

**Borough of Highlands
Mayor & Council
Workshop/Regular Meeting
May 15, 2013**

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

Mayor Nolan called the meeting to order at 7:01 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, Mayor Nolan

Also Present: Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Steve Pfeffer, Borough CFO

Bruce Padula, Borough Attorney

Dale Leubner, Borough Engineer

Executive Session Resolution:

Mayor Nolan offered the following Resolution and moved its adoption:

R-13-110

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, Bay Street Retaining Wall
2. Contract: Shared Services
3. Real Estate:
4. Personnel Matters: Work Force Development Program
5. Attorney-Client Privilege: Danksin Agency (Insurance)-Mun Bldgs
Boro Employees/Police Dept. Residency Requirements
Potential Non-conforming Use Issues
Creation of Redevelopment Plan

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 collecting 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 publics 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. Kane and approved 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

The Governing Body then entered into Executive Session.

Mayor Nolan called the meeting back to order at 8:40 p.m.

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

ROLL CALL:

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

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NAYES: None
ABSENT: None
ABSTAIN: None

Arcadis Presentation:

Lee Wordsman of Arcadis stated that he was hired to prepare FEMA applications. He also is in the process of properly remove debris and demo debris. He then gave a power point presentation. He described worksheets that were submitted to FEMA.

Travis from Arcadis also gave a presentation on private debris removal process and demo process.

An unidentified woman questioned the preliminary assessment of the properties.

Travis stated that there will be a list.

Lori Dibble questioned the property owner notification process.

Travis explained.

Melissa Macaleer of Barbarie Avenue questioned the demo process if bank owned property.

Travis explained and then continued the presentation.

An unidentified woman questioned liability.

Ann Tierney also questioned liability.

Travis continued his presentation. He spoke of right of entry.

John Macaleer questioned the right access process for emergencies and commercial property versus private property.

Travis explained and continued presentation.

An unidentified woman asked about the guidelines to hire local people and background checks.

An unidentified man asked about contractors.

Lee Wordsman spoke of the hiring process for employees.

Travis said the information will be put on the website. He then continued his presentation.

An unidentified man questioned bid process for contractors.

Travis explained and continued to answer questions.

Mayor Nolan explained that the Borough will have to pay for flood insurance for borough facilities.

Travis continued to answer questions from the public.

Consent Agenda:

Mayor Nolan asked if anyone had questions or concerns on any resolutions.

Mr. Francy asked to remove R-13-112.

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

R-13-111

**Borough of Highlands
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RESOLUTION ACCEPTING RESIGNATION
OF TEMPORARY EMPLOYEE**

WHEREAS, Michele Pezzullo has submitted her letter of resignation dated May 1, 2013 with an effective resignation date of May 4, 2013.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Borough hereby accepts the resignation of Michele Pezzullo, Temporary Work Force Development Employee.

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
ABSTAIN: None
ABSENT: None

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

**R-13-113
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATION NO. RA#1317-13-4
HIGHLANDS BUSINESS PARTNERSHIP**

WHEREAS, the Highlands Business Partnership has submitted a Raffle License Application No. RA1317-13-4 for a drawing to be held on August 4, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Raffle License Application RA#1317-13-4 for the Highlands Fire Department is hereby approved and the Borough Clerk is authorized to sign off on licenses.

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

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

**R-13-113
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATION NO. RA#1317-13-4
HIGHLANDS BUSINESS PARTNERSHIP**

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Raffle License Application RA#1317-13-4 for the Highlands Fire Department is hereby approved and the Borough Clerk is authorized to sign off on licenses.

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

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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-13-114

Resolution Directing the Code Enforcement Officer to issue Summonses for violations of the Borough's Mercantile License Ordinance, Borough Code Section 4-9

Whereas, as provided by Section 2-12.2 of the Code of the Borough of Highlands, the Borough established the position of Code Enforcement Officer within the Department of Buildings and Housing; and

Whereas, Section 2-12.2 of the Borough Code prescribes the duties of the Code Enforcement Officer; and

Whereas, that section also provides that the Code Enforcement Officer shall also perform "all such duties as may from time to time be assigned to the office by the mayor and council;" and

Whereas, the Mayor and Council find that it is in the Borough's best interest for the Code Enforcement Officer to be responsible for issuance of summonses for violations of the Borough's Mercantile License requirements, contained in Section 4-9 of the Borough Code.

