. Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.

6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law

7. Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing Co. v. New Jersey Expressway Authority*, 124, NJ 478 (1991).

9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

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

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the meeting back to order at 8:30 p.m.

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

Mr. Hill asked for a moment of silence for our Purchasing Agent, Michael Hrbek.

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan
NAYES: None

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ABSENT: Ms. Kane

ABSTAIN: None

Highlands Business Partnership:

Public Hearing on 2013 HBP Budget

Mrs. Cummins stated that notice was published in the February 1st, 2013 edition of the Two River Times and may now be open for the public hearing.

Mr. Francy stated that he spoke with Carl Braswell. Last year they committed \$10,000.00 to street cleaning but it is not in the budget. He wants this noted.

Mayor Nolan closed the public hearing.

Resolution R-13-68 – Resolution Adopting the HBP Budget:

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

**R-13-68
RESOLUTION APPROVING THE
HIGHLANDS BUSINESS PARTNERSHIP
2013 BUDGET**

WHEREAS, the Governing Body of the Borough of Highlands hereby approves of the following Highlands Business Partnerships 2013 Budget with the stipulation that the HBP provide the same cleaning of Bay Avenue for the period of May through September as was provided last year.

HIGHLANDS BUSINESS IMPROVEMENT DISTRICT

District Management Corporation
Highlands Business Partnership
January 1, 2013– December 31, 2013

**COMMERCIAL DISTRICT
PROGRAM BUDGET**

**2012
EXPENSE**

Visual Improvement.....	20,000.00
<input type="checkbox"/> Beautification	
<input type="checkbox"/> Maintenance	
<input type="checkbox"/> Holiday & Seasonal	
<input type="checkbox"/> Street Banners	
Special Events Calendar.....	\$50,000.00
<input type="checkbox"/> Creation of events	
Marketing & Communications.....	\$20,000.00
<input type="checkbox"/> Ad campaigns	
<input type="checkbox"/> Tourism	
<input type="checkbox"/> Public Relations	
<input type="checkbox"/> Image Building	
<input type="checkbox"/> Visitor Guide 2012-2013 – Flood Damage	
<input type="checkbox"/> Audio & Video Media	
<input type="checkbox"/> Maintain Website & Database & Graphic Ad Design.....	\$10,000.00
Economic Development.....	\$15,000.00
• Business Recruitment/Retention & Redevelopment	
Administrative Budget	
Personnel.....	\$25,000.00

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Miscellaneous.....\$10,000.00

- Legal
- Audit
- Insurance
- Office Supplies
- Utilities – Telephone, fax & electric
- License & fees

TOTAL Expenses.....\$150,000.00

HIGHLANDS BUSINESS IMPROVEMENT DISTRICT

District Management Corporation
Highlands Business Partnership
January 1, 2013 – December 31, 2013

COMMERCIAL DISTRICT
PROGRAM BUDGET

2013
Income

Special Events Income.....\$85,000.00

- Vendor Fees Income
- Event Income (Social Affairs & Raffle Permit income)

Marketing & Communications.....\$15,000.00

- Sponsorship Income
- Barter Goods & Services (approx. \$12k)

TOTAL Income\$100,000.00

TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE - \$50,000.00

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: None

Consent Agenda:

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

R-13-62

BOROUGH OF HIGHLANDS

COUNTY OF MONMOUTH

RESOLUTION - APPROVAL OF CORRECTIVE ACTION PLAN FOR SFY 2012

WHEREAS, the Directive by the Division of Local Government Services, Local Finance Notice 92-15 dated August 9, 1992, requires that the Chief Financial Officer must submit a Corrective Action Plan, relative to the findings and recommendation in the annual audit report; and

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WHEREAS, the Governing Body of the Borough of Highlands has reviewed said Corrective Action Plan for the State Fiscal Year 2012

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that said Corrective Action Plan is hereby approved.

