

**Borough of Highlands
Planning Board
Reorganization/Regular Meeting
January 10, 2013**

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

Note: This meeting was not electronically recorded.

Mr. Stockton called the meeting to order at 7:30 P.M.

Mr. Stockton asked all to stand for the Pledge of Allegiance.

Mr. Stockton made the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Reorganization/Regular Meeting of the Borough of Highlands Planning Board 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: Mr. Mullen, Ms. Peterson, Mayor Nolan, Mr. Gallagher, Mr. Redmond, Mr. Colby, Mr. Stockton

Late Arrival: Mr. Hill arrived at 7:33 p.m.

Absent: Mr. Schoellner, Mr. Galvin

Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq., Board Attorney
Robert Keady, P.E., Board Engineer

Mr. Gallagher offered the following Resolution be memorialized and moved on its adoption:

**BOROUGH OF HIGHLANDS
PLANNING BOARD RESOLUTION
DESIGNATING CHAIRPERSON
FOR THE YEAR 2013**

BE IT RESOLVED by the Borough of Highlands Planning Board that Andrew Stockton be appointed Chairperson of the Planning Board for a term of one (1) year expiring December 31, 2013.

Seconded by Mr. Mullen and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Mr. Mullen, Ms. Peterson, Mayor Nolan, Mr. Gallagher, Mr. Redmond, Mr. Colby, Mr. Stockton

NAYES: None

ABSTAIN: None

Mr. Mullen offered the following Resolution be memorialized and moved on its adoption:

**BOROUGH OF HIGHLANDS
PLANNING BOARD RESOLUTION
DESIGNATING VICE CHAIRPERSON
FOR THE YEAR 2013**

BE IT RESOLVED by the Borough of Highlands Planning Board that Janet Peterson be appointed Vice Chairperson of the Planning Board for a term of one (1) year expiring December 31, 2013.

Seconded by Mayor Nolan and adopted on the following Roll Call Vote:

**Borough of Highlands
Planning Board
Reorganization/Regular Meeting
January 10, 2013**

ROLL CALL:

AYES: Mr. Mullen, Ms. Peterson, Mayor Nolan, Mr. Gallagher,
Mr. Redmond, Mr. Colby, Mr. Stockton
NAYES: None
ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
PLANNING BOARD RESOLUTION
APPOINTING BOARD SECRETARY
FOR THE YEAR 2013**

BE IT RESOLVED by the Borough of Highlands Planning Board of the Borough of Highlands that Carolyn Cummins be appointed Secretary of the Planning Board for a term of one (1) year expiring December 31, 2013.

Seconded by Mr. Gallagher and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Mr. Mullen, Ms. Peterson, Mayor Nolan, Mr. Gallagher,
Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Stockton
NAYES: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING PLANNING BOARD ATTORNEY FOR THE
CALENDAR YEAR 2013 &
AUTHORIZING THE AWARD OF A PROFESSIONAL LEGAL SERVICES
CONTRACT**

WHEREAS, the Borough of Highlands has a need for professional legal services to be provided to the Planning Board for the calendar year 2013 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and Jack Serpico, Esq., of the law office of Jack Serpico, Esq. is so recognized;

WHEREAS, the Board Secretary has determined and certified in writing that the value of the contract will not exceed \$17,500; and

WHEREAS, Jack Serpico has submitted that attached contract for Professional legal services for the calendar year 2013; and

WHEREAS, the Planning Board has reviewed attached contract for Professional legal Services for 2013; and

WHEREAS, certification of the availability of funds is hereby provided by the Chief Financial Officer contingent upon the adoption of the 2013 Budget.

