

**Mayor and Council
Agenda
Community Center,
22 Snug Harbor Avenue, Highlands
Thursday, April 6, 2017
7:00 p.m.**

As per requirement of Public Law 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council 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. Formal Action will be taken.

Call to Order
Meeting Statement
Roll Call
Executive Session Resolution

EXECUTIVE SESSION: 7:00PM

Contract Negotiations: Potential acquisition of Property: BL 37 - Lots 12.01 & 13 for New Borough Hall
Highlands Housing Authority Sewer Charges
Attorney-Client Privilege: Bay Pointe at Highlands Condominium Association

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Approval of Minutes: March 15, 2017 – Regular Meeting

Public Comments on Consent Agenda/Resolutions

Consent Agenda

R-17-079 - Authorizing the Removal of a Disabled Parking Space Designation
R-17-080 - Renewal of Liquor License for Grimaldi's for the 2016-2017 Terms
R-17-081 - 2016 Recycling Tonnage Grant
R-17-082 - Authorizing the Submission of Tax Reimbursement for the Recycling Tonnage Grant
R-17-084 - Accepting Resignation of Diane Gunter (Keavey) as the Clean Communities Coordinator
R-17-085 - Appointing Clean Communities Coordinator
R-17-088 - Appointing Police Chaplains
R-17-089 - Payment of Bills
R-17-090 - Dedicating Planting Day for the Pocket Meadow Initiative
R-17-091 - Authorizing Contract for The Construction of Restrooms at the Community Center
R-17-092 - Accepting Resignation of Barry Leaser as Sewage Plant Operator
R-17-094 - Renewal of Liquor License for Highlands Brewery for the 2016-2017 Terms

Resolutions

R-17-083 - Declining Support to the US Army Corp of Engineers and Rejecting the Coastal Storm Risk Management Project
R-17-086 - Terminating Shared Services Agreement Between the Borough of Highlands and the

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Borough of Atlantic Highlands for Sewer Operation Services

R-17-087 - Regarding Appeal of Denial of Mercantile License for Captains Cove Marina

R-17-093 - Auth. Award of Contract to Remove/Disassemble/Transport & Set Up Modular Office Space

Ordinances: Introduction

O-17-09 - Amending Chapter 3-7 of the Borough Code about the Separation of Recyclables

O-17-10 - Amending Chapter VII, "Traffic," Of the Borough Code About Stop Intersections

Ordinances: Public Hearing/Possible Adoption

O-17-01 - Amending Chapter 21-8 of the Borough Code Concerning the Definition of Lot Coverage

O-17-07 - Amending Chapter VII, "Traffic," of the Borough Code Related to Areas of "No Parking"

O-17-08 - Exceeding the Municipal Budget Appropriation Limits and to Establish a Cap Bank

Other Business:

Continuation of Appeal of denial of Mercantile License for Captain's Cove Marina

Public Comments:

Adjourn:



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-079

RESOLUTION AUTHORIZING THE REMOVAL OF A DISABLED PARKING SPACE DESIGNATION

WHEREAS, there has been a request made to remove a previously designated disabled parking space, located at 2 Rogers Street and designated as #P1149077, which was reserved for Albert Hartsgrove, a tenant of Apartment Number A-10, as the tenant no longer resides at this address; and

WHEREAS, the Chief of Police has reviewed the aforesaid request and approves the removal of the disabled parking space located at 2 Rogers Street and designated as #P1149077.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the request for the removal of the disabled parking space, located at 2 Rogers Street and designated as #P1149077, is hereby approved and the Borough Officials, including but not limited to the Superintendent of the Department of Public Works, is hereby directed to remove the aforesaid disabled parking sign.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-080

RENEWAL OF LIQUOR LICENSE FOR **GRIMALDI'S** FOR THE 2016-2017 TERMS

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (ABC) has implemented a new electronic, web based licensing called POSSE ABC; and,

WHEREAS, renewal applications have been filed or submitted through the POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal applications have been accepted via POSSE ABC, the Municipal fees have been paid and a Tax Clearance Certificate has been received for the following licensee[s]; and,

WHEREAS, the applicants are qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and,