NOW, THEREFORE BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, the Director of the Division of Local Government Services, and all appropriate Borough Officials.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved on its approval for payment:

**R-13-63
RESOLUTION GRANTING TAX EXEMPTION
TO DISABLED VETERAN
FOR BLOCK 48 LOT 2**

WHEREAS, R. Robertson is a 100% disabled veteran and is the owner and resident of 29 Cornwall Street, Highlands (Block 48 Lot 2) the 100% service connected disability having been awarded to Reg Robertson by the Veteran Administration for medical conditions arising from his military service; and

WHEREAS, the petitioner has applied for exemption of the taxes assessed for his property located at 29 Cornwall Street, Highlands, as a 100% disabled veteran pursuant to N.J.S.A. 54:4-3.30(A), and the Robertson residence is exempt for its tax assessment commencing on March 1, 2013 as the residence of a 100% disabled veteran; and

WHEREAS, the Governing Body of the Borough of Highlands, upon recommendation of the Tax Assessor, has determined that Reg Robertson is entitled to a tax exemption as a 100% disabled veteran for conditions received in the honorable service of his county and his fellow citizens, and the effectuating the policy of tax exemption as of the appropriate date is proper.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that pursuant to the authority of N.J.S.A. 54:4-3(A) the Tax Assessor is hereby authorized to exempt Block 48 Lot 2, 29 Cornwall Street, Highlands, the residence of Reg Robertson, a 100% disabled veteran, from the prorated assessment of property effective March 1, 2013.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

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R-13-64**

**RESOLUTION – REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF
LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR
THE ACCEPTANCE OF BEQUESTS, LEGACIES AND GIFTS
FOR BOROUGH EMPLOYEES IMPACTED
BY HURRICANE SANDY**

WHEREAS, N.J.S.A. 40A:5-29 authorizes and empowers municipalities to accept bequests, legacies and gifts made to it and empowers municipalities to utilize such bequests, legacies and gifts in the manner set forth in the conditions of the bequest, legacy or gift; and

WHEREAS, the City of Punta Gorda, Florida’s municipal employees raised and donated \$2,200 for the Borough of Highland’s municipal employees who were impacted by Hurricane Sandy. The Borough of Highland’s Administrator has devised the following plan for the disposition of the funds:

The funds raised by the City of Punta Gorda, Florida will be divided up equally amongst all employees impacted by Hurricane Sandy who wish to participate (see attached memo dated February 15, 2013).

The Borough Administrator will be responsible for all decisions regarding the allocation and disposition of the funds.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

1. The Governing Body hereby requests permission of the Director of the Division of Local Government Services to place such bequests, legacies and gifts in a specific trust fund and such trust fund shall be considered a “Dedication by Rider” to the budget of the local unit per N.J.S.A. 40A:4-39 for the sole purpose stated above (Employee Impact Fund: Hurricane Sandy).

2. The Borough Clerk of the Borough of Highlands is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: None

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

R-13-65

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO
EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE
AND DELIVERY OF FY 2013
COMMUNITY DEVELOPMENT PROJECTS**

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WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended: and

WHEREAS, the County of Monmouth expects to receive an allocation for FY 2013 from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for FY2013 to the U.S. Department of Housing and Urban, which included a project hereinafter referred to as Borough of Highlands North Street Pumpstation Repair & Drainage Improvements Project with a grant allocation of \$178,077.00

WHEREAS, the Borough of Highlands hereby met all the requirements for the release of funds to begin incurring costs for this project: and

WHEREAS, the Borough of Highlands has filed with the Monmouth County Community Development Program an acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS," which is included as Appendix I of the Project Agreement.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Municipal Clerk of the Borough of Highlands authorized to execute with the County of Monmouth the attached Project Agreement.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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

Resolution R-13-66

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR TO SIGN A
CERTIFICATION PROHIBITING THE USE OF EXCESSIVE FORCE AND A
CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING**

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for FY 2013; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Borough of Highlands execute a project agreement with Monmouth County to undertake a project known as North Street Pumpstation and Drainage Improvements and

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Highlands sign additional certifications in order to receive these funds; and

WHEREAS, the Borough of Highlands has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highlands has met the conditions of receiving a FY 2013 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Highlands is hereby authorized to sign the attached certifications which will become part of the FY 2013 Project Agreement.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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