Planning Board Budget
Account #1141-3755 - \$8,000.00
For the Period of January 1, 2013 through December 31, 2013

Stephen Pfeffer, Chief Financial Officer

**Borough of Highlands
Planning Board
Reorganization/Regular Meeting
January 10, 2013**

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board as follows:

1. Jack Serpico, P.E. of the law office of Jack Serpico, Esq. is hereby appointed as Planning Board Attorney for the calendar 2013 and is awarded a professional service contract for an amount not to exceed \$8,000 for professional legal services provided for the period of January 1, 2013 through December 31, 2013.
2. The attached Professional legal services Contract is hereby approved and the Board Chairman and Secretary are hereby authorized to sign the contract.
3. This contract is awarded without competitive bidding as "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

**AYES: Mr. Mullen, Ms. Peterson, Mayor Nolan, Mr. Gallagher, Mr. Hill,
Mr. Redmond, Mr. Colby, Mr. Stockton**
NAYES: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING PLANNING BOARD ENGINEER FOR THE CALENDAR
YEAR 2013
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, the Borough of Highlands has a need for professional engineering services as a non-fair and open contract to be provided to the Planning Board for the calendar year 2013 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and Robert Keady, P.E. of the firm of T & M Associates, 11 Tindall Road, Middletown, NJ is so recognized;

WHEREAS, the Board Secretary has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, T & M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T & M Associates has not made any reportable contributions to a political or candidate committee in the previous one year and that the contract will prohibit T & M Associates from making any reportable contributions through the term of the contract; and

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure Form in accordance with P.L. 2005, c271; and

**Borough of Highlands
Planning Board
Reorganization/Regular Meeting
January 10, 2013**

WHEREAS, T & M Associates has submitted that attached contract for Professional Engineering services for the calendar year 2013; and

WHEREAS, the Planning Board has reviewed attached contract for Professional Engineering Services for 2013; and

WHEREAS, certification of the availability of funds is hereby provided by the Chief Financial Officer contingent upon the adoption of the 2013 Municipal Budget.

Planning Board Budget

Account #1141-3757 - \$4,400.00

For the Period of January 1, 2013 through December 31, 2013

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board as follows:

1. Robert Keady, P.E. of T & M Associates is hereby appointed as Planning Board Engineer for the calendar year 2013 and is awarded a professional service contract for an amount not to exceed \$4,400 for professional engineering services provided for the period of January 1, 2013 through December 31, 2013.
2. The attached Professional Engineering Contract is hereby approved and the Board Chairman and Secretary are hereby authorized to sign the contract.
3. This contract is awarded without competitive bidding as "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. Mullen, Ms. Peterson, Mayor Nolan, Mr. Gallagher, Mr. Hill,
Mr. Redmond, Mr. Colby, Mr. Stockton

NAYES: None

ABSTAIN: None

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

**RESOLUTION SETTING THE SCHEDULE FOR REGULAR
MEETINGS OF THE BOROUGH OF HIGHLANDS
PLANNING BOARD
FOR THE YEAR 2013**

**Borough of Highlands
Planning Board
Reorganization/Regular Meeting
January 10, 2013**

BE IT RESOLVED by the Borough of Highlands Planning Board that the following schedule is hereby designated as the official Regular Meeting Calendar of the Planning Board for the year 2013. The official meeting days shall be the second Thursday of each month unless otherwise noted.

February 14, 2013
March 14, 2013
April 11, 2013
May 9, 2013
June 13, 2013
July 11, 2013
August 8, 2013
September 12, 2013
October 10, 2013
November 14, 2013
December 12, 2013
January 9, 2014 Regular/Reorganization Meeting

BE IT FURTHER RESOLVED that all meetings will be held at the Highlands Elementary School, 360 Navesink Ave, Highlands, NJ at 7:30 p.m.

Seconded by Mr. Mullen and adopted on the following Roll Call Vote:

ROLL CALL

AYES: Mr. Mullen, Ms. Peterson, Mayor Nolan, Mr. Gallagher, Mr. Hill,
Mr. Redmond, Mr. Colby, Mr. Stockton

NAYES: None

ABSTAIN: None

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

**BOROUGH OF HIGHLANDS
PLANNING BOARD RESOLUTION
DESIGNATING THE OFFICIAL NEWSPAPER
FOR THE YEAR 2013**

BE IT RESOLVED by the Borough of Highlands Planning Board that the **Asbury Park Press and the Two River Times**, are hereby designated as the official Newspaper for the Borough of Highlands Planning Board publications which are required by law for the year 2013.

Seconded by Mr. Mullen and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Mr. Mullen, Ms. Peterson, Mayor Nolan, Mr. Hill, Mr. Redmond,
Mr. Colby, Mr. Stockton

NAYES: Mr. Gallagher

ABSTAIN: None

Review of Planning Board Subcommittee Comments RE: Flood Damage Prevention Ord.

Mr. Stockton began discussion regarding new FEMA guidelines and storm damage.

Board took a break while waiting for Paul Vitale, Construction Official and Dale Leubner, Flood Plain Administrator.

Mr. Leubner and Mr. Vitale both arrived at 8:00 p.m. and the meeting was called back to order.

Mr. Vitale provided a handout to the board which was a FEMA document.

**Borough of Highlands
Planning Board
Reorganization/Regular Meeting
January 10, 2013**

Mr. Stockton spoke about the International Building Code having requirements and the Borough has own ordinance. FEMA has new model ordinance which he hasn't seen yet regarding freeboard requirements. His concerns regarding advisory base flood map is that it changes the downtown to the V14 zone which has more stringent requirements. He would like to see the flood zone for downtown changed to an A zone. He feels that determining downtown as a V Zone is unfair. He compared Highlands to Seabright less stringent flood elevations.

Mr. Mullen stated that it's hard to have a business if you have to elevate the building.

Paul Vitale explained reasons for change in flood map. He further explained that we ended up with a larger V zone. He believes flood elevations are pretty accurate. He would rather have houses higher than lower. He spoke of the new V zone and A zone and the handouts that he provided which refer to construction practices. He said Gravelly Point Road should also be a V Zone.

Dale Leubner agrees.

Mayor Nolan stated that other towns are doing ordinance to meet requirements of the V zone. He agrees FEMA is accurate and that Gravelly Point should also be included in the V zone.

Paul Vitale stated that the flood ordinance should require a 2foot above the FEMA regulations.

Dale Leubner explained the height is one foot above the finished floor.

Chris Francy questioned where the free board was.

Dale Leubner explained based on ordinance it's on bottom joist. There were a lot of concerns from residents with regard to the height.

Mr. Mullen stated that section 21-82 of our zoning ordinance allows people to comply with flood requirements to meet the flood regulations. The issue is setbacks for stairs and decks.

Discussions continued.

Paul Vitale spoke about a cut and fill ordinance that other towns have. He stated that a lot of residents are concerned with small lots raising homes, big concern with stairs. Need to consider allowing higher heights to accommodate stairs to houses.

Discussion continued between board, Mr. Vitale and Mr. Leubner.

Mayor Nolan suggested that the Planning Board form a subcommittee to review FEMA requirements. The subcommittee should consist of two Planning Board Members, one Council Member, Mr. Vitale and Mr. Leubner. He wants the Subcommittee to provide recommendations by the February Meeting.

Mr. Serpico suggested that board look at long term ramifications verse short term.

Mr. Francy stated that people are making repairs to homes without building permits and moving in without c/o's.

Mayor wants subcommittee formed tonight.

Mr. Serpico stated that we need to modify our Zoning Ordinance.

Mr. Leubner explained that we need to go by FEMA advisory until borough ordinance is adopted.

Discussions continued.

Mr. Serpico – no public notice of subcommittee meetings unless there would be a quorum.

**Borough of Highlands
Planning Board
Reorganization/Regular Meeting
January 10, 2013**

The Board established the subcommittee members to be Mr. Stockton, Mr. Mullen, Mr. Gallagher, Mr. Braswell, Mayor Nolan, Mr. Francy, Paul Vitale and Dale Leubner.

Mr. Stockton will provide members with meeting date for subcommittee.

Approval of Minutes

Mr. Mullen offered a motion to approve the October 11, 2012 Planning Board Minutes. Seconded by Mr. Gallagher and all were in favor.

Mr. Gallagher offered a motion to adjourn the meeting, seconded by Mr. Hill and all were in favor.

The Meeting adjourned at 9:02 p.m.

Carolyn Cummins, Board Secretary