

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
March 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 7:10 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-13-78

**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: Sewer Plant Operator Contract, Future Sanitation Contract
Purchasing Agent Contract**
- 3.Real Estate:**
- 4. Personnel Matters: Police Department**
- 5. Attorney-Client Privilege: Arcadius
Potential Ord for ABFE and/or C/o's
Sandy Hook Bay Marina Relocation Requirements**

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

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

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

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

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

4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any 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 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

The Governing Body then entered into Executive Session.

Mayor Nolan called the meeting back to order at 8:22 p.m.

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

ROLL CALL:

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

NAYES: None

ABSENT: Ms. Kane

ABSTAIN: None

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Consent Agenda:

Mayor Nolan asked if there were any resolutions that anyone would like pulled.

Mr. Pfeffer requested to pull R-13-80 LOSAP for First Aide. They need to submit a revised list.

Mayor Nolan introduced and moved the adoption of the following resolution and Mr. Redmond seconded the motion:

R-13-79

RESOLUTION AMENDING RESOLUTIONS NUMBERED 12-241 AND 12-237 OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, EACH ADOPTED NOVEMBER 21, 2012, WHICH PROVIDED FOR A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$2,200,000 AND AUTHORIZED THE ISSUANCE OF NOT TO EXCEED \$2,200,000 OF NOTES TO FUND SUCH APPROPRIATION, TO INCREASE SUCH AMOUNT BY \$2,000,000.

Section One. Resolutions #12-241 and #12-237 (the "Resolutions") of the Borough of Highlands, in the County of Monmouth, State of New Jersey (the "Borough"), each adopted November 21, 2012, are each hereby amended to replace any reference to "\$2,200,000" with "\$4,200,000", thereby increasing the total amount of the special emergency appropriation and the authorization of notes by \$2,000,000, to the amended amount of \$4,200,000.

Section Two. To the extent not inconsistent herewith, the remainder of the Resolutions shall not be further amended hereby and shall remain in full force and effect.

Section Three. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

ROLL CALL:

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

Mayor Nolan offered a motion and moved on the adoption of the following Resolution:

R-13-81

**RESOLUTION APPROVING FIRE DEPARTMENT
MEMBERSHIP APPLICATION**

WHEREAS, Robin H. Dowd has submitted a Fire Department Membership Application to the Highlands Fire Department; and

WHEREAS, the Fire Chief has reviewed the membership application submitted by Mr. Dowd and recommends that the application be approved.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Fire Department Membership application submitted by Robin H. Dowd is hereby approved and the Borough Clerk is hereby authorized sign the approved application.

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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-13-82
RESOLUTION APPROVING PERMITS**

WHEREAS, the Chilango's has filed an application for a Catering Permit for an event to be held on March 23, 2013 with no rain date; and

WHEREAS, the Highlands VFW has filed an application for a Social Affairs Permit for an event to be held on April 20, 2013 with no rain date; and

WHEREAS, the submitted application forms are 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 do hereby approve the Catering Permit for Chilango's for an event to be held on March 23, 2013 and the Social Affairs Permit for the Highlands VFW for an event to be held on April 20, 2013 with no rain date.

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 its approval for payment:

**RECAP OF PAYMENT OF BILLS
03/20/2013**

CURRENT:		\$ 223,380.94
Payroll	(03/15/2013)	\$
Manual Checks		\$ 106,245.01
Voided Checks		\$
SEWER ACCOUNT:		\$ 111,377.01
Payroll	(03/15/2013)	\$
Manual Checks		\$ 2,152.44
Voided Checks		\$

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CAPITAL/GENERAL		\$ 109.25
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 5,027.92
Payroll	(03/15/2013)	\$
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$
GRANT FUND		\$ 2,000.00
Payroll	(03/15/2013)	\$
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
March 20, 2013**