R-13-67

RESOLUTION APPROVING CONTRACT AGREEMENT WITH DYNAMIC TESTING SERVICES FOR RANDOM DRUG AND ALCOHOL TESTING SERVICES

WHEREAS, the Borough of Highlands is in need of continuing to have testing services provided to certain Borough employees holding a CDL License; and

WHEREAS, services will be provided at the following rates:

DOT 5 Panel Urine Drug Screen:	\$45.00
Breath Alcohol with Confirmation:	\$35.00
Split Specimen Testing:	\$210.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough Clerk be and is hereby authorized to execute contract agreement with Dynamic Testing Services, 230 Main St, Ste C, Toms River, NJ 08753 This contract is to provide services for the period of April 1, 2013 to March 31, 2016.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Mayor Nolan offered the following Payment of Bills and moved on approval of payments:

**RECAP OF PAYMENT OF BILLS
02/20/2013**

CURRENT:		\$ 410,999.17
Payroll	(02/15/2013)	\$ 117,547.36
Manual Checks		\$ 732,397.25
Voided Checks		\$
SEWER ACCOUNT:		\$ 110,306.90
Payroll	(02/15/2013)	\$ 2,905.01
Manual Checks		\$ 2,152.44
Voided Checks		\$
CAPITAL/GENERAL		\$
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 6,297.57
Payroll	(02/15/2013)	\$ 350.00
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$

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GRANT FUND		\$	
Payroll	(02/15/2013)	\$	11,581.32
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
February 20, 2013**

CURRENT FUND

ARCADIS	FEMA Application Services	1,657.00
Gibbons	Hurricane Sandy Resolutions	450.00
Gibbons	Hurricane Sandy Note Sale	2,225.04
Gibbons	NJEIT 2013 Bond Services	1,656.50
JCP & L	Electric - Various Locations #2013-1	2,407.55

Total Current Fund **8,396.09**

CAPITAL FUND

Total Capital Fund **0.00**

GRANT FUND

Total Grant Fund **0.00**

SEWER UTILITY FUND

Gibbons	AHHRSA Dissolution Services	526.50
NJ American Water	Water Usage Report	43.19

Total Sewer Utility Fund **569.69**

TRUST FUND

Total Trust Fund **0.00**

Total Supplemental Bill List **8,965.78**

Seconded by Mr. Redmond and approved for payment on the following roll call vote:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: None

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Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the February 6th, 2013 Executive and Regular Meeting minutes, seconded by Mr. Redmond and all were in favor on the following roll vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: Mayor Nolan

Mr. Redmond questioned the Veterans Tax Exemption Resolution.

Mr. Manrodt explained.

Other Resolutions:

****Mayors Appointment with Consent of Council ****

Mayor Nolan offered the following resolution and moved its adoption:

**R-13-61
RESOLUTION APPOINTING MEMBERS
OF THE OPEN SPACE COMMITTEE**

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following appointments be made to the Open Space Committee:

1. Laurie Salka Regular Member 3 year term

to expire 12/31/14

2. _____ Regular Member Unexpired 3 year term

to expire 12/31/14

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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

**R-13-69
RESOLUTION SEEKING ASSISTANCE FROM THE
SANDY GROUND PROJECT FOUNDATION**

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WHEREAS, Sandy Ground Project Foundation is a Foundation to save the Jersey Shore Playgrounds; and

WHEREAS, the Governing Body of the Borough of Highlands is very interested in being placed on a list for the Sandy Ground Project to make improvements to the Veterans Park located on Bay Ave; and

NOW THEREFORE BE IT RESOLVED by the Governing Body that the Borough of Highlands hereby request permission to be placed on the list for the Sandy Ground Project to seek improvements to the Veterans Park.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Mayor Nolan
NAYES: None
ABSENT: Ms. Kane
ABSTAIN: None

Ordinances: Introduction & Set Public Hearing Date for March 20th, 2013:

Ordinance O-13-1 Setting of a Salary Ordinance

Mrs. Cummins read the title of Ordinance O-13-1 for introduction and setting of a public hearing for March 20th, 2013.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of March 20, 2013 at 8:00 p.m. The public hearing will be held at the Highlands Elementary School located at 360 Navesink Ave, Highlands, NJ.

