

**Borough of Highlands
Mayor & Council
Regular/Workshop Meeting
April 17, 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, Ms. Kane

Late Arrival: Mayor Nolan – arrived at 7:25 p.m.

**Also Present: Carolyn Cummins, Borough Clerk
Bruce Padula, Borough Attorney
Dale Leubner, Borough Engineer**

Executive Session Resolution:

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

**R-13-
RESOLUTION
EXECUTIVE SESSION**

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

- 1.Litigation: Captains Cove Marina, Fiore Paving, M. Mullen**
- 2.Contract:**
- 3.Real Estate:**
- 4. Personnel Matters: Paul Vitale - Riced**
- 5. Attorney-Client Privilege: Workforce Development Program
Arcadius Additional Mitigation**

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, 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

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admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

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

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

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

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

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

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

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

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

ROLL CALL:

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

NAYES: None

ABSENT: Mayor Nolan arrived at 7:25 pm

ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor Nolan called the meeting back to order at 8:10 p.m.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Consent Agenda:

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

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R-13-92

AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes; and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

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

BLOCK	LOT	YEAR	AMOUNT	NAME
94	8	2012	\$1,129.32	Bank of America
		2013	\$1,143.20	

This overpayment is refunding Bank of America for a 100% disabled Veteran payment.

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

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

R-13-93

**RESOLUTION ACCEPTING RESIGNATION
OF RECREATION AIDE**

WHEREAS, Dillon Vargas has submitted his letter of resignation dated April 1, 2013 with an effective resignation date of April 12, 2013.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Borough hereby accepts the resignation of Dillon Vargas, Recreation Aide.

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

ROLL CALL:

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

NAYES: None

ABSTAIN: None

ABSENT: None

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

R-13-94

**RESOLUTION APPOINTING
PROVISIONAL PART-TIME POLICE COMMUNICATIONS OPERATOR**

WHEREAS, between the months of August 2012 and November 2012 two part-time Police Communication Operators resigned and the borough only refilled one of those positions; and

WHEREAS, these resignations created a need within the Police Department to appoint one more part-time Police Communications Operator to fill open shifts ; and

WHEREAS, it is the recommendation of the Chief of Police that Nicholas Riker be appointed.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Nicholas Riker is hereby appointed as a part-time provisional Police Communications Operator effective April 18, 2013.

BE IT FURTHER RESOLVED that said provisional appointments be compensated at an hourly rate of \$9.50 per hour.

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

ROLL CALL:

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

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

**R-13-95
RESOLUTION AUTHORIZING THE APPLICATION
FOR THE
2013 SUMMER FOOD PROGRAM**

WHEREAS, the Mayor and Council of the Borough of Highlands have reviewed the material received from the State of New Jersey regarding the 2013 Summer Food Service Program; and

WHEREAS, the Mayor and Council of the Borough of Highlands agree that the Borough's participation in the Summer Food Program will be of benefit to the Borough and its residents;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Mayor, Borough Administrator, & Recreation Assistant are hereby authorized to make application to the State of New Jersey for the 2013 Summer Food Program in the anticipated amount of \$12,520.84

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

ROLL CALL:

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

Mayor Nolan offered the following Resolution and moved its adoption:

**R-13-96
RESOLUTION AMENDING RESOLUTION R-13-25 A RESOLUTION SETTING THE
SCHEDULE FOR MEETINGS OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HIGHLANDS FOR THE CALENDAR YEAR 2013**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following schedule is hereby designed as the official Meeting Calendar of the Governing Body for the year 2013. The official meeting days shall be the first and third Wednesdays of each month (unless otherwise noted). Meetings held on the first Wednesday will be considered Workshop/Regular Meetings where official action will be taken on all agenda items. Meetings on the third Wednesday will be Regular Business Meetings where official action will be taken on all agenda items.

