

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
April 3, 2013**

Meeting Location: Henry Hudson Regional High School, 1 Grand Tour, Highlands, NJ 07732

This meeting was not electronically recorded.

Mayor Nolan called the meeting to order at 7:04 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, Ms. Kane

Absent: Mayor Nolan

**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:

Ms. Kane 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

3.Real Estate:

4. Personnel Matters: J. Strehl – Riced, Staffing Needs for Various Dept's

**5. Attorney-Client Privilege: Borough Employees/Police Dept Residency Requirement
Letter to Property Owners**

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 defense, welfare,

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan

ABSTAIN: None

The Governing Body then entered into Executive Session.

Ms. Kane called the meeting back to order at 8:01 p.m.

Ms. Kane asked all to stand for the Pledge of Allegiance.

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

LATE ARRIVAL : Mayor Nolan – arrived at 8:05 p.m.

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Consent Agenda:

Ms. Kane asked if there were any resolutions that anyone would like pulled.

Mr. Francy requested R-13-87 and R-13-89 be removed from Consent Agenda.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-13-84

**RESOLUTION ESTABLISHING A PUBLIC POLICY REGARDING VIDEO RECORDING OF
GOVERNING BODY MEETINGS BY MEMBERS OF THE PUBLIC**

WHEREAS, New Jersey Constitution's free speech guarantee includes a right of access to public proceedings that protects both the free discussion of governmental affairs and the corresponding right to receive information, and New Jersey case law has consistently upheld the importance of open government and recognized the right of citizens to document what they see and hear at public meetings; and

WHEREAS, the Appellate Division, in its decision in Maurice River Township Board of Education v. Maurice River Township Teachers Ass'n, 187 N.J. Super. 566 (Ch.Div.1982), aff'd. 193 N.J. Super. 488 (App.Div.1984), placed municipalities on notice that citizens have a right to video record public proceedings subject only to reasonable guidelines administered by the governing body; and

WHEREAS, the New Jersey Supreme Court, in its recent decision in Tarus v. Borough of Pine Hill, et al., 189 N.J. 497 (2007) has affirmed the principle that "subject to reasonable restrictions, members of the public have a common law right to video record municipal proceedings in New Jersey;" and

WHEREAS, the Tarus decision affirmed the common law right of members of the general public to video record open public meetings, which includes public meetings by a municipality's governing body, further affirming, however, that the common law right to video record is "neither absolute nor unqualified," that the "exercise of such a right was not absolute, but subject to reasonable governmental regulation and control," and that members of the public wishing to video record the proceeding may not, through recording, physically interfere with the governing body's business or other citizens' access to the proceedings; and

WHEREAS, the members of the governing body of the Borough of Highlands recognize that governing bodies are under no obligation to create guidelines limiting the right to video record, but are permitted to do so to ensure that the right of the public to video record public meetings does not otherwise interfere with the business of the governing body; and

WHEREAS, the members of the governing body of the Borough of Highlands, in Monmouth County, New Jersey, desire to establish guidelines for videotaping of meetings of the governing body;

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NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that:

Members of the general public have the right to video record portions or all of an open public meeting of the governing body – excluding closed or executive session discussions. To minimize the possibility of disrupting the public meeting of the governing body, any member of the public (a “citizen”) who wishes to record portions or all of the public meeting must do so in accordance with the following guidelines:

- a. The citizen must provide the Clerk of the municipality with no less than ten minutes verbal notice prior to the public meeting of his/her intention to exercise his/her right to record.
- b. The citizen must have completed setup of his/her video recorder and any related equipment by no less than five minutes prior to the official start time of the public meeting. As to the location of the video recorder and equipment, the same may only be set up by the citizen in the rear or side of the meeting room, as such location will be specifically identified to the citizen by the Clerk.
- c. The video recorder and any associated equipment utilized by the citizen must be compact, quiet, and generally unobtrusive. No more than one video recorder and no added lighting may be used by any citizen. The video recorder and all associated equipment may not take up more than 20 square feet of space. No citizen is permitted to use any video recorder or associated equipment that makes any beeping sounds or other noises. Should beeping sounds or any other noise emanate from the video recorder or associated equipment at any time during the public meeting, the citizen shall be required to cease videotaping immediately.
- d. If the video recorder or associated equipment requires connection to electricity, the connection to electricity may be made only by a standard plug which can easily and properly connect to the nearest electricity socket. If at any time the video recorder or associated equipment “blows a fuse” or causes a loss of power in the meeting room, the citizen must immediately cease recording and shall not be allowed to continue recording with any recorder or equipment that requires connection to electricity.
- e. The citizen may not disrupt the public meeting with his/her recording equipment. The citizen may not set up or use the video recorder or equipment in such a way as to block or obstruct the view of other members of the public of the governing body proceedings. The recording by the citizen may only be done in a manner that does not violate Ordinance 3-17, and must be generally orderly and unobtrusive. The citizen may not continually exit and re-enter the meeting room, or continuously move around within the meeting room, during the public meeting. The citizen must remain with the video recorder and equipment at all times, except for any period of time during which the citizen is making a comment in his turn during any public comment portion of the public meeting. The citizen may not “narrate” the proceeding, or speak into any video recorder or microphone. The citizen may not engage in any verbal conversation, discourse or comment whatsoever, unless the citizen is making a formal comment in his turn during any public comment portion of the public meeting.
- f. The citizen may not record the image of other citizens at the public meeting.
- g. The citizen must provide the Borough with a complete, unedited copy, if requested.

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h. If the citizen chooses to cease recording at any time during the public meeting, he/she may do so; provided that the citizen may not commence removal (except for a hand-held video recorder) or begin to disassemble any video recorder or associated equipment until there is a break of at least five minutes of the public meeting or until the public meeting has concluded.

These guidelines are intended to ensure that the right of the public to record official public meetings of the governing body does not interfere with the business of the governing body or other citizens' right of access to the proceedings;

BE IT FURTHER RESOLVED, that

Should any article, section, subsection, sentence, clause or phrase of this Resolution is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Resolution and they shall remain in full force and effect.

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

ROLL CALL:

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

NAYES: None

ABSTAIN: Mayor Nolan

ABSTAIN: None

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

R-13-85

Resolution Provisionally Appointing Barry Leeser to the position of Sewage Plant Operator and Approving an Employment Agreement Between the Borough and Barry Leeser

WHEREAS, the Borough is required to employ a Sewage Plant Operator who possesses certain required licenses issued by the Department of Environmental Protection; and

WHEREAS, the Borough is a Civil Service municipality and the position of Sewage Plant Operator is within the competitive class of titles of the Civil Service Commission; and

WHEREAS, the Civil Service Commission, N.J.A.C. 4A:4-1.5, permits provisional appointments until a permanent appointment is made;

WHEREAS, the Borough wishes to provisionally appoint Barry Leeser to the position of Sewage Plant Operator pursuant to the terms of the attached contract for employment; and

WHEREAS, Barry Leeser wishes to accept employment to the position upon the terms and conditions contained in the attached employment agreement.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands as follows:

1. The Borough hereby approves the attached employment agreement and provisionally appoints Barry Leeser as Sewage Plant Operator, pursuant to the regulations of the New Jersey Civil Service Commission;

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2. The Mayor and Clerk are authorized to sign the employment agreement on behalf of the Borough; and

3. The Office of the Clerk is authorized and directed to take all ministerial action required to effectuate the intent of this Resolution including, but not limited to, completing all necessary paperwork with the Civil Service Commission.

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

ROLL CALL:

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

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

**R-13-86
RESOLUTION APPROVING SEWER EASEMENT DEEDS
FOR SCATURRO SUBDIVISION**

WHEREAS, on May 10, 2012 the Borough of Highlands Planning Board adopted a resolution approving the Scaturro Minor Subdivision for block 3 lots 9-11 and block 1 lots 14-18; and

WHEREAS, as part of the approval sanitary sewer easements were to be granted over a portion of lot 9.01 and lot 14.01; and

WHEREAS, two sanitary sewer easement deeds have been prepared by applicants attorney and have been reviewed and approved by both the Planning Board Attorney and the Borough/Board Engineer.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that the sanitary sewer easement deed for a portion of lot 9.01 and lot 14.01 are hereby approved and both the Mayor and Borough Clerk are hereby authorized to sign both easement deeds.