**O-13-1
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE AMENDING CHAPTER 9, SECTION 8
OF THE CODE OF THE BOROUGH OF HIGHLANDS ESTABLISHING AND AMENDING
APPLICABLE DUE DATES FOR SEWER CHARGES**

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

WHEREAS, the Borough's auditor has recommended that sewer service charges be due and payable on February 1, May 1, August 1 and November 1 and that additional dates in the Code need to be amended to conform with current practices;

WHEREAS, the Borough wishes to establish and codify sewer service charge due dates, in accordance with applicable law and regulations; and

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

NOTE: All additions are shown in bold italics with underlines. The deletions are shown as strikeovers in bold italics. Sections of Chapter 9, Section 8 that will remain unchanged are shown in normal type.

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SECTION ONE. Chapter 9, Section 8 of the Code of the Borough of Highlands shall be amended and adopted to provide as follows:

9-8 FEES.

9-8.1 Sewer Rates and Charges.

Sewer service charges shall be as follows:

User Classification	Quarterly Rate
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Residential Effective 1/01/12	\$140.00
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Nonresidential (including schools) Quarterly sewer charges herein imposed shall be based upon water consumption of the property served, as hereinafter set forth. The charges for each quarter shall be a minimum charge of \$140.00 per quarter for up to 31,938 gallons of water usage. Over 31,938 gallons of water usage, additional charges shall be based on \$.004424 per gallon for the excess. Sewer charges shall be based on water usage from the prior quarter. Effective 1/01/12

Houses of worship (including but not limited to churches, rectories and convents):	\$35.00
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9-8.2 Quarterly Minimum Charges.

There shall be due and payable quarterly beginning on July 1 January 1, a quarterly minimum charge for each consumer as provided in subsection 9-8.1.

9-8.3 Sewer Charge Due Dates

Sewer service charges shall be due and payable on February 1, May 1, August 1 and November 1. The February 1 payment shall constitute payment for January through March 31 of the same year. There shall be a thirty (30) day grace period for the payment of sewer charges.

9-8.4 Charge for Sewage Service Only.

All premises having no connection to the water supply system and being served by their own wells or other source of supply shall have the supply metered and shall pay only the sewage service minimum rate as determined by the meter.

9-8.5 Flat Service Charges.

Flat service charges can be made only with approval in writing by a resolution of the mayor and council and upon written contract entered into pursuant to the direction of the resolution. Bills for all users with the exception of trailers will be rendered quarterly beginning July 1 January 1 for the entire fiscal year. Annual interest at the rate of eight percent shall be chargeable on each quarterly bill beginning 30 days after due date. Bills for excess water above the annual minimum charge used during the fiscal year shall be added to the following year's bill as of July 1 January 1, and be billed as a separate item.

9-8.6 Commercial Users Charge.

Bills for commercial users shall be rendered semi-annually on January 1 and July 1 and shall be paid without penalty, unless arrears remain unpaid for one month after the bill is rendered.

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9-8.7 Reserved.**

9-8.8 Deposit Required.

A deposit of one hundred fifty (\$150.00) dollars for concrete roads, one hundred twenty (\$120.00) dollars for bituminous roads and fifty (\$50.00) dollars for gravel or dirt roads shall be made with the collector of water and sewer rents to guarantee the cost of replacement of the street where the cut is made to its former condition. The collector shall issue the permit to open the street upon receipt of a fee of twenty (\$20.00) dollars per street opening, which permit shall also serve as a receipt for the deposit for the introduction or repair of water or sewer service pipes. The replacement shall be made by the department and the actual cost of the replacement shall be charged against such deposit. If the deposit is in excess of the cost, the balance shall be returned to the depositor and if the deposited sum is insufficient, a bill shall be rendered to the applicant by the collector for the amount due. Both owner and plumber so opening the street shall be held responsible so that due precautions such as barricades, red lights and other necessary means shall be taken to prevent and avoid accidents.

9-8.9 Connection Fee to Sewer System.

There is hereby established a fee of one thousand five hundred (\$1,500.00) dollars per unit to connect to the borough sewer system, which fee shall be due and payable upon application for connection. For the purpose of this section "unit" shall be construed to mean any single residence and any single commercial entity whether alone or as part of a larger structure.