DATE	WORKSHOP/REGULAR MEEETINGS	REGULAR MEETINGS
	No 1st Wednesday Meeting	January 16, 2013
	February 6, 2013	February 20, 2013
	March 6, 2013	March 20, 2013
	April 3, 2013	April 17, 2013
	May No 1st Wednesday Meeting(Labor Day)	
	May 1, 2013 (CORRECTION)	May 15, 2013
	June 5, 2013	June 19, 2013
	No 1st Wednesday Meeting	July 17, 2013

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No1st Wednesday Meeting
September 4, 2013
October 2, 2013
November 6, 2013
December 4, 2013

August 21, 2013
September 18, 2013
October 16, 2013
No 3rd Wednesday Meeting
December 18, 2013

BE IT FURTHER RESOLVED that all meetings will be held at the Highlands Elementary School located at 360 Navesink, Highlands, NJ at 7:00 p.m. for Executive Session and at 8:00 p.m. for Business Meetings; and

BE IT FURTHER RESOLVED that all Meetings shall have a General Public Portion as required by law.

Seconded by Ms. Kane and adopted 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 Nolan offered the following Resolution and moved on its adoption:

**R-13-97
RESOLUTION AUTHORIZING AWARD OF CONTRACT
TO VENDOR(S) WITH STATE CONTRACT
FOR ONE RECORDING EQUIPMENT FOR POLICE DEPARTMENT**

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

1. In accordance with the requirements of the Local Public Contracts Law N.J.S.A. 40A:11-12 et seq., and the regulations promulgated thereunder, the following purchase without competitive bids from vendor(s) with State Contract is hereby approved.

ITEM # 1

VENDOR

MICROSTRATEGIES
85 BLOOMFIELD AVE
DENVER, NJ 07834

STATE CONTRACT # A69832

AMOUNT \$ 15,492.00

DESCRIPTION

ONE (1) 16 CHANNEL NICE INFORM ESSENTIAL w/ CASE
RECONSTRUCTION AND INSTANT REPLAY
FOR THE POLICE DEPARTMENT

WHEREAS, the Chief Financial Officer does hereby certify funding:

Account: Hurricane Sandy Emergency Appropriations: \$15,492.00

Stephen Pfeffer, CFO

2. The Borough Attorney is satisfied that the availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

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3. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:

- A. Purchasing Agent
- B. Comptroller
- C. Tim Hill, Administrator
- D. Vendor

Seconded by Ms. Kane and adopted 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 Nolan offered the following Resolution and moved on its adoption:

**R-13-98
RESOLUTION APPROVING CATERING PERMIT**

WHEREAS, the Chilango's has filed an application for a Catering Permit for an event to be held on May 5, 2013 with a rain date of May 11, 2013; 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 May 5, 2013 with a rain date of May 11, 2013.

Seconded by Ms. Kane and adopted 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 Nolan offered the following payment of bills and moved on approval for payment:

**RECAP OF PAYMENT OF BILLS
04/17/2013**

CURRENT:		\$	59,059.49
Payroll	(04/15/2013)	\$	113,335.54
Manual Checks		\$	575,184.42
Voided Checks		\$	
SEWER ACCOUNT:		\$	1,031.39
Payroll	(04/15/2013)	\$	2,671.36
Manual Checks		\$	10.60
Voided Checks		\$	
CAPITAL/GENERAL		\$	760.00
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	2,915.45
Payroll	(04/15/2013)	\$	2,950.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	

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DOG FUND		\$	
GRANT FUND		\$	
Payroll	(04/15/2013)	\$	9,728.13
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.**

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CURRENT FUND

Bayone Nine LLC	Rent 19 Bay Ave - May 2013	3,500.00
Caruso & Baxter	Retainer - May 2013 Zoning Board Attorney	867.50
County of Monmouth	County Taxes due 5/15/13	446,711.80
County of Monmouth	Library Taxes due 5/15/13	25,984.63
County of Monmouth	Open Space Taxes due 5/15/13	25,907.03
Future Sanitation	Solid Waste/Recycling 4/16/13-4/30/13	8,450.00
Future Sanitation	Tipping Fees 4/1/13-4/5/13	3,421.47
Henry Hudson Regional School District	School Taxes Due 5/10/13	317,234.02
Highlands Board of Education	School Taxes Due 5/14/13	240,148.00
Monmouth Municipal JIFF	Insurance Payment due 5/15/13	146,045.86
Total Current Fund		1,218,270.31