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

ROLL CALL:

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

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

**R-13-88
RESOLUTION ACCEPTING QUOTE AND AWARDED CONTRACT TO BRANIN'S
CONTRACTING FOR THE INSTALLATION OF A DRAINAGE STRUCTURE AND OUTFALL
PIPE AT THE INTERSECTION OF RECREATION PLACE AND WASHINGTON AVENUE**

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-6.1, permits a municipality to award a contract under the bid threshold after soliciting two quotations, if practicable; and

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WHEREAS, the Borough Engineer solicited three (3) quotations for the work which is the subject of this Resolution; and

WHEREAS, Branin's Contracting, P.O. Box 415, Highlands, New Jersey 07732, submitted the sole quote in the amount of \$7,000.00; and

WHEREAS, the Borough Engineer has reviewed the quote and recommends awarding the contract to Branin's Contracting; and

WHEREAS, the Chief Financial Officer certified funds in the amount of \$7,000.00 are available from Bond Ordinance 12-12; and

WHEREAS, Branin's Contracting will perform all necessary work concerning the installation of a drainage structure and outfall pipe at the intersection of Recreation Place and Washington Avenue.

NOW, THEREFORE, IT IS RESOLVED by the governing body of the Borough of Highlands, as follows:

1. The sole quote has been reviewed, and the quote in the amount of \$7,000.00 by Branin's Contracting, P.O. Box 415, Highlands, New Jersey 07732 for the installation of a drainage structure and outfall pipe at the intersection of Recreation Place and Washington Avenue is determined to be sole quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of \$7,000.00 and any other necessary documents with Branin's Contracting for the work as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$7,000.00 are available for the above contract from Bond Ordinance 12-12.

Stephen Pfeffer, CFO

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

ROLL CALL:

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

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

R-13-90

**RESOLUTION APPROVING
MEMORANDUM OF AGREEMENT WITH THE
MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION**

WHEREAS, the Monmouth County Mosquito Extermination Commission anticipates resumption of aerial surveillance and treatment program on or about April 15, 2013 and continuing through November 30, 2013; and

WHEREAS, Federal Aviation Administration Regulations requires the Commission to obtain prior written approval from the municipalities.

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NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the attached memorandum of agreement for aerial surveillance and treatment is hereby approved and the Mayor and Clerk are hereby authorized to execute agreement.

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

ROLL CALL:

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

Mr. Francy offered the following Payment of Bills and moved on its approval for Payment:

**RECAP OF PAYMENT OF BILLS
04/03/2013**

CURRENT:		\$ 34,201.57
Payroll	(03/30/2013)	\$ 212,363.76
Manual Checks		\$ 72,533.56
Voided Checks		\$
SEWER ACCOUNT:		\$ 2,700.50
Payroll	(03/30/2013)	\$ 5,550.13
Manual Checks		\$
Voided Checks		\$
CAPITAL/GENERAL		\$
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$
WATER CAPITAL ACCOUNT		\$
TRUST FUND		\$ 1,827.08
Payroll	(03/30/2013)	\$ 4,850.00
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$
GRANT FUND		\$ 155.00
Payroll	(03/30/2013)	\$ 18,909.24
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
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CURRENT FUND

All Hands Fire Equipment	Sump Pumps & Hoses	5,169.70
Arcadis	FEMA Services	9,922.50
Century Office Products	Copier Supplies	207.88
Ceridian	Cobra Services March 2013	46.55
Horizon Blue Cross	Dental Insurance May 2013	2,890.14
McManimon Scotland Baumann	Bond Counsel Services	1,667.86
Principal Life	Life Insurance - April 2013	812.15
ShoreGrafx	Informational Flyer	914.47
Watchung Water	Bottled Water	118.88
Verizon	Police Repeater Lines	249.32
VSP	Vision Plan April 2013	776.10

Total Current Fund 22,775.55

CAPITAL FUND

Total Capital Fund 0.00

GRANT FUND

Total Grant Fund 0.00

SEWER UTILITY FUND

Horizon Blue Cross	Dental Insurance May 2013	89.17
Principal Life	Life Insurance - April 2013	21.95
VSP	Vision Plan April 2013	23.97

Total Sewer Utility Fund 135.09

TRUST FUND

Total Trust Fund 0.00

Total Supplemental Bill List 22,910.64

Seconded by Ms. Ryan and approved for payment on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT; Mayor Nolan

ABSTAIN: None

Minutes Approved on Consent Agenda:

Mr. Francy offered a motion for the approval of the March 6, 2013 Executive and Regular Meeting minutes, seconded by Ms. Ryan and all were in favor 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

R-13-87 – Resolution Authorizing Purchase of Gasoline:

Mr. Francy asked what this proposal was for.