Now, therefore, be it RESOLVED by the Mayor and Council of the Borough of Highlands that, pursuant to Section 2-12.2 of Code of the Borough of Highlands, the Code Enforcement Officer is hereby authorized and directed to issues summonses for violations of the Borough's Mercantile License requirements contained in Section 4-9 of the Borough Code.

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

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

**R-13-115
RESOLUTION APPROVING
STATE-LOCAL GRANT AGREEMENT
HAZARD MITIGATION GRANT PROGRAM
DR-4033**

WHEREAS, the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey has received a FEMA grant for the elevation of eight structures; and

WHEREAS, the total estimated cost the project is \$1,045,338.00 with a federal share of \$784,000.00 with a local non-federal share in the amount of \$261,338.00.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Borough, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Highlands Borough Council does hereby approve the State-Local Grant Agreement for the Hazard Mitigation Grant Program DR-4033 for the elevation of eight structures.
 2. The total estimated cost of the project is \$1,045,338.00 with a federal share of \$784,000.00 and a local non-federal share in the amount of \$261,338.00.
 3. The Highlands Borough Council acknowledges the terms and conditions for administering the grant, including the administrative compliance.
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4. The Mayor, Borough Administrator and Borough 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, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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

**R-13-116
RESOLUTION AUTHORIZING
THE SUBMISSION OF AN APPLICATION FOR THE MUNICIPAL ALLIANCE GRANT
FOR FAMILIES OF SANDY**

WHEREAS, the Highlands Borough Council of the Borough of Highlands, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Highlands Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Highlands Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth; and

WHEREAS, funding is available for a new Alliance Program for Families of Sandy; and

NOW, THEREFORE, BE IT RESOLVED by the Highlands Borough, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Highlands Borough Council does hereby authorize submission of an application for the Highlands Municipal Alliance grant for Families of Sandy in the amount of \$3469.00 which would increase the borough's cash match from \$6881.25 to \$7748.00.
2. The Highlands Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

Mayor Nolan offered the following Payment of Bill List and moved on its approval of Payments:

**RECAP OF PAYMENT OF BILLS
05/15/2013**

CURRENT:		\$ 351,435.12
Payroll	(04/30/2013)	\$ 104,396.27
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Manual Checks		\$	98,067.28
Voided Checks		\$	
SEWER ACCOUNT:		\$	10,146.75
Payroll	(04/30/2013)	\$	3,198.91
Manual Checks		\$	2,152.44
Voided Checks		\$	
CAPITAL/GENERAL		\$	12,823.32
CAPITAL-MANUAL CHECKS		\$	
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	22,291.26
Payroll	(04/30/2013)	\$	1,200.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	
Payroll	(04/30/2013)	\$	8,165.85
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.**

Approval of Payment seconded by Ms. Ryan and approved 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

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the April 17, 2013 Executive and Regular Meeting Minutes, 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

Other Resolutions:

R-13-107 - Resolution – Appointing Public Officer for Substandard Housing:

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

**R-13-107
RESOLUTION APPOINTING PUBLIC OFFICER**

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FOR SUBSTANDARD HOUSING**

WHEREAS, Borough Code Section 10-4.2 requires the appointment of a Public Officer to enforce section 10-4 of the Borough of Highlands General Ordinance which pertains to Buildings Unfit for Human Habitation, Occupancy or Use; and

WHEREAS, Mayor Nolan here appoints Dave Mercado as the Public Officer for an unexpired one year term to expire December 31, 2013.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that Dave is hereby appointed as Public Officer for Substandard Housing for a one year term to expire on December 31, 2013.

BE IT FURTHER RESOLVED that said appointment shall not receive compensation.

Seconded by Mr. Redmond and approved 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.