CURRENT FUND

Cleary Giacobbe Alfieri & Jacobs	Labor Counsel Services Jan-Feb 2013	2,247.50
Division of Pensions & Benefits	Police Pension	352,743.00
Division of Pensions & Benefits	Public Employees Pension	90,270.00
Pumping Services	North Street Pump Rental Jan 2013	5,418.00
Pumping Services	North Street Pump Rental Feb 2013	5,418.00
Pumping Services	South Bay PS Repair	810.00
Pumping Services	Valley Street PS Repairs	1,120.00
Pumping Services	Waterwitch PS Repairs	7,649.89
Twin Light Terrace Condo. Association	Snow Removal Reimbursement 2/8/13	375.00
T & M Associates	Hurricane Sandy Damage Services	4,598.74
Total Current Fund		470,650.13

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CAPITAL FUND

Total Capital Fund **0.00**

GRANT FUND

Total Grant Fund **0.00**

SEWER UTILITY FUND

Division of Pensions & Benefits **Public Employees Pension** **14,907.00**

Total Sewer Utility Fund **14,907.00**

TRUST FUND

Total Trust Fund **0.00**

Total Supplemental Bill List **485,557.13**

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

ROLL CALL:

AYES: **Ms. Ryan, Mr. Redmond, 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 February 20th, 2013 Executive and Regular Meeting minutes, seconded by Mr. Redmond and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYES: **None**

ABSENT: **Ms. Kane**

ABSTAIN: **None**

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Ordinances: Introduction & Set Public Hearing Date for April 17, 2013:

Ordinance O-13-2 Flood Damage Prevention Ordinance

Mr. Padula read the title of Ordinance O-13-2 for introduction and setting of a public hearing for April 17, 2013.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of April 17, 2013 at 8:00 P.M. and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

ORDINANCE NO. O-13-02

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH
AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 21 ZONING
AND LAND USE REGULATIONS, OF THE GENERAL ORDINANCES OF THE BOROUGH
OF HIGHLANDS**

WHEREAS, the Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, the Borough of Highlands wishes to waive the requirement that an applicant must obtain a variance for height and setback requirements from the Zoning Board of Adjustment for repairing, restoring or elevating of a building which was damaged between October 29, 2012 and October 31, 2012;

WHEREAS, the Borough of Highlands finds that it is in its best interest to amend and supplement Chapter 21 of the General Ordinances of the Borough of Highlands, entitled "Zoning and Land Use Regulations" to include the provision that no variance is required for setback or height requirements for repairing and elevating an existing building which was damaged between October 29, 2012 and October 31, 2012.

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

Section 1. Chapter 21, Part 1, Article II, Section 8, "Definitions" shall be amended to add the following:

VARIANCE — A grant of relief from the requirements of this Chapter that permits construction in a manner that would otherwise be prohibited by this Chapter. Applications for relief from the requirements of this Chapter shall not be required for repair or reconstruction of a building, including nonconforming buildings, provided that building was damaged between October 29, 2012 and October 31, 2012, and the reconstruction and/or repair arises out of the damage occurring between October 29, 2012 and October 31, 2012. A nonconforming building may only be repaired or rehabilitated to the same size on the same

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foot- print, provided however, that the structure may be modified to conform with the requirements of Part 7, Flood Regulations. Notwithstanding the foregoing, ingress and egress stairs, ramps and landings shall provide a three (3) foot setback from any property line.

Section 2. 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 3. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Seconded by Mr. Francy 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

Ordinance O-13-3 Amending Application for Certificate of Occupancy Ordinance

Mr. Padula read the title of Ordinance O-13-3 for introduction and setting of a public hearing for April 17, 2013.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date for April 17, 2013 at 8:00 P.M. and authorized its publication:

BOROUGH OF HIGHLANDS

ORDINANCE NO. O-13-3

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10-5.3 “APPLICATION FOR CERTIFICATE OF OCCUPANCY” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS TO PERMIT CERTIFICATES OF OCCUPANCY TO BE ISSUED WITHOUT REQUIRING THE NAME OF THE OCCUPANTS OF A RESIDENTIAL UNIT AT THE TIME OF APPLICATION

WHEREAS, the Borough of Highlands, desires to amend and supplement Chapter 10 of the Revised General Ordinances of the Borough of Highlands, specifically Section 10-5.3, entitled: “Application for Certificate of Occupancy;” and