CAPITAL FUND

Black Rock Enterprises	2011 Road Program Payment #4	83,015.93
Fiore Paving	Highland Ave. Final Payment	79,359.80
Total Capital Fund		162,375.73

GRANT FUND

Total Grant Fund	0.00
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SEWER UTILITY FUND

AHHRSA	Sewer Fee - May 2013	109,212.00
JCP & L	MUA #2013-03	14.36
Monmouth Municipal JIFF	Insurance Payment due 5/15/13	18,495.57
N.J. American Water	Water Usage Report	25.00
Total Sewer Utility Fund		127,746.93

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TRUST FUND

Total Trust Fund **0.00**

Total Supplemental Bill List **1,508,392.97**

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the March 20, 2013 Executive and Regular Meeting minutes, seconded by Mr. Redmond and all were in favor on the following roll vote:

ROLL CALL:

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

NAYES: None

ABSENT: None

ABSTAIN: None

Other Resolutions:

R-13-89 Resolution – Change Order Fiore Paving:

Mayor Nolan offered the following and moved its adoption:

**R-13-89
RESOLUTION – CHANGE ORDER #5 & FINAL
FIORE PAVING COMPANY
INCREASE OF \$32,213.03
HIGHLAND AVENUE AREA ROAD IMPROVEMENTS**

WHEREAS, a contract was awarded for Fiore Paving Co., Inc. as follows:

R-11-176	July 20, 2011	\$1,186,325.00
R-11-202	November 2, 2011	\$ -0- Change Order #1
R-11-231	December 7, 2011	\$ -1.99 C.O. #2
R-12-165	July 18, 2012	\$ -72.00 C.O.#3
R-12-271	December 19, 2012	\$ -0.10 C.O #4

WHEREAS, change order # 5 and final dated February 26, 2013 prepared by T & M Associates, professional engineers, sets forth reasons for said change order (adjustments of the original bid quantities to reflect as built quantities and the addition of supplementary items),

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #5 and final increasing the original contract amount by \$32,213.03 is hereby authorized for the Highland Avenue Area Road Improvements Project. The contract amount is hereby amended to \$1,218,463.94.

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Certification of Funds:

I hereby certify that funds are available for this contract from Ordinance 10-14.

Stephen Pfeffer
Chief Financial Officer

Seconded by Ms. Ryan and adopted 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

O-13-2 -Review Planning Board Recommendations:

Mr. Padula reviewed the comments. They are not substantial. He recommends that we adopt the ordinance with amendments.

Ordinances: 2nd Reading, Public Hearing, Adoption:

O-13-2 – Ordinance Zoning Ordinance Waiver of Variance for Property Damaged in Sandy

Mrs. Cummins read the title of Ordinance O-13-2 for 2nd Reading, and Public Hearing. This was published in the March 29th Edition of the Two River Times and may now be open for public hearing.

Mr. Padula stated this is open to the public as amended.

Mr. Leubner said there is a stop work order on houses for height. If the ordinance is adopted, the stop work order can be lifted.

Mr. Padula stated that they will give an effective date if ordinance is adopted.

Mayor Nolan closed public hearing.

Mrs. Cummins read the title of Ordinance O-13-2 for 3rd and final reading and adoption.

Mayor Nolan offered the following ordinance and moved on its adoption 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 and Planning

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Board 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 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 Ms. Kane and adopted 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

O-13-3 – Certification of Occupancy Ordinance Amendment:

Mrs. Cummins read the title of Ordinance O-13-3 for 2nd Reading, and Public Hearing. This was published in the March 29th edition of the Two River Times and may now be open the public hearing.

Council was provided comments from the Code Enforcement Officer.

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Mayor Nolan opened the public hearing.

Michelle Pezullo of 115 Highland Avenue said that she is concerned with issuing a c/o without tenant information.

Carol Bucco of 330 Shore Drive stated that there are people moving in to condo's without a c/o. She was told they are no longer doing c/o's.

Mr. Padula stated that this ordinance does not waive c/o's.

Mayor Nolan closed the public hearing.