Mr. Hill explained that the gas pump is broken. He is getting price quotes. Vehicles are getting gas from Cumberland Farms.

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
R-13-87**

**RESOLUTION AUTHORIZING AND DIRECTING THE BOROUGH OF HIGHLANDS TO
PURCHASE UNLEADED GASOLINE FROM LOCAL GASOLINE STATIONS**

Whereas, pursuant to N.J.S.A. 40A:4-46, a local unit may make emergency appropriations, after the adoption of a budget, for a purpose which is not foreseen at the time of the adoption thereof, or for which adequate provision was not made therein; and

Whereas, such an appropriation shall be made to meet a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare or to provide temporary housing or public assistance prior to the next succeeding fiscal year; and

Whereas, the Local Public Contracts Law, N.J.S.A. 40A:11-6 also permits for the emergency provision of goods and services; and

Whereas, Hurricane Sandy devastated the Borough's infrastructure including the Municipal Building, Public Works and, particularly, the Borough's gasoline pump, which, on or about March 15, 2013, ceased operating entirely, rendering it inoperable and unusable; and

Whereas, the Borough Administrator and Chief Financial Officer have advised the governing body that an emergency exists which requires authorization to approve the purchase of unleaded gasoline from local gas stations; and

Whereas, the Borough wishes to purchase unleaded gasoline at local gasoline stations until the Borough's gasoline pump is repaired.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the Borough authorizes its agents to purchase unleaded gasoline at local gasoline stations to ensure the efficient operation of the Borough; and

BE IT FURTHER RESOLVED that the Administrator shall establish procedures to control and monitor of the purchasing of unleaded gasoline; and

BE IT FURTHER RESOLVED that the authorization granted by this Resolution shall expire on October 1, 2013 at which time the Borough may reauthorize the purchase contemplated herein.

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

ROLL CALL:

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

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NAYES: None
ABSENT: Mayor Nolan
ABSTAIN: None

Mayor Nolan arrived at 8:05 p.m.

R-13-89 – Resolution Approving Change Order #5/Final for Fiore Paving:

Mr. Francy does not believe the increase in amounts is our issue.

Mr. Leubner explained reasons for additional expenses.

Mr. Francy asked if it was an engineering issue.

Mr. Leubner replied that it was not, it was for field mark outs.

Discussion continued about bad water line mark outs.

Mayor Nolan asked Mr. Padula to pursue getting New Jersey American Water for the bad mark outs.

Mr. Pfeffer said it's not the contractors fault, you cannot hold up payment. He spoke of the prompt payment law.

Motion to Amend Consent Agenda:

Mayor Nolan offered a motion to remove Fiore Paving from the payment of bills, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

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

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

Ordinance O-13-6 Amending and Clarifying Ordinance 3-4 and 10-10 to Include Dwellings:

Mrs. Cummins read the title of Ordinance O-13-6 for introduction and setting of Public Hearing Date for April 17th, 2013.

Mr. Padula explained the ordinance to the council.

Mayor Nolan offered the following Ordinance and moved on introduction and setting of a public hearing date of April 17, 2013 at 8:00 P.M.. Motion included authorization to publish notice according to law:

ORDINANCE O-13-6

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

AN ORDINANCE AMENDING AND CLARIFYING SECTIONS 3-4 AND 10-10 TO PROVIDE FOR
THE ELIMINATION OF FIRE HAZARDS AND BRUSH, WEEDS, TRASH AND DEBRIS
REMOVAL FROM LANDS WITHIN THE BOROUGH TO INCLUDE "DWELLING"

WHEREAS, N.J.S.A. 40:48-2.13 to -2.14 authorize municipalities to adopt ordinances eliminating fire hazards and requiring removal of solid waste from dwellings or land within the Borough; and

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WHEREAS, the aforementioned sections also permit a municipality to remove the waste and/or eliminate the fire hazard should the owner fail to do so, the cost of which shall become a lien on the property; and

WHEREAS, the Borough of Highlands has adopted ordinances as authorized by the aforementioned statutes which have been codified at Sections 3-4 and 10-10 of the Code of the Borough of Highlands; and

WHEREAS, the Borough finds that the aforementioned Code sections are intended to apply to applicable land or dwellings within the Borough; and

WHEREAS, the Borough wishes to clarify the Code to confirm that the aforementioned sections apply to “dwellings” and land.