R-13-105 – Resolution - Approving Arcadis Contract:

Mayor Nolan offered a motion to amend the certified funds for special emergency due to Hurricane Sandy, seconded by Ms. Kane 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

R-13-117 – Resolution for Estimated Tax Rate:

Mayor Nolan offered a motion to table the resolution to the June 5th meeting, seconded by Mr. Francy 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

R-13-118 – Resolution Authorizing Release of Letter of Credit:

Mayor and Council requested more information. Tabled to June 5th meeting.

R-13-119 – Resolution Authorizing Change Order #5 for Blackrock Construction:

Mr. Leubner explained the change order increase of \$144.00 for the 2011 Road Improvement Project.

Mayor Nolan offered the following Resolution and moved its adoption:

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R-12-13-119**

**RESOLUTION – CHANGE ORDER #3
BLACK ROCK ENTERPRISES, LLC
DECREASE OF \$1.44
2011 ROAD IMPROVEMENT PROGRAM PROJECT**

WHEREAS, a contract was awarded for Black Rock Enterprises, LLC as follows:

R-12-60	March 7, 2012	\$399,345.28	
R-12-169	July 18, 2012	\$ - \$8.24	Change Order #1
R-12-270	December 19, 2012	\$.01	Change Order #2

WHEREAS, change order # 3 dated May 8, 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),

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands that change order #3 decreasing the original contract amount by \$1.44 is hereby authorized for the 2011 Road Improvement Program Project. The contract amount is hereby amended to \$399,335.59.

Certification of Funds:

I hereby certify that funds are available for this contract from Ordinance 11-12.

NO CERTIFICATION NECESSARY

Stephen Pfeffer
Chief Financial Officer

Seconded by Mr. Francy 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

Ordinances: Introduction & Setting of a Public Hearing Date of June 19th, 2013

Mayor Nolan offered a motion to carry this ordinance to the June 5th meeting, seconded by Mr. Francy 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: 2nd Reading, Public Hearing, Adoption:

O-13-5 Zoning Ord RE: ABFE:

Mrs. Cummins read the title of Ordinance O-13-5 for 2nd Reading, and Public Hearing. This was advertised in the March 29th edition of the Two River Times and may now be open for public hearing.

Annemarie Tierney of 29 Shrewsbury Avenue questioned the ABFE and does she have to change her plans for lifting.

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Mr. Leubner explained State Flood Rules require 1ft. above BFE.

John Bajor of 15 Huddy Avenue questioned if this is the final word on elevation.

Mayor Nolan replied that if FEMA changes, our ordinance changes with it.

John Bajor asked if the elevation would go higher.

Mrs. Bajor questioned when the start date is considered for a project. She then question height allowance.

Mr. Francy explained the ordinance also relieves you from side setbacks for stairs.

John Bajor asked when FEMA will finalize.

Mayor Nolan replied December. If you start lifting, you won't be eligible for grants.

Annemarie Tierney questioned the time frame process for grant lifting.

Mr. Redmond stated that he is going to raise his house. He cannot wait.

Melissa Macleer of Barbarie Avenue questioned the flexibility of the language of ordinance to allow changes.

Mr. Padula stated that it is based on the BFE.

Melissa Macleer would like specific language to state that the ordinance reverts to changed BFE.

John Macaleer questioned standard BFE ordinance.

Ms. Kane explained elevations may be changed by FEMA.

Mr. Padula stated that if we don't adopt then there can be repercussions.

Larry Colby of 44 S. Bay Avenue spoke in favor of the ordinance.

Cindy of 46 2nd Street has submitted her plans and wants to lift next week. She needs this ordinance voted on tonight.

Mayor Nolan explained.

Mr. Francy commented.

Ms. Kane also commented.

Cindy stated that she does not want to wait.

John Bajor of 15 Huddy Avenue questioned the grant income parameters.

Mayor Nolan explained that we do not have that information yet.

Mrs. Cummins read the title of Ordinance O-13-5 for 3rd and final reading and adoption.

Mayor Nolan offered the following ordinance as amended pass final reading and moved its final adoption:

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**

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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:

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 plus one (1) foot.

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

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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 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.