WHEREAS, the Borough Planning Board has reviewed and recommended that the Certificate of Occupancy Ordinance be amended to permit Certificate of Occupancies to be issued without requiring the name of the occupants of a residential unit at the time of application; and

WHEREAS, the Governing Body has determined that amending Section 10-5.3 of the Revised General Ordinances of the Borough of Highlands is in the best interest of the Borough;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Highlands as follows:

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Section 1. Section 10-5.3(a) shall be amended to include subsection (5), which shall provide as follows:

In the event that the premises has been damaged between the dates of October 29, 2012 and October 31, 2012, such that the premises was deemed uninhabitable by an appropriate government official, the applicant, provided the occupant(s) is the same individual(s) who occupied the premises on October 29, 2012, need not provide the names and ages of all persons who are to occupy the premises at the time the application for the Certificate of Occupancy is made to the inspector. Rather, the applicant need only provide the inspector with the names and ages of all persons who are to occupy the premises within thirty (30) days after issuance of the Certificate of Occupancy. This subsection shall only apply to the initial application for a Certificate of Occupancy made after the premises has been deemed uninhabitable; this subsection shall not apply to any subsequent application for a Certificate of Occupancy.

Section 2. 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 3. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Seconded by Ms. Ryan 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

Ordinance O-13-4 Authorizing the Borough of Highlands to waive Construction Permit Fees

Mr. Padula read the title of Ordinance O-13-4 for introduction and setting of a public hearing for April 17, 2013.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of April 17, 2013 at 8:00 P.M. and authorized its publication according to law:

BOROUGH OF HIGHLANDS

ORDINANCE NO. O-13-4

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH
AND STATE OF NEW JERSEY AUTHORIZING THE BOROUGH OF HIGHLANDS TO
WAIVE THE CONSTRUCTION PERMIT FEES FOR WORK PERFORMED AS A
CONSEQUENCE OF DAMAGE CAUSED BY SUPERSTORM SANDY**

WHEREAS, the Uniform Construction Code permits the waiver of fees for work performed as a consequence of a natural disaster, including the New Jersey State Permit Surcharge Fee, when the local Code Enforcement Agency is waving its fee pursuant to N.J.A.C. 5:23-4.19; and

WHEREAS, the Governing Body of the Borough of Highlands find that it is appropriate and in its best interest to waive construction permit fees for work performed as a consequence of damage caused by Superstorm Sandy between October 29, 2012 and October 31, 2012.

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

Section 1. Retroactive to October 31, 2012, the Construction Official is authorized and directed to waive construction permit fees for any individual who has not been reimbursed for such fees by any insurance or other governmental program, for work performed as a consequence of damage caused by Superstorm Sandy between October 29, 2012 and October 31, 2012.

Section 2. 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 3. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Section 4. SUNSET PROVISION. The relief granted by this ordinance shall expire on July 1, 2013.

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

ABSENST: Ms. Kane

ABSTAIN: None

Ordinance O-13-5 Amending and Supplementing Chapter 21 Zoning and Land Use Regulations

Mr. Padula read the title of Ordinance O-13-5 for introduction and setting of a public hearing for April 17, 2013.

Mayor Nolan offered the following Ordinance and moved on its introduction, setting of a public hearing date of April 17, 2013 at 8:00 P.M. and authorized its publication according to law:

O-13-5

AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 21 ZONING AND LAND USE REGULATIONS, OF THE GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS

WHEREAS, the Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, the Borough of Highlands wishes to adopt the Advisory Base Flood Elevations and Maps as recommended by the Federal Emergency Management Agency;

WHEREAS, the Borough of Highlands finds that it is in its best interest to amend and supplement Chapter 21 of the General Ordinances of the Borough of Highlands, entitled "Zoning and Land Use Regulations" to incorporate the Advisory Base Flood Elevations and Maps as recommended by the Federal Emergency Management Agency.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands, the County of Monmouth, in the 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 21 that will remain unchanged are shown in normal type.