9-8.10 Sewer Ownership and Maintenance.

a. Municipal. The borough shall have ownership and be responsible for the maintenance of all sanitary sewer (public sanitary sewer system) mains, manholes, clean-outs and laterals within its right-of-way or within the right-of-way of governmental agencies. Any breaks, leaks or blockages in the right-of-way shall be the responsibility of the borough.

b. Nonmunicipal. The local property owner shall have ownership and be responsible for all sanitary sewer mains, manholes, clean-outs and laterals within private property (nonpublic sanitary sewer system or building lateral) and any breaks, leaks, or blockages on private property shall be the responsibility of the property owner.

c. Municipal Maintenance Responsibility. The borough shall maintain its sanitary sewer system, as defined herein, in good working order. In no event shall the borough provide any labor or material to clear or remove obstructions from a blocked nonmunicipal sanitary sewer system, as defined herein, and said work shall be the sole and exclusive responsibility of the property owner with the dividing line of responsibility being the property line between the public right-of-way and the private property. When the municipality is called upon by a private property owner or the tenant agent or representative of the private property owner to investigate a maintenance issue within the system, the borough will respond. If a problem is discovered in that portion of the system that falls under the municipal maintenance responsibility, it shall be corrected. However, if it is determined that the problem is in the nonmunicipal portion of the system, the private property owner, tenant, agent or representative shall be responsible to repair and correct the problem. The borough will also assess a charge of one hundred seventy (\$170.00) dollars* for the call out and inspection that lead to the discovery of the problem in the non-municipal portion of the system.

d. Developer Obligation. Nothing contained herein shall alleviate the obligation and responsibility of the property owner or applicant for a sanitary sewer line as part of a new development during the performance bond and/or maintenance bond period.

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9-8.11 Reserved.

9-8.12 Reserved.

9-8.13 Sewer Connection Fees.

a. Residential Unit. For each new residential unit that uses the sewer system of the Borough of Highlands there is established the following connection fees for the right to use the existing sewer facilities:

Sewer connection fee: \$1,500.00

For purposes of this section, a "new residential unit" means any new residential area, including but not limited to an apartment, cooperative apartment, condominium, mobile home, rented room with separate bath facilities, and single family house, which unit is created either by new construction, or by conversion from an existing use. Included within the definition of "new residential unit" is a condominium or cooperative apartment created by conversion from an existing rental building, and an apartment created within an existing single-family house.

b. Nonresidential Unit. For each new nonresidential unit that uses the sewer system of the Borough of Highlands, there is established the following connection fees for the right to use the existing sewer facilities:

Sewer connection fee: An amount not less than one thousand five hundred (\$1,500.00) dollars equal to the projected daily sewerage flow divided by the average daily sewerage flow per residential unit, rounded up to the nearest whole number, times one thousand five hundred (\$1,500.00) dollars.

Projected sewer flows will be calculated by the applicant, and will be subject to review and approval by the borough engineer.

For purposes of this subsection, a new nonresidential unit will be any new nonresidential area, including any new office or business with separate toilet facilities, created by new construction or by conversion from an existing use.

In the event that any subsection of the within section is declared to be illegal, unconstitutional or otherwise invalid, then the balance of the ordinance shall not be deemed void, but shall remain in full force and effect.

c. Sewer Connection Inspection Fee. Following the completion of the connection from any property to the borough sewer system, a fee of fifty (\$50.00) dollars shall be due and payable to the borough for the inspection of same by the borough's licensed plumbing inspector. The inspector shall be given reasonable notice of the completion of the connection in order that he may schedule a connection inspection.

9-8.14 Late Fee for Overdue Sewer Bills.

All sewer charges shall be due and payable within 30 days of the quarterly due date February 1, May 1, August 1 or November 1 as the case may be. In the event that any charges are not paid within 30 days of the quarterly due date the February 1, May 1, August 1 or November 1 due date, then the charges shall be considered delinquent as of the quarterly due date. Interest shall accrue from the date of delinquency on all unpaid delinquent balances at the rate of eight percent per annum on the first one thousand five hundred (\$1,500.00) dollars of any unpaid balances and 18 percent per annum for any balances in excess of one thousand five hundred (\$1,500.00) dollars, with said interest accruing upon the balances, and interest thereon, until such time as they are paid in full.