SUBSTANTIAL IMPROVEMENT AND SUBSTANTIALLY IMPROVED — The costs of repairs equaling fifty percent (50%) or more of the market value of the structure as determined by the Flood Plan Administrator.

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.

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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 +

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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.

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.

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(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.

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

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floor, including basement, elevated above the highest adjacent grade one foot above at least as high as the depth number specified in feet the highest adjacent grade (at least two (2) three (3) feet if no depth grade 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.
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, Flood Hazard Area design flood elevation, advisory base flood elevation or as required by the Uniform Construction Code (N.J.A.C. 5:23) whichever is more restrictive provided that the finished floor is at least one foot above 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.

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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.

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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-13-7- Amending Noise Ordinance:

Mrs. Cummins read the title of Ordinance O-13-5 for 2nd Reading, and Public Hearing. This was advertised in the May 4th edition of the Asbury Park Press and may now be open for public hearing.

Lori Dibble of 32 Paradise Park questioned the language of the ordinance.

Mr. Padula explained that this only changes the time for certain days.

Annemarie Tierney thanked the council for the amended version and will our police enforce this.

Mayor Nolan said that the Windansea is hiring two police officers for the one weekend.

Kim Skorka of 315 Shore Drive wants the number of phone calls for businesses about noise ordinance. She would like the noise ordinance enforced.

Chief Blewett stated that they always respond to calls. People can sign complaints.

Annemarie Tierney said that called alot last summer about the Windansea noise ordinance violation. This is a town wide problem.

Mr. Redmond stated that after 10 p.m. issue a ticket on Friday and Saturday nights.

Annemarie Tierney said that it is not just outdoor music; it's also indoor music with the windows open.

Chief Blewett explained police response. He will send a letter to all businesses about the noise ordinance.

Mr. Francy said that it is measured by 100 ft. He would like more information from Chief Blewett regarding issues that have been summoned.

Chief Blewett said we can discuss this at the next meeting and he will send letters out.

Lori Salka of Portland Road spoke of Off the Hook. Motorcycles exceed the noise ordinance after closing and drunks making noise. We need the police to routinely check bars at closing. This is a quality of life issue.

Kim Skorka thanked the council for removal of Sundays from the ordinance.

Mrs. Cummins read the title of Ordinance O-13-7 for 3rd and final reading and adoption.

Mayor Nolan offered the following ordinance as amended pass final reading and moved on its adoption:

**O-13- 7
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

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**ORDINANCE AMENDING SECTION 3-2.3, “ENUMERATION OF NOISES” TO PERMIT THE
PLAYING OF OUTDOOR MUSIC UNTIL 10:00 P.M. ON SUNDAYS BETWEEN MEMORIAL
DAY WEEKEND AND LABOR DAY AND TO PERMIT THE PLAYING OF OUTDOOR MUSIC
UNTIL 11:00 P.M. ON SUNDAY, MAY 26, 2013**

WHEREAS, the Borough of Highlands regulates the emanation of noise by and through Section 3-2, “Noise” of the Code of the Borough of Highlands; and

WHEREAS, the Borough wishes to amend Section 3-2.3, “Enumeration of Noises” to permit the playing of outdoor music, either live or recorded until 10:00 p.m. on Sundays between Memorial Day weekend and Labor Day; and

WHEREAS, due to the anticipated increased tourism resulting from the first opening of the Summer season after the effects of Hurricane Sandy, the Borough wishes permit the playing of outdoor music, either live or recorded until 11:00 p.m. on Sunday, May 26, 2013; and

WHEREAS, the Borough finds that it is in its best interests to amend Section 3-2.3 of the Code of the Borough of Highlands to permit to permit the playing of outdoor music until 10:00 p.m. on Sundays between Memorial Day weekend and Labor Day and to permit the playing of outdoor music until 11:00 p.m. on Sunday, May 26, 2013; 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:

SECTION ONE. Borough Code Section 3-2.3(b), “Enumeration of Noises” shall be amended to provide as follows:

(b)(1)The playing of music outdoors, either live or recorded, between the hours of 8:00 p.m. and the following 8:00 a.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, and between the hours of 10:00 p.m. and the following 8:00 a.m. on Friday and Saturday is hereby prohibited;

(2) On Sunday, May 26, 2013, the restriction provided by subparagraph (b)(2) above shall read “the playing of music outdoors, either live or recorded, between the hours of 11:00 p.m. and the following 8:00 a.m. on Friday, Saturday and Sunday is hereby prohibited;”

SECTION TWO. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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

SECTION FOUR. Effective. This Ordinance shall take effect after final passage as provided by law.