Section 1. Chapter 21, Part 1, Article II, Section 8, "Definitions" shall be amended to read as follows:

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GRADE PLANE — A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Finished grade shall be preconstruction grade on level sites and not in excess of two (2) feet above the preconstruction grade on the upland side(s) of a structure on sloping sites. Shall be defined as follows:

1. Areas located outside the Flood Hazard Area: A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Finished grade shall be preconstruction grade on level sites and not in excess of two (2) feet above the preconstruction grade on the upland side(s) of a structure on sloping sites.
2. Areas or portions of the building area of a lot located within the Flood Hazard Area: The reference plane shall be the more restrictive of the Base Flood Elevation or Advisory Base Flood Elevation of the Flood Hazard Area.

...

FLOOD HAZARD AREA — That area encompassing the floodway and adjacent portions of the flood plain fixed by the hydraulic gradient line established by the nearest downstream bridge structure except that in no case shall it exceed the elevations established for determining the floodplain. Land, and the space above that land, which lies below the flood hazard area design flood elevation. Structures, fill and vegetation that are situated on land that lies below the flood hazard area design flood elevation are described as being “in” or “within” the flood hazard area. The inner portion of the flood hazard area is called the floodway and the outer portion of the flood hazard area is called the flood fringe. There are two types of flood hazard areas:

1. Tidal flood hazard area, in which the flood hazard area design flood elevation is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to or influenced by stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources; and
2. Fluvial flood hazard area, in which the flood hazard area design flood elevation is governed by stormwater runoff. Flooding in a fluvial flood hazard area may be contributed to or influenced by elevated water levels generated by the tidal rise and fall of the Atlantic Ocean, but the depth of flooding generated by stormwater runoff is greater than flooding from the Atlantic Ocean.

FLOOD HAZARD AREA DESIGN ELEVATION — The highest elevation, expressed in feet above sea level, of the flood of record or as determined by the criteria set forth for determining the floodplain. The peak water surface elevation that will occur in a water during the flood hazard area design flood.

...

FLOODPROOFING — A combination of structural provisions and changes or adjustments to properties and structures subject to flooding for the reduction or elimination of flood damage to properties, water and sanitary facilities, and other utilities, structures and the contents of buildings. Measures applied to a building that are intended to prevent or provide resistance to displacement, buoyancy and damage from flooding up to a certain elevation, so as to eliminate or reduce potential flood damage to the building and its contents. There are two types of flood-proofing:

1. Wet flood-proofing, which are measures that allow floodwaters to enter a building, and thereby balance hydrostatic pressure on the structure during a flood. Wet flood-proofing generally includes using flood-resistant materials, protecting mechanical and utility equipment, and using openings or breakaway walls; and
2. Dry flood-proofing, which are measures that prevent floodwaters from entering a building. Dry flood-proofing generally includes making the building watertight through sealing openings, installing waterproof doors and windows, or sealing walls with waterproof coatings, impermeable membranes and/or a supplementary layer of masonry or concrete.

FLOODWAY — The portions of the floodplain adjoining the channel which are required to carry and discharge the flow of any natural stream. Land, and the space above that land, which lies within the inner portion of the flood hazard area, and which is mathematically determined to be required to carry and discharge floodwaters resulting from the 100-year flood under certain conditions. The floodway always includes the channel and often includes land adjacent to the channel. The floodway is normally characterized by faster and deeper flows than the flood fringe, which is the portion of the flood hazard

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area outside the floodway. The "floodway" shall be delineated by the Department of Environmental Protection and Energy at N.J.A.C. 7:13-3.2.

Section 2. Chapter 21, Part 4, Article XIV, Section 82, "Residential Uses and Districts" shall be amended to read as follows:

A. The following regulations shall apply to all residential uses and districts.

1. Each residential unit shall have two (2) on-site parking spaces for its exclusive use. These spaces may be provided within a garage or driveway. In addition to the two (2) spaces per unit, multifamily developments shall provide visitor parking at a rate of one-half (1/2) space per unit.

2. Any residential structure may be elevated to comply with the flood regulations of Part 7, and/or provide the required off-street parking under the structure, upon issuance of flood and building permits, provided there is no increase in the building coverage or floor area of the structure other than the addition of parking under the structure.