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

Mayor Nolan offered the following Ordinance pass third and final reading and moved on its adoption 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:

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.

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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 adopted 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

O-13-4 – Ordinance Waiving Construction Dept. Fees

Mrs. Cummins read the title of Ordinance O-13-4 for 2nd Reading, and Public Hearing. This was published in the March 29th edition of the Two River Times and may now be open the public hearing.

Mayor Nolan opened the public hearing.

Tom Walzewski agrees with the ordinance. He feels that dumpster permit fees should also be waived.

Michelle Pezzulo of 115 Highland Avenue asked if fees are waived, where money would come from.

Gerald Gates of 29 Cornwall Avenue feels that we should reduce fees instead of reducing them.

Arnie Fuog of 50 Valley Street feels that if we are not hiring any new employees, there is no additional expense to the Borough.

John Urbanski of North Street spoke of fees. We should give homeowners a break not landlords. He feels that the fees need to be paid. He was reimbursed by his insurance company for his fees.

Jamie Werdan of 45 4th Street asked about the people who did pay.

Carol Bucco of 330 Shore Drive asked if fees were paid, will they get reimbursed.

****ORDINANCE FAILED ADOPTION****

Mayor Nolan offered the following Ordinance pass final reading and moved on its adoption:

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 NOT ADOPTED on the following roll call vote:

ROLL CALL:

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

Ms. Kane explained her reason for her vote. She is concerned with the loss of revenue and verification of information from homeowners and contractors.

O-13-5 -Review Planning Board Recommendations

Mr. Padula stated that the changes for O-13-5 were not substantial. We can amend tonight.

Ordinance O-13-5 Zoning Ordinance RE: ABFE:

Mrs. Cummins read the title of Ordinance O-13-5 for 2nd reading and public hearing. This was published in the March 29th Edition of the Two River Times and may now be open for public hearing.

Mayor Nolan opened the public hearing.

Melissa Mcaleer of 52 Barberie Avenue said that the amount of information presented warrants more time to read.

Mr. Padula and Mrs. Cummins explained that this ordinance was available to the public two meetings ago and published in the March 29th Two River Times.

Melissa Mcaleer further expressed her reasoning why this should be tabled.

John Bajor of 15 Huddy Avenue agreed with Ms. Mcaleer. He read his letter of comments. He stated that his house is currently at 12' high. He does not feel that it's necessary to raise houses to 14'. He feels that mandating 14' is going to place an unnecessary burden on the town and already burdened citizens. He hopes this is all considered prior to accepting of 14' height that is not needed.

Mr. Gordon of 11 Huddy Avenue supports Mr. Bajor's comments.

Mrs. Gordon of 11 Huddy Avenue also agreed with Mr. Bajor.

Mr. Gordon questioned why elevation of 12' was not sufficient.

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Mr. Leubner explained that FEMA has told him that our elevations may come back to 12'. The State is requesting that we adopt the new BFE and if FEMA changes it, then we would amend the ordinance.

Mrs. Gordon continued to question putting this in the ordinance.

An unidentified woman stated that the elevations effect insurance rates.

Mr. Francy said if the town says 14' and FEMA goes up to 16', insurance will still go up.

Mrs. Gordon stated that her insurance company is waiting for the town to make a decision.

Phil Skiff of 15 Ocean Avenue stated that Sea Bright is at 12'.

Mayor Nolan said it's not a "V" zone.

Mayor Nolan closed the public hearing.

Mr. Francy said this would put house lifting on hold. Our ordinance refers to FEMA BFE changes.

Ms. Ryan would like to review it.

Mr. Francy spoke of effects on insurance premiums.

Mayor Nolan offered a motion to table the final reading and adoption of Ordinance O-13-5 to the May meeting, and 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

Ordinance O-13-6 Brush, Debris Removal Ordinance:

Mrs. Cummins read the title of Ordinance O-13-6 for 2nd reading and public hearing. This was published in the April 6th Edition of the Asbury Park Press and may now be open for public hearing.

Mr. Padula explained the ordinance.

Mayor Nolan opened the public hearing.

Mark Header of 42 Second Street asked if this includes the demo of buildings.