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

ROLL CALL:

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

Other Business:

Borough Engineer's Status Report

Mr. Leubner gave his report.

Re: Engineer's Status Report

The following is the status of various projects in which we are involved as Borough Engineer:

Capital Improvement Projects

1. Flood Reduction Program: Permit applications were submitted to the various agencies on March 4, 2011 and the project plans and specifications submitted to the NJDEP under the EIT program on March 7, 2011. A Tidelands License has been approved by the NJDEP to relocate the Valley Street Pumpstation outfall line to the Borough right-of-way. The permits for the project have been issued by the Army Corps of Engineers on July 7, 2011 and the NJDEP issued CAFRA and Waterfront Development Permits on July 27, 2011. As requested, we have prepared and submitted a cost impact analysis to relocate the proposed pumpstation in Jones Creek to the footbridge adjacent to the community center. A presentation was held on September 20, 2011 to present the anticipated improvements of the overall project. The project has been put on hold. We have requested to be included in the 2014 EIT funding cycle at this time.

2. 2011 Roadway Improvements Project: T&M Associates has been authorized to design and provide contract administration services for the following roadways:

- Valley Avenue Resurfacing: from Highland Ave. to the western terminus
- 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

- Project has been substantially completed.
- Minor punchlist items remain.

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

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- We are currently preparing final close out documents to send to the NJDOT for final reimbursement.
4. 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.
 - County has confirmed the disposal site and is currently drafting up the agreements.
 - We have received the Emergency Action Permit from the NJDEP.
 - We are currently awaiting the Acceptable Use Determination from the State and the cost sharing agreement from the County.
5. 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.
 - Draft plans have been submitted to the Governing Body for review. We will advertise the project once bonding is in place and we are authorized to do so.
 - We are currently addressing comments received from the Governing Body in an effort to reduce the overall size of the station.
 - Access agreements are required from the adjacent property owners for construction purposes.
6. Repairs to Washington Avenue: This project will complete repairs to the roadway due to the bulkhead failure at the Captain's Cove Marina. The project was advertised and awarded as follows:

Bid Date:	October 10, 2012
Award Date:	December 5, 2012
Contractor:	L&L Paving Company Inc., Tinton Falls, NJ
Amount:	\$46,150.00

- Pre-construction meeting was held on April 19, 2013.
- We are currently working with Brannin Contracting to install the outfall piping and inlet at the Recreation Place intersection.
- Road contractor to commence work once the outfall piping work is completed by Brannin.

7. 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.

Bid Date:	April 30, 2013
Award Date:	May 1, 2013
Contractor:	Esposito Construction, LLC, Matawan, NJ
Amount:	\$110,955.00

- Contracts are currently being compiled.

Grants and Loans

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1. FEMA Hazardous Mitigation Assistance Grant Application (Flood Reduction Program): 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 (Irene): 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 have received the agreements from FEMA and they are currently under 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. The Borough has been informed by the NJDOT that \$200,000 has been awarded for this project.
5. FEMA Hazardous Mitigation Assistance Grant (Sandy): Letters of Intent have been submitted to the County as requested. The only viable project identified was for house lifting and building flood-proofing.

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

Mr. Francy said to leave the North Street Pumping Station intact.

Mr. Hill will get Pumping Services to get the station up and running.

Discussions continued regarding bond ordinance for lifting program for station and monitoring.

Mr. Pfeffer stated that a professional service resolution for T&M was done about a year ago. We need to look at that agreement.