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9-8.15 Reserved.

SECTION TWO. 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 Mr. Redmond and introduced on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

Other Business:

Borough Engineer's Status Report:

Mr. Leubner read thru his report and answered questions from the Council.

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Via First Class Mail & Email

Timothy Hill

Borough Administrator

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. The project has been put on hold. We have requested to be included in the 2014 EIT funding cycle at this time.

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

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- 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
- Valley Avenue and Bay View Street have been final paved.
- Contractor tentatively scheduled to resume drainage work on Woodland Street the week of February 25, 2013.

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

- Currently finalizing costs and closeout documentation with the Contractor.
- We continue to negotiate costs with the Contractor associated with the March 2012 watermain break on Miller Street.

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 awarded as follows:

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Bid Date: November 30, 2011

Conditional Award Date: February 15, 2012

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

Amount: \$387,842.40

- Final NJDOT voucher has been returned to the NJDOT for approval.
5. The Dredging of Jones Creek at Snug Harbor: Permit applications and associated plans are underway.
- County is offering to dredge Jones Creek utilizing County forces and equipment as long as the Borough obtains the necessary permits.
 - Permit plans are being completed for submission.
6. The Replacement of the North Street Stormwater Pumpstation: The station was lost during Hurricane Sandy.
- A 12" trailer pump is currently in place and utilized as needed until the station can be replaced.
 - Design is substantially complete.
 - o Station has been redesigned higher to be out of the new floodplain per recent ABFE's.
 - o Design has been revised to utilize electric pumps with a backup diesel generator due to the inability to satisfy NJDEP sound attenuation regulations.
7. Repairs to Washington Avenue: This project will complete repairs to the roadway due to the bulkhead failure at the Captain's Cove Marina. The project was advertised and awarded as follows:

Bid Date: October 10, 2012

Award Date: December 5, 2012

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

Amount: \$46,150.00

- Construction will commence once the weather is more conducive to construction activities.
8. The Reconstruction of Bayside Drive: The project includes the area between Marie and Matthews Streets and is being funded by Exxon/Mobil as part of the overall remediation project.

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- Survey has been completed and overall project design has commenced.

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 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. The overall application has been approved. We are currently awaiting agreements to be sent to the Borough for review.
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. T&M provided a formal presentation to the Committee on August 22, 2012.
4. FY 2013 NJDOT Local Aid Applications: The application for the resurfacing of Shore Drive between Waterwitch Avenue and Locust Street has been submitted as directed by the Governing Body.

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

T&M ASSOCIATES

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

HIGHLANDS BOROUGH ENGINEER

RRK:DRL

Mayor's Appointments to Planning Board:

Tabled to second meeting in March.

Acknowledgement of Punta Gorda Fundraising Efforts:

Mayor Nolan explained Punta Gorda's fundraising efforts for the Borough employees.

Mr. Hill stated that he sent a letter to all employees to see who wants to participate.

Discussion RE: Solution Center:

Mayor Nolan spoke about the Solution Center and upcoming events. He also stated that we are trying to create a database. They spoke with both schools regarding counseling for the school children and also for Senior Citizens.

Mr. Hill stated that the Solution Center has had 150 visitors and 244 visitors for permits.

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Mr. Francy explained that the permit process delay last week was due to illness.

Finance – CFO Update on Recent Meeting with State:

This item was already discussed in the Executive Session.

Construction Official Flood Damage Inspections with Paul Vitale:

This item was already discussed in the Executive Session.

Public Portion:

Don Manrodt of 268 Bayside Drive stated that a telephone pole on Bayside Drive and Matthews Street has low wires.

Mr. Hill will get the pole numbers and contact JCP&L.

Don Manrodt stated that the Solution Center is doing a great job.

There were no further questions.

Mr. Redmond offered a motion to adjourn, seconded by Mr. Francy and all were in favor.

The Meeting adjourned at 8:50 p.m.

Debby Dailey, Deputy Clerk

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