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

SECTION ONE. Section 3-4 of the Borough Code of the Borough of Highlands shall be amended to read as follows (strikethroughs are deletions. Underscores are additions):

3-4.1 Duty of Owner to Remove Hazards.

The owner or tenant of any lands lying within the borough where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or elimination of fire hazards to remove from such lands or dwellings brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, and debris shall within ten days after notice remove the same.

3-4.3 Cost of Removal To Be Lien Against Premise.

If the same is removed by the borough, such officer shall certify the cost thereof to the mayor and council who shall examine the certificate and if found correct shall cause the cost as shown thereon to be charged against the lands or dwellings and the amount so charged shall become a lien upon the lands or dwellings and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands or dwellings and to bear interest at the same rate as taxes and be collected and enforced by the same officers and in the same manner as taxes.

In addition to the provisions set forth above any person who shall violate the terms of this section shall, upon conviction thereof, be subject to punishment by a fine not to exceed one hundred (\$100.00) dollars, or by imprisonment not exceeding 15 days, or both, in the discretion of the court.

SECTION TWO: Section 10-10 of the Borough Code shall be amended to read as follows (strikethroughs are deletions. Underscores are additions):

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10-10.1 Removal of Brush, Weeds, Trash and Debris.

Notwithstanding the provisions of the International Property Maintenance Code, and without superseding its incorporation into borough ordinance, every owner or tenant of lands or dwellings in the Borough shall keep the lands or dwellings free of fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth and garbage (trash and debris in cans, bags and/or in bulk), and shall maintain the land or dwellings in a clean and sanitary condition.

10-10.2 Inspection.

The borough code enforcement officer is hereby authorized to inspect lands or dwellings in the borough for the presence of fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, grass and weeds which exceed height of nine inches, filth, garbage, trash and debris, and if same are deemed to be detrimental to the public health, shall issue a ten-day warning notice to the tenant and the property owner at the discretion of the property maintenance official, prior to issuing a summons to the person who, according to the tax duplicate of the borough, appear as owner, and require that the trash and garbage be removed and eliminate such fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris.

10-10.4 Costs.

Upon completion of the work, costs shall be certified by the code enforcement officer to the mayor and council, which shall examine the certificate, and if found to be correct, shall cause the cost as shown thereon to be charged against lands or dwellings; the amount so charged shall become a lien upon such lands or dwellings and shall be added to and become and form part of the taxes next to be assessed and levied on such lands or dwellings, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes, in accordance with and pursuant to N.J.S.A. 40:48-2.13, et seq.

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

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

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

ROLL CALL:

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

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Committee Reports:

Finance:

Mr. Pfeffer spoke of three items.

- 1 - MCIA for 2 police cars and 1 Dump Truck. He will do this in late spring, early summer
- 2 - Arcadius – preparing project worksheets
- 3 – Finished and submitted all of our numbers to FEMA

Mr. Pfeffer continued. The State wants us to stabilize the tax amount that taxpayers will pay. They want us to use the money to smooth out taxes for a couple of years. We will increase construction, code enforcement and DPW staffing. The State will be very involved in our budget.

Mr. Francy questioned tax dollars.

Mr. Pfeffer explained that it is more of a function of the average assessed value, compared to prior year. He further explained the tax rate process.

Finance discussion continued.

Public Safety:

There was no report at this time.

Administration:

Mr. Hill spoke of waterway debris removal has been going on. He further explained.

The letters to registered landlords were mailed out regarding permits.

The letters for flood appeal letters were also mailed out.

Ms. Ryan spoke of our new information trifold mailer.

Mr. Padula spoke about the letter he prepared for landowners who have not touched their property.

Library:

Ms. Ryan spoke about a volunteer group that wants to help the library at the Community Center. We will have a small library in Huddy Park area in May.

HBP:

There was no report at this time.

Shared Services:

Mr. Hill spoke of grants and that the Solution Center had 384 visits in March.

Lee Wordsman from Arcadius was present to give updates.

Lee Wordsman gave information to the table and described FEMA funding projection to the Borough and gave update of cost estimates for Borough facilities of \$4 million.

There was a brief discussion with council. They need an update at next meeting.

Ms. Kane stated that we need to add the First Aid Building to the cost estimates.

Lee Wordsman said it is a 75%/25% match.

Mr. Hill spoke of private property debris removal. We need to hire project manager as part of the grant.

Discussion continued.

Mr. Francy questioned grant programs.

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Lee Wordsman explained #406 is FEMA Hazardous Mitigation and #404 is FEMA Hazard Grant Program.

Lee Wordsman continued to discuss the FEMA application process.

Arcadius will attend the next Executive Session Meeting.

Police Department Relocation:

Mr. Hill explained that we are in the process.

Other Business:

Request from NJNG to waive Street Opening Permit Fees:

Mrs. Cummins explained that we received a letter from NJNG stating that they were waiving there fees for disconnection and if we would waive our road opening permit fee.

Mr. Hill will follow up with NJNG.

Arts & Education Center Yearbook Ad:

Mrs. Cummins explained the letter requesting Council to place an ad for \$25.00.

Mayor Nolan offered a motion to place an ad, seconded by Ms. Ryan and all were in favor on the following roll call vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor's Appointment to Housing Authority:

Mayor Nolan explained that Ray Goddard had resigned. He appointed Mr. Rick O'Neil.

Clam Depuration Plant:

Ms. Ryan said that she was questioned about the clam plant. She did research, and they can go out in 2016.

She urged the Depuration Commission to look into.

Public Portion:

John McAleer of 52 Barberie Avenue questioned NJNG disconnect fees.

Name Unknown, asked how many people are disconnected.

Mayor Nolan spoke of fees to reconnect waived.

Name Unknown, questioned where money would come from to raise houses.

Mayor Nolan explained that we applied for grant and ICC money.

Mr. Leubner explained there are various money grants and he is gathering a list in case we get grants.

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Don Manrodt of 268 Bayside Drive said the water pressure is high. He said the "Go Hungry" people left town because Mrs. Braswell didn't want them.

Melissa McAleer of 52 Barberie Avenue questioned Ordinance O-13-6 and if the notices mailed out by the Borough were being mailed to banks. She asked if the ordinance is intended to include Fire Mitigation.

Mr. Padula stated that it does include Fire Mitigation and further explained. He also said that he does not have a problem with sending copy of notices to mortgage companies.

John McAleer feels we should copy the mortgage companies.

Doug Card of 28 Shrewsbury Avenue feels we will have a lot of abandoned houses. We will need code enforcement.

Mayor Nolan responded that we are in the process of addressing code enforcement.

Doug Card asked how many c/o's have been issued.

Mayor Nolan responded.

Ms. Kane stated that we are bringing in extra code enforcement.

Carolyn Brian of 12 Miller Street said that she is in the process of raising her home and had questions on height ordinance.

Mr. Leubner stated that the building height is 30 ft. and 32 ft. with parking under. If you lift existing house, you won't have height requirements. If you make changes then you do.

Mayor Nolan stated that the ordinance will be adopted on April 17th.

Mr. Francy informed Carolyn Brian that she needs to get her BFE.

Melissa McAleer questioned if we should be in the 14 ft. zone.

Mr. Leubner stated that a lot of our V zones may revert back to A zones, as per FEMA.

Melissa McAleer asked if people move forward with lifting their houses, they won't be eligible for the lifting grant down the line.

Mayor Nolan said they would not be eligible.

Mr. Leubner said people won't be reimbursed if you already lifted.

John McAleer said Congress can bend to public pressure, things can change. We can go to the Governor and request a different policy.

Discussion continued and comments from various people.

There were no further questions.

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

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The Meeting adjourned at 9:08 p.m.

Debby Dailey, Deputy Clerk

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