Mayor's Appointments to Planning Board

Mayor Nolan's appointment to the Planning Board:

Whereby the following appointments were made by Mayor Nolan:

Mark Danzeisen	Alternate Number 1 Member of the Planning Board for the unexpired 2 year term to expire on 12/31/14
Rick Corn	Alternate Number #2 Member of the Planning Board for the unexpired 2 Year Term to expire on 12/31/13

Monmouth County Open Space Grant Program

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Mr. Hill gave an update for last year's beach access grant.

Request for Benefit Walk

Chief Blewett stated that security is needed. We will need to provide police officers.

Mayor Nolan directed Chief Blewett to reach out and get more information.

Council further discussed.

Mr. Hill and Chief Blewett will meet to discuss further.

Public Portion:

Don Manrodt of 268 Bayside Drive asked if we can get the telephone poles replaced on Matthew Street and Bayside Drive.

Mr. Leubner will look in to it.

Kim Skorka - passed.

Melissa Macaleer spoke of the amendment regarding flood insurance.

Mayor Nolan said he has not yet reviewed the amendment. He spoke with Congressman Pallone today. He further explained.

Melissa Macaleer would like our town to have input to Senator Menedez. She emailed the council about loans towns are getting and questioned why Highlands was not on the list. She would like a list of all grants the town has applied for.

Mayor Nolan explained that the list does not exist and then explained the process.

Mr. Pfeffer stated that we have received \$442,000.00 from FEMA so far and further explained.

Melissa Macleer questioned why there is not a clear cut accounting of grants applied for.

Mr. Hill explained.

Mayor Nolan and Ms. Kane also responded.

Mr. Pfeffer said he was told not to publish number until the final worksheet are done.

Ms. Ryan stated that many agencies require privacy.

Carol Bucco of 330 Shore Drive asked for an update on sewer rates.

Mr. Francy responded that they are still the same.

Carol Bucco asked about the size of the pipes on Valley and if we are going to reduce rates.

Mr. Francy stated that it may change based on water consumption.

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Council briefly discussed.

Carol Bucco asked where the police are located.

Chief Blewett said that they started moving yesterday.

Carol Bucco questioned why a resident file a complaint must.

Chief Blewett explained.

Carol Bucco said parking in a fire zone.

Chief Blewett we enforce.

Annemarie Tierney spoke of the Windansea and the number of complaints made to the police. Feels we need restrictions on liquor license.

Mayor Nolan spoke of conditions that can be made on a liquor license.

Discussion continued with council and Chief Blewett.

Mayor Nolan said we will see if we can get permission to hire more specials.

Annemarie Tierney spoke of resident parking only after 10 p.m.

Council continued to discuss.

Mayor Nolan directed Chief Blewett to put a report together for all to review.

Discussion continued regarding surrounding beach towns.

Mayor Nolan wants Chief Blewett to get an ordinance that the police can enforce.

Mr. Macaleer wants DUI check points in Highlands.

Chief Blewett said we do not meet the required criteria for down town.

Don Manrodt of 268 Bayside Drive said to have the Fire Inspector inspect capacity.

Kim Skorka spoke about Jenkinson Boardwalk and if we hook up with Sea Bright for DUI check points.

Ms. Kane stated the Chief Blewett needs to give the council a proposal.

Annemarie Tierney asked if we could consider nuisances at liquor license renewals.

Mr. Francy said we will speak with Chief Blewett next week.

Lori Dibble of 32 Paradise Park said that Mr. Bollerman put cones up to block access to Locust Street and cones were put up to stop people from turning around.

Mr. Hill stated that we reviewed this. The easement was granted. We can revise it.

Lori Dibble asked about public discussions regarding a redevelopment plan.

Mayor Nolan wants to put a media packet out to developers.

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Tom Walczeski of Shrewsbury Avenue stated that cars for Windansea are parked on the sidewalks. He did call the police. The Valet Parkers are parking cars on the sidewalk. The police need to issue tickets.

John Macaleer of 52 Barbarie Avenue formally objects to the FEMA rating that was done.

Mr. Leubner stated that the working maps will be sent to municipal officials to digest.

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 11:10 p.m.

Debby Dailey, Deputy Clerk