3. Any residential structure, outside the flood area, may be elevated to provide the required off-street parking under the structure, provided that the garage ceiling height does not exceed eight (8) feet and there is no increase in the building coverage or in the floor area of the structure other than the addition of parking under the structure.

4. Family day care homes, as defined in N.J.S.A. 40:55D-66.5b., shall be permitted in all residential districts in accordance with the provisions of N.J.S.A. 40:55D-66.5.

5. Community Residences. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be a permitted use in all residential districts, and the requirements therefore shall be the same as for single family dwelling units located within such districts.

(Ord. No. O-07-06 § 24)

Section 3. Chapter 21, Part 4, Article XIV, Section 83, "Business Uses and Districts" shall be amended to read as follows:

A. The following regulations shall apply to all business uses and districts.

1. Parking shall be provided in accordance with the parking standards in subsection 21-65.15 and may be provided either on or off site. Where parking is provided off site, the applicant may either provide dedicated private parking or participate in the development of public parking and associated access improvements.

2. Pedestrian access shall be provided from off-tract and municipal parking areas to commercial uses and between commercial uses and other attractions to encourage the use of off-site parking areas and pedestrian mobility.

3. A lot in an R-2 district which adjoins a B-1 or B-2 district may be used to provide access to any adjoining lot in the B-1 or B-2 district or for accessory parking to such adjoining lot.

4. Seasonal outdoor activities related to the principal use may be permitted with minor site plan approval. Such uses include, but are not limited to, outdoor eating areas for a restaurant, bicycle rentals for tourist related or sports uses, marine sales for waterfront marine uses.

5. All Floodproofing shall be performed in accordance with FEMA regulations and the New Jersey Department of Environmental Protection regulations located at N.J.A.C. 7:13-1, et seq., whichever is the more restrictive.

Section 4. Chapter 21, Part 7, Article XXIV, Section 113, "Definitions" shall be amended to read as follows:

ADVISORY BASE FLOOD ELEVATION (ABFE)—The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

ADVISORY FLOOD HAZARD AREA (AFHA)—The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

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ADVISORY FLOOD HAZARD MAP - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

...

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

...

FLOODWAY — Land, and the space above that land, which lies within the inner portion of the flood hazard area, and which is mathematically determined to be required to carry and discharge floodwaters resulting from the 100-year flood under certain conditions. The floodway always includes the channel and often includes land adjacent to the channel. The floodway is normally characterized by faster and deeper flows than the flood fringe, which is the portion of the flood hazard area outside the floodway. The "floodway" shall be delineated by the Department of Environmental Protection and Energy at N.J.A.C. 7:13-3.2.

...

LIMIT of MODERATE WAVE ACTION (LiMWA) - Inland limit of the area affected by waves greater than 1.5 feet during the base flood. Base flood conditions between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

Section 5. Chapter 21, Part 7, Article XXIV, Section 115, "Basis for Establishing Areas of Special Flood Hazard" shall be amended to read as follows:

The areas of special flood hazard for the Borough of Highlands, Community No. 345297, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- A. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009.
 1. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009.
 2. Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34025C0067F, 34025C0086F, 34025C0088F; whose effective date is September 25, 2009.
 3. The most current Advisory Base Flood Elevation and Advisory Flood Hazard Maps. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this Article. The Flood Insurance Study and maps are on file at 171 Bay Avenue, Highlands, New Jersey 00732-1405. (Ord. No. O-09-30 § 21-115)

Section 6. Chapter 21, Part 7, Article XXIV, Section 124 "General Standards" shall be amended to read as follows:

In all areas of special flood hazards the following standards are required. (Ord. No. o-09-30§21-124) ,compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

Section 7. Chapter 21, Part 7, Article XXIV, Section 124.4, "Subdivision Proposals" shall be amended to read as follows:

- A. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

(Ord. No. O-09-30 § 21-124.4) all proposals in the Flood Hazard Area.

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Section 8. Chapter 21, Part 7, Article XXIV, Section 125.1 "Residential Construction" shall be amended to read as follows:

A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, bottom of the lowest horizontal structural member elevated to or above the base flood elevation or advisory base flood elevation whichever is more restrictive.