Mr. Padula stated that it is possible.

Mark Header said neighboring house has not been remediated.

Mayor Nolan explained the process.

Lois Bajor of 15 Huddy Avenue asked about mold control during demo.

Mayor Nolan explained that there is a process.

Michelle Pezullo of 115 Highland Avenue asked if the homeowner would be notified prior to demo.

Mayor Nolan said yes.

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Mayor Nolan closed the public hearing.

Mrs. Cummins read the title of Ordinance O-13-6 for final reading and adoption.

Mayor Nolan offered the following Ordinance pass final reading and moved on its adoption::

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

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.

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

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. Ryan and adopted 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

Other Business:

Borough Engineer's Status Report:

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

INSERT ENGINEERS REPORT

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Mayor's Appointments to Planning Board:

Tabled to May 15th meeting.

Unified Redevelopment:

Ms. Kane would like the council's thoughts.

Mayor Nolan said we should do a special meeting in May. We will do a public notice.

Rutgers NOAA Planning Grant:

Mr. Francy explained that Rutgers has a course on studying Sea Bright to help them decide to retreat, restore or grow. He further explained. He said this is for advice only. He wished they were doing this for Highlands. NOAA has requested Sea Bright to present grant proposals. They approached Highlands to do a grant. Highland's commitment is to provide access to town and officials.

Discussion continued.

Mr. Francy recommends that we participate. He would like to request Mr. Hill to send a letter.

Mrs. Gordon said she received a call from Rutgers doing a survey. She expressed her concerns with survey being slanted to getting rid of shore homes.

Mayor Nolan stated that Mr. Francy is going to the Sea Bright meeting to get more information.

Mrs. Bajor asked what would be our obligations.

Mr. Francy said it is only for us to consider, not under any commitment.

Public Portion:

Michelle Pezzullo of 115 Highland Avenue is concerned with issues on the social media, such as the "highlands blog" that are not being addressed by the town.

Mayor Nolan spoke about the sewer billing and that we are not metered individually but as a town.

Michelle Pezzullo asked how our consumption not have a decrease.

Mayor Nolan stated that there is infiltration.

Michelle Pezzullo stated that social media drives rumors.

Melissa Peterson of 31 Barberie Avenue said she is the blog.

Michelle Pezzullo said we should set the record straight and the council should respond to rumors on social media.

Carol Bucco of 330 Shore Drive said that c/o's are being done at 330 Shore Drive. How can we stop people from moving in? She asked her management company to send a letter to the borough about sewer bills. She also asked about a tax reduction.

Mr. Francy stated that new assessments are on the county website.

Mr. Francy stated that we are starting construction on the pipe line to connect us to TOMSA by the stone church. This will allow Highlands to be divorced from AHHRSA. By December 31st, we will be functioning on our own. NJAW and TOMSA have both expressed interest.

Carol Bucco of 330 Shore Drive said that AHHRSA does not set our quarterly sewer rate, the town does.

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Mr. Francy explained that our metering has not shown a reduction in flow.

Mrs. Gordon questioned flow charts of the town.

Mr. Francy explained the infrastructure.

Mrs. Peterson of 31 Barberie Avenue questioned Mr. Francy statement of non-reduction of flows.

Tom Walczewski of 80 Shrewsbury Avenue feels it should be based on water usage.

Mrs. Cummins explained that commercial property sewers are based on water consumption.

Mayor Nolan explained the process to dissolve AHHRSA.

Eileen Skiff of 15 Ocean Avenue stated that the council has done a great job.

Patricia Flanagan – passed.

Don Manrodt of 268 Bayside Drive said the Distribution Center at the old fire house on Bay Avenue is open on Friday and Sunday. We need to post hours on the sign. He also spoke of the Sewer Authority and that sewers were installed in 1927. He further explained.

John Bajor of 15 Huddy Avenue asked if Ordinance O-13-6 will apply to abandoned houses.

Mayor Nolan replied that it can.

Mona McCluskey – left.

Jamie Werdann – left.

Gerald Gates – left.

There were no further questions.

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

The Meeting adjourned at 9:41 p.m.

Debby Dailey, Deputy Clerk

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