WHEREAS, the required Special Ruling, to permit consideration of a renewal for inactive licenses, pursuant to N.J.S.A. 33:1-12.39 has been received;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the renewal of the following Liquor License[s] for the 2016-2017 terms, is/are hereby authorized:

Plenary Retail Consumption License:

File Number	License Number	Licensee	Establishment
90065	1317-33-004-012	BAY AVE RESTAURANT CO LLC	GRIMALDIS

Plenary Retail Distribution Licenses:

File Number	License Number	Licensee	Establishment



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-081 2016 RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and,

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory 'Source Separation and Recycling Act; and,

WHEREAS, the recycling regulation imposes on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for 2016 recycling tonnage grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Highlands to the efforts undertaken by the municipality and the requirements contained in the recycling act and recycling regulations; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates the Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

BE IT FURTHER RESOLVED that a certified copy of the resolution be forward to the following:

1. New Jersey Department of Environmental Protection
2. Department of Public Works



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-082
AUTHORIZING SUBMISSION OF TAX REIMBURSEMENT
CERTIFICATE IN CONNECTION WITH THE
RECYCLING TONNAGE GRANT

WHEREAS, the Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and,

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law," the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program; and,

CERTIFICATION OF FUNDS

I, Patrick DeBlasio, Chief Financial Officer of the Borough of Highlands, do hereby certify a submission of expenditures for taxes paid in the amount of \$1,178.79 was received by this municipality.

Patrick J. DeBlasio

THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the Borough of Highlands hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2009, chapter 311, in 2016 the amount of \$1,178.79. Documentation supporting this submission is available with the Financial Manager at the Borough of Highlands, 42 Shore Drive, Highlands, NJ 07732 and shall be maintained for no less than five years from this date; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

BE IT FURTHER RESOLVED that a certified copy of the resolution be forward to the following:

1. Chief Financial Officer
2. Finance Manager
3. Director of Public Works/Recycling Coordinator



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17- 083

RESOLUTION DECLINING TO ISSUE LETTER OF SUPPORT TO THE U.S. ARMY CORPS OF ENGINEERS AND REJECTING THE COASTAL STORM RISK MANAGEMENT PROJECT

WHEREAS, the United States Army Corps. of Engineers provided information with regard to the design and construction of a project in accordance with coastal storm risk management within the Borough of Highlands; and

WHEREAS, a Special Meeting was held on March 20, 2017 wherein the purpose of the said meeting was for the United States Army Corps. of Engineers in conjunction with the New Jersey Department of Environmental Protection, to provide study information on the Final Feasibility Report and Environmental Assessment for the Raritan Bay and Sandy Hook Bay, Coastal Storm Risk Management Feasibility Study; and

WHEREAS, the United States Army Corps. of Engineers has advised that a Letter of Support from the Borough of Highlands would be required in order to proceed with the aforesaid project; and

WHEREAS, the governing body of the Borough of Highlands has considered all of the information presented with regard to the aforesaid project and the feasibility study contained therein, including but not limited to, that which was presented during the Special Meeting that was conducted on March 20, 2017; and

WHEREAS, after due consideration of the aforesaid Coastal Storm Risk Management Project, the governing body has determined that it is in the best interest of the residents of the Borough of Highlands to reject the said project and decline to issue a Letter of Support.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the Borough is rejecting the Coastal Storm Risk Management Project proposed by the United States Army Corps of Engineers and declining to issue a Letter of Support.

BE IT FURTHER RESOLVED, that the Borough officials, including but not limited to, the Borough Administrator, are hereby authorized to advise the United States Army Corps of Engineers as well as any necessary parties, that the Borough is rejecting the Coastal Storm Risk Management project for the Borough of Highlands and declining to issue a Letter of Support for the aforesaid project.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-084

RESOLUTION ACCEPTING RESIGNATION OF DIANE GUNTER (KEAVEY) AS THE CLEAN COMMUNITIES COORDINATOR

WHEREAS, by way of Resolution R-17-018, Diane Gunter (Keavey) was appointed to serve as the Clean Communities Coordinator for a one (1) year term set to expire on December 31 2017; and,