B. Within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two (2) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(Ord. No. O-09-30 § 21-125.1)

Section 9. Chapter 21, Part 7, Article XXIV, Section 125.2 "Nonresidential Construction" shall be amended to read as follows:

In an area of special flood hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall:

A. 1. Either have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated one (1) foot above the base flood elevation at or above the base flood elevation or advisory base flood elevation whichever is more restrictive plus one foot; and

2. Within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade one foot above at least as high as the depth number specified in feet (at least two (2) three (3) feet if no depth number is specified) or at or above the advisory base flood elevation plus one foot whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

B. 1. Be floodproofed so that below the base flood level plus one foot or advisory base flood elevation plus one foot (whichever is more restrictive) of the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in subsection 21-122.3B,2.

(Ord. No. O-09-30 § 21-125.2)

Section 10. Chapter 21, Part 7, Article XXIV, Section 125.3 "Manufactured Homes" shall be amended to read as follows:

A. Manufactured homes shall be anchored in accordance with subsection 21-124.1A.

B. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation or advisory base flood elevation plus one foot whichever is more restrictive.

(Ord. No. O-09-30 § 21-125.3)

Section 11. Chapter 21, Part 7, Article XXIV, Section 125.4 "Coastal High Hazard Area" shall be amended to read as follows:

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in Section 21-115. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

A. Location of Structures.

1. All buildings or structures shall be located landward of the reach of the mean high tide.

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2. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home subdivision.

B. Construction Methods.

1. Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated one (1) foot above the base flood level at or above the base flood elevation, advisory base flood elevation or as required by the Uniform Construction Code (N.J.A.C. 5:23) whichever is more restrictive with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in subsection 21-125.4B,4. The elevation of the lowest horizontal structural member supporting the lowest floor shall be constructed at least one foot above the Flood Hazard Area Design Flood Elevation.

2. Structural Support.

a. All new construction and substantial improvements shall be securely anchored on piling or columns.

b. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one (1%) percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

c. There shall be no fill used for structural support.

3. Certification. A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of subsection 21-125.4B,1. and 21-125.4B,2a,b.

4. Space Below the Lowest Floor.

a. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this Article shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

b. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads and without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading of twenty (20) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

(2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

c. If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

d. Prior to construction, plans for any breakaway wall must be submitted to the Building Sub-Code Official for approval.

(Ord. No. O-09-30 §§ 21-125.4–21-125.6)

Section 12. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 13. Should any section, paragraph clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 14. This Ordinance shall take effect upon its passage and publication according to law.

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

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ROLL CALL:

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

Ordinances: 2nd Reading, Public Hearing, Adoption:

Ordinance O-13-1 Ordinance Setting Due Dates/Interest for Sewer Bills

Mrs. Cummins read the title of Ordinance O-13-1 for 2nd Reading, Public Hearing. This was published in the March 1st edition of the Two River Times and may now be open for public hearing.

Mayor Nolan opened the public hearing.

There were no questions.

Mayor Nolan closed public hearing.

Mrs. Cummins read the title of Ordinance O-13-1 for 3rd and final reading and adoption.

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

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.

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:

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User Classification Quarterly Rate

Residential Effective 1/01/12 \$140.00

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

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.

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

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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.

9-8.11 Reserved.

9-8.12 Reserved.

9-8.13 Sewer Connection Fees.

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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.

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.

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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 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

Borough Engineer's Status Report:

Mr. Leubner read thru his report to the council and discussed.

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
- 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

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- Minor concrete work remains on Valley Avenue .
- Valley Avenue and Bay View Street have been final paved.
- Drainage work on Woodland Street has been completed.
- Concrete work has commenced on Woodland Street.
- Paving work to commence once weather is conducive and asphalt plants reopen for the season.

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

- Contractor is currently compiling final paperwork for project closeout.

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 substantially complete. Awaiting confirmation from the County for a disposal site.

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.
- We are anticipating advertising the project the week of March 25, 2013.

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

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Award Date: December 5, 2012

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

Amount: \$46,150.00

- We are currently coordinating a pre-construction meeting with the Contractor.
- We have solicited quotes for the inlet/outfall work at Recreation Place.

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.

- Project design is nearing completion.

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.

Very truly yours,

T&M ASSOCIATES

ROBERT R. KEADY, JR. P.E., C.M.E.
HIGHLANDS BOROUGH ENGINEER

Mr. Francy asked Mr. Leubner to email North St. Pump Station plans to the council.

Mr. Leubner will send specs to Exxon as a courtesy.

Mr. Francy requested Mr. Leubner to change item #2 under Grants and Loans to read: Irene Lifting Program.

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Mayor's Appointments to Planning Board:

Tabled to April 17th meeting.

Community Disaster Loan Funding:

Mr. Pfeffer stated that last week he attended a meeting with FEMA regarding CDLP. This program provides loans for operational cost. We need to provide the past 5 years budgets and uncovered FEMA costs. If we continue to sustain loses, they will begin to write off the loan. He further explained and discussed with council.

Mr. Pfeffer said we need to make this money last for three years. He will figure out what we need the extra money for to get thru this budget. The 2013 budget may not be introduced till June or July. Right now, he has unreimbursed UFCC funds for ongoing operation. The pump rental, we can carry for one year.

Discussion continued.

Mr. Pfeffer needs input from the Engineer and Planning Board, for the budget.

Mr. Pfeffer will have his spreadsheet to Arcadius by the end of next week.

Monmouth County Improvement Authority Financing Program:

Mr. Pfeffer stated that he spoke of this at the last meeting to get a list of equipment.

Mayor Nolan said we discussed police cars and shared services for a sweeper.

Mr. Hill spoke with Monmouth County regarding shared services. He said other towns are interested in shared services.

Discussion continued regarding nails in streets.

Mr. Pfeffer said he needs guidance regarding police cars. Each car is \$40,000.00 and we are looking for two cars.

Mr. Francy said if the shared service does not work out, then we need to add it to the equipment list.

Mr. Pfeffer said he will add the sweeper to the list. We can always back out of it if a shared service fails. He explained that other towns are sharing costs to purchase and operate equipment.

Mayor Nolan directed Mr. Hill to get bids on a sweeper. He would like Bay Avenue and Shore Drive done once a week. He would like to see every street done once a week.

Mayor Nolan directed Mr. Pfeffer to go for two police cars.

Mr. Hill said we need at least one DPW truck.

Mr. Francy said we need to match DPW vehicles to DPW staff.

Ms. Ryan stated that if we need one, let's put in for it.

Mayor Nolan directed Mr. Pfeffer to put in for one DPW truck and two police cars

Public Portion:

Don Manrodt of 268 Bayside Drive said he called Exxon last week to report the smell of benzene. The trees are dying. They have a new person in charge.

Mr. Hill will follow up on this.

Michelle Pezzullo of 115 Highland Avenue questioned refund of building department fees and does it affect people not affected by the storm.

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Mayor Nolan said the ordinance states that we have to refund.

Mr. Padula explained.

Michelle Pezzullo asked who covers the loss of revenue to the town.

Council explained the ordinance waiving building department fees to Michelle Pezzullo.

Michelle Pezzullo asked about a spring clean-up.

Mayor Nolan spoke of volunteers for park and beach clean-up on April 27th and possible debris clean-up.

Claudette D'Arrigo of 12 Seadrift Avenue said she has paid \$1500.00 in permits.

Mayor Nolan stated that the ordinance will go for adoption on April 17th.

Claudette D'Arrigo said she is concerned about the house next door to her. She cannot find the owner of the house and there are cats and raccoons going in and out of the house. She also commented about the metal in streets

Mayor Nolan said they already started the process.

Mr. Hill stated that he had a consultation today, we need one organization to remove debris, can encourage people to bring to yard or set up a one-time date. He will get a date and get information out.

Arnie Fuog of 50 Valley Street questioned if we need building permits for 2ft and under of water damage.

Council told him to speak with the construction official.

There were no further questions.

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

The Meeting adjourned at 9:17 p.m.

Debby Dailey, Deputy Clerk

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