WHEREAS, by way of correspondence dated March 29, 2017, Diane Gunter (Keavey) submitted a letter of resignation as the Clean Communities Coordinator.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough hereby accepts the resignation of Diane Gunter (Keavey) submitted a letter of resignation as the Clean Communities Coordinator and thanks her for her service to the community.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-085

APPOINTING CLEAN COMMUNITIES COORDINATOR

BE IT RESOLVED by the Governing Body of the Borough of Highlands that Mark Philpot be and hereby is appointed Clean Communities Coordinator for the one (1) year term to expire December 31, 2017.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-086

RESOLUTION TERMINATING SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE BOROUGH OF ATLANTIC HIGHLANDS FOR SEWER OPERATION SERVICES

WHEREAS, by way of Resolution R-16-68, the Borough approved a Shared Services Agreement with the Borough of Atlantic Highlands for a Licensed C2 Operator, On Call Emergency Services, and Operation and Maintenance of Highlands Pump Station, ID # NJ PDES/PW SID 0025402, located at 40 Shore Drive, Highlands, NJ 07732; and

WHEREAS, in accordance with Resolution R-16-68, a Shared Services Agreement was entered into with the Borough of Atlantic Highlands on January 13, 2016 for the calendar years 2016 and 2017; and

WHEREAS, the Borough has notified the Borough of Atlantic Highlands of its intent to terminate the Shared Services Agreement, in accordance with the terms of the Agreement as contained therein, effective April 30, 2017 at 11:59pm; and

WHEREAS, in light of the termination of the aforesaid Shared Services Agreement, the Borough will appoint Mark Philpot, CPWM, the Superintendent of the Department of Public Works, as **the Borough's licensed C2 operator on an interim basis** effective May 1, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the Borough is hereby terminating the Shared Services Agreement entered into with the Borough of Atlantic Highlands for a licensed C2 operator and for the operation and maintenance of the Highlands Pump Station, ID # NJ PDES/PW SID 0025402, located at 40 Shore Drive, Highlands, NJ 07732, effective April 30, 2017 at 11:59pm.

BE IT FURTHER RESOLVED, that Mark Philpot, CPWM, the Superintendent of the Department of Public Works, is hereby appointed the Borough's licensed C2 operator on an interim basis effective May 1, 2017.

BE IT FURTHER RESOLVED, that a Certified Copy of this Resolution shall be transmitted to the Municipal Clerk for the Borough of Atlantic Highlands as well as the Administrator for the Borough of Atlantic Highlands and any other necessary parties.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-087

RESOLUTION REGARDING APPEAL OF DENIAL OF MERCANTILE LICENSE FOR THE YEAR 2017 FOR CAPTAINS COVE MARINA

WHEREAS, Captains Cove Marina submitted a Mercantile License Application for the year 2017 wherein the applicant identified the type of business as a marina with a description consisting of boat storage; and

WHEREAS, by way of correspondence dated February 21, 2017, the Borough Administrator denied the aforesaid application; and

WHEREAS, in accordance with the aforesaid denial of the Mercantile License Application, the applicant was advised that based on the condition of the property at issue that the applicant had failed to comply with Borough Code, Chapter 4-9.5(c) and N.J.S.A. 40:52-16(a)(3); and

WHEREAS, in accordance with Borough Code, Chapter 4-9.4(b), the applicant submitted correspondence dated March 6, 2017, wherein an appeal of the notice of disapproval was submitted to the Borough Council; and

WHEREAS, in accordance with the said appeal, a hearing was conducted before the governing body on March 15, 2017 wherein testimony was taken and exhibits were marked; and

WHEREAS, after due consideration of the applicant's appeal of the denial of a Mercantile License Application for the year 2017 and in accordance with Borough Code, Chapter 4-9.4(b), the Governing Body of the Borough of Highlands has made the following determination:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, in accordance with Chapter 4-9.4(b) of the Borough Code, that the following determination has been made as to the appeal of the denial of the Mercantile License Application for Captains Cove Marina for the year 2017:

BE IT FURTHER RESOLVED, that a Certified Copy of this Resolution shall be filed in the Municipal Clerk's Office and a copy transmitted to the Applicant, the Code Enforcement Officer for the Borough of Highlands as well as any other necessary parties.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-088

RESOLUTION APPOINTING POLICE CHAPLAINS

WHEREAS, N.J.S.A. 48:14-141 provides that the governing body of the Borough of Highlands may provide for the appointment of one or more Chaplains to the Police Department; and

WHEREAS, in accordance with N.J.S.A. 48:14-141 and Ordinance 16-24 which added Chapter 2, Section 10.16 to the Borough Code, the position of Police Chaplain was created; and

WHEREAS, in accordance with the aforesaid Borough Code, the position of Police Chaplain is a volunteer position and shall be subject to the control of the Chief of Police; and

WHEREAS, in accordance with the aforesaid Borough Code, the Chief of Police has recommended two (2) individuals who meet the qualifications of N.J.S.A. 40A:14-141 in order to serve in the position of Police Chaplains; and

WHEREAS, the Chief of Police has recommended that the Reverend Fernando A. Lopez, Our Lady of Perpetual Help/Saint Agnes Parish, 103 Center Avenue, Atlantic Highlands, New Jersey 07716 and the Reverend Martin McGrail, New Life Christian Church, 125 Bay Avenue, Highlands, New Jersey 07732 be appointed to serve in the position of Police Chaplains.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that the Reverend Fernando A. Lopez, Our Lady of Perpetual Help/Saint Agnes Parish, 103 Center Avenue, Atlantic Highlands, New Jersey 07716 and the Reverend Martin McGrail, New Life Christian Church, 125 Bay Avenue, Highlands, New Jersey 07732 are hereby appointed to serve in the position of Police Chaplains in accordance with N.J.S.A. 48:14-141 and the terms contained in Chapter 2, Section 10.16 of the Borough Code.

BE IT FURTHER RESOLVED, that a Certified Copy of this Resolution shall be transmitted to the Chief of Police and the aforesaid Police Chaplains.



BOROUGH OF
HIGHLANDS COUNTY
OF MONMOUTH

RESOLUTION 17-089

RESOLUTION AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated February 24, 2017, which totals as follows:

Current Fund	\$746,599.95
Sewer Account	\$ 77,875.83
Capital Fund	\$387,789.65
Trust-Other	\$ 78,570.43
Federal/State Grants	\$ 3,800.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$1,294,635.86** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is on file in the Municipal Clerk's office for reference.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-090

RESOLUTION DEDICATING PLANTING DAY FOR THE POCKET MEADOW INITIATIVE

WHEREAS, by way of Resolution 17-062, the Borough accepted the Pocket Meadow Initiative Project offered to community partners, by and through the Bowman's Hill Wildlife Preserve through a grant program and donations at no cost to the Borough; and

WHEREAS, through a grant program and donations, and as a result of the Borough's acceptance of the Pocket Meadow Initiative Project, Bowman's Hill Wildflower Preserve provides introductory consultations, site visits and survey recommendations, planting design for approximately 200 square feet of area, native plants chosen specifically for the site selected, initial supervision on "Planting Day", a long term maintenance plan as well as curriculum co-development; and

WHEREAS, as a result of a site visit that was conducted by the Bowman's Hill Wildflower Preserve along with representatives from the Garden Club, it was determined that the lot situated next to the Valley National Bank, located at 301 Shore Drive, was the most suitable site for planting a garden that will help create a sense of season and place and provide an essential habitat for pollinators; and

WHEREAS, the Open Space Committee along with the Garden Club would like to dedicate September 16, 2017 as "Planting Day" for the Pocket Meadow Initiative, wherein the Pocket Meadow Initiative will bring the plants and seedlings to the site and the Borough will be providing the planters.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that September 16, 2017 is hereby dedicated as "Planting Day" for the Pocket Meadow Initiative, wherein the aforesaid planting will occur at the lot situated next to the Valley National Bank, located at 301 Shore Drive.

BE IT FURTHER RESOLVED, that a Certified Copy of this Resolution shall be transmitted to the Superintendent of the Department of Public Works, as well as the Open Space Committee, the Recreation Committee and the Garden Club.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-091

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR THE CONSTRUCTION OF RESTROOMS AND RELATED FACILITIES AT SNUG HARBOR BEACH AND THE COMMUNITY CENTER AS A NON- FAIR AND OPEN CONTRACT

WHEREAS, by way of Ordinance 17-03, duly adopted by the governing body on February 15, 2017, the capital improvements described therein were authorized, wherein **\$300,000 was appropriated which sum included \$150,000 from the Borough's Open Space Fund Account** and the sum of \$150,000 as the amount of an Open Space Grant received or expected to be received from Monmouth County; and

WHEREAS, the various capital improvements authorized, included the construction of restroom facilities at Snug Harbor Beach as well as associated sewer and plumbing improvements as more specifically described therein; and

WHEREAS, by way of Resolution R-15-145 and in accordance with N.J.S.A. 40A:11-3(a), **the Borough's Qualified Purchasing Agent was granted authorization to negotiate and award contracts below the bid threshold which was increased to \$40,000;** and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to award a contract by and through the Middlesex Regional Educational Services Commission to Magic Touch Construction, in the amount of \$23,641.38 for the construction of restrooms as well as related facilities at Snug Harbor Beach and the Community Center through a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500 and that the funds for the aforesaid contract are available; and

WHEREAS, Magic Touch Construction will complete and submit a Political Contribution Disclosure Form, in accordance with P.L. 2005, c271 as well as all of the requirements set forth in N.J.S.A. 19:44A-20.5 et seq., prior to execution of a Contract.

NOW, THEREFORE, BE IT RESOLVED, that the governing body hereby awards the aforesaid contract to Magic Touch Construction by and through the Middlesex

Regional Educational Services Commission, for the construction of restrooms as well as related facilities at Snug Harbor Beach and the Community Center, in the amount of \$23,641.38, subject to Magic Touch Construction meeting all of the requirements set forth in N.J.S.A. 19:44A-20.5 et seq.

BE IT FURTHER RESOLVED, that the Borough officials, including, but not limited to, the Mayor, Borough Administrator and Borough Clerk are hereby authorized to execute the aforesaid contract with Magic Touch Construction by and through the Middlesex Regional Educational Services Commission, subject to Magic Touch Construction meeting all of the requirements set forth in N.J.S.A. 19:44-20.5 et seq.

BE IT FURTHER RESOLVED, that a copy of this Resolution as well as the approved Contract shall be placed on file with the Borough Clerk of the Borough of Highlands and that the Borough Clerk shall publish notice as required by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-092

RESOLUTION ACCEPTING RESIGNATION OF BARRY LEESER AS SEWAGE PLANT OPERATOR

WHEREAS, by way of Resolution R-13-224 dated October 24, 2013, Barry Leeser was appointed as Sewage Plant Operator; and

WHEREAS, Barry Leeser has submitted a letter of resignation effective March 24, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that the Borough hereby accepts the resignation of Barry Leeser as the Sewage Plant Operator effective March 24, 2017, and wishes him well in his future endeavors.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-093

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO REMOVE/DISASSEMBLE, TRANSPORT AND SET UP MODULAR OFFICE SPACE AS A NON-FAIR AND OPEN CONTRACT

WHEREAS, by way of Resolution R-17-074, duly adopted on March 15, 2017, the governing body authorized the execution of a contract for the purchase of modular office space from St. Joseph High School for use as the temporary Borough Hall and Borough offices in place of the trailers currently situated at 42 Shore Drive; and

WHEREAS, in accordance with the aforesaid purchase of modular office space, it is the Borough's responsibility to remove/disassemble the modular/portable buildings from their current location at St. Joseph High School, located at 145 Plainfield Avenue, Metuchen, NJ 08840 and transport the same to the Borough; and

WHEREAS, by way of Resolution R-15-145 and in accordance with N.J.S.A. 40A:11-3(a), the Borough's Qualified Purchasing Agent was granted authorization to negotiate and award contracts below the bid threshold which was increased to \$40,000; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to award a contract for the removal/disassembly, transportation and set up of the aforesaid modular/portable buildings to Modular Dimensions, Inc. in the amount of \$31,900 through a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500 and that the funds for the aforesaid purchase are available; and

WHEREAS, Modular Dimensions, Inc. has completed and submitted a Political Contribution Disclosure Form, in accordance with P.L. 2005, c271.

NOW, THEREFORE, BE IT RESOLVED, that the governing body is hereby authorizing the award of a contract for the removal/disassembly, transportation and set up of the aforesaid modular office space to Modular Dimensions, Inc. in the amount of \$31,900.

BE IT FURTHER RESOLVED, that the Borough officials, including, but not limited to, the Mayor, Borough Administrator and Borough Clerk are hereby authorized to

execute a contract for the removal/disassembly, transportation and set up of the said modular/portable buildings with Modular Dimensions Inc. in the amount of \$31,900.

BE IT FURTHER RESOLVED, that a copy of this Resolution as well as the approved Contract shall be placed on file with the Borough Clerk of the Borough of Highlands and that the Borough Clerk shall publish notice as required by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-094

RENEWAL OF LIQUOR LICENSE FOR HIGHLANDS BREWERY LLC FOR THE 2016-2017 TERMS

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (ABC) has implemented a new electronic, web based licensing called POSSE ABC; and,

WHEREAS, renewal applications have been filed or submitted through the POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal applications have been accepted via POSSE ABC, the Municipal fees have been paid and a Tax Clearance Certificate has been received for the following licensee[s]; and,

WHEREAS, the applicants are qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and,

WHEREAS, the required Special Ruling, to permit consideration of a renewal for inactive licenses, pursuant to N.J.S.A. 33:1-12.39 has been received;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the renewal of the following Liquor License[s] for the 2016-2017 terms, is/are hereby authorized:

Plenary Retail Consumption License:

File Number	License Number	Licensee	Establishment
85044	1317-33-017-004	Highlands Brewery LLC	Highlands Brewery LLC

Plenary Retail Distribution Licenses:

File Number	License Number	Licensee	Establishment



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-095

RENEWAL OF LIQUOR LICENSE FOR **GRIMALDI'S** FOR THE 2016-2017 TERMS

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (ABC) has implemented a new electronic, web based licensing called POSSE ABC; and,

WHEREAS, renewal applications have been filed or submitted through the POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal applications have been accepted via POSSE ABC, the Municipal fees have been paid and a Tax Clearance Certificate has been received for the following licensee[s]; and,

WHEREAS, the applicants are qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and,

WHEREAS, the required Special Ruling, to permit consideration of a renewal for inactive licenses, pursuant to N.J.S.A. 33:1-12.39 has been received;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the renewal of the following Liquor License[s] for the 2016-2017 terms, is/are hereby authorized:

Plenary Retail Consumption License:

File Number	License Number	Licensee	Establishment
90065	1317-33-004-012	BAY AVE RESTAURANT CO LLC	GRIMALDIS

Plenary Retail Distribution Licenses:

File Number	License Number	Licensee	Establishment



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 17-09

AN ORDINANCE AMENDING CHAPTER 3-7 OF THE BOROUGH CODE CONCERNING THE SEPARATION AND COLLECTION OF ALUMINUM, BUILDING MATERIALS, DEBRIS, GARBAGE, GLASS, METAL AND NONMETAL OBJECTS, PAPER AND TRASH

WHEREAS, Borough Code Section 3-7 addresses the Separation and Collection of Aluminum, Building Materials, Debris, Garbage, Glass, Metal and Nonmetal Objects, Paper and Trash; and

WHEREAS, the Governing Body has determined that it is in the best interest of the residents of the Borough to amend Code Section 3-7 to provide for the within changes; and

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 I.

The following sections of Chapter 3, Section 7 of the Borough Code shall be amended to provide as follows: (All additions are shown in *bold italics with underlines*. The deletions are shown as ~~*strikeovers in bold italics*~~. Sections of Chapter 3, Section 7 that will remain unchanged are shown in normal type).

3-7 SEPARATION AND COLLECTION OF ~~ALUMINUM, BUILDING MATERIALS, DEBRIS, GARBAGE, RECYCLABLE MATERIAL, GLASS, METAL AND NONMETAL OBJECTS, PAPER AND TRASH.~~

3-7.1 Definitions.

For the purposes of Section 3-7 of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

Aluminum shall mean all products made of aluminum including aluminum cans, foil, wrappers, containers for prepared dinners or other foods, or manufactured aluminum items.

Applicant shall mean the person that owns, rents, occupies, or controls the property and registers takes responsibility for application for dumpsters or PODS. Building materials shall be materials customarily used in the construction, renovation or demolition of any structure.

Containerized shall mean the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

Debris shall mean stones, dirt, demolition material, broken concrete, bituminous asphalt materials and other like material, brush, branches, trees and bushes.

Garbage shall mean putrescent animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and/or consumption of food.

Glass shall mean all products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all material commonly known as glass excluding, however, blue and flat glass and glass commonly known as window glass. ~~For purposes of this section, glass is divided into separate categories—clear (flint), brown or green.~~

Leaves. For purposes of this section, leaves are recyclable.

Metal shall mean all products made of metal, exclusive of aluminum including, but not limited to, washers, dryers, refrigerators, stoves, hot water heaters, tire rims, springs, bicycles, bi-metal cans (tin cans) or scrap metal.

Occupant shall include a resident, tenant, owner and other third party who resides at or who occupies a premises or dwelling - commercial, residential, or institutional.

Paper products shall mean all uncontaminated paper material such as used newsprint, magazines, books, corrugated cardboard and high grade paper.

Receptacles shall mean containers generally made out of aluminum, or plastic having an average size 35 gallons, and shall not exceed 40 pounds when filled to capacity.

Recyclable Material shall include the following: aerosol cans (empty); aluminum cans (rinsed); clean aluminum foil wrap/containers (rinsed); cardboard; glass containers; glass bottles and jars; mixed papers including chip board (cereal boxes), magazines, soft cover books, white/color paper, wrapping paper/non-metallic, newspapers (including inserts) and shredded papers; plastic bottles/containers #1-7; steel and tin cans.

Roll-off dumpster or dumpster shall mean a bulk storage container for waste materials that can be hauled by private companies directly to the point of disposal.

Single Stream Recycling shall mean the ability of residents to place recyclable material into one blue recycling container, wherein recyclable material does not need to be separated from other recyclable material.

Street shall mean any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

Trash shall mean ashes, plastic material, ceramics, blue and flat glass, nonputrescible solid waste, contaminated paper, and other similar materials.

3-7.2 Program Established.

a. There is hereby established a program for the mandatory separation of aluminum, glass, metal and nonmetal objects, recyclable material, ~~paper~~, trash, ~~cardboard~~, building materials debris, garbage, and other debris within the Borough of Highlands. All recyclable materials shall be separated from other garbage, debris, ~~and~~

trash and ~~recycled~~ recyclable material consistent with this ordinance. The Borough of Highlands engages in Single Stream Recycling.

b. Any multifamily complex, business or institution that is not provided recyclables collection service by municipal forces or through municipal contract shall provide the municipality with, at a minimum, an annual report describing arrangements for both solid waste and recyclable collection services, including the size, number and location of storage containers, frequency of pick-up services, the name and address of any contractor hired to provide such service, and phone and other contact information for the contractor.

3-7.3 Time for Pickup.

a. Pick-up of the solid waste items set forth herein shall be placed at the curb for collection on the days designated by the Borough and in the manner prescribed herein no later than 5:00 a.m. and not earlier than ~~3:00 p.m.~~ 5:00p.m. the day before the designated collection day.

b. Pickup of ~~aluminum, glass~~ recyclable material ~~and paper products set forth herein~~ shall be placed at the curb for collection on the days designated by the Borough and in the manner prescribed herein no later than ~~8:00 a.m.~~ 5:00 a.m. or earlier than ~~3:00 p.m.~~ 5:00p.m. on the day before the designated collection day.

c. After collection, any empty container shall be removed from curbside by 8:00 p.m. of the day of the collection.

3-7.4 Separation and Placing for Removal; Containers.

The occupant or owner of any building shall place for disposal, removal or collection the following named items at the curb in conformity with the following regulations:

~~a. — Paper products shall be bundled and tied separately or placed in paper bags tied securely. Paper products shall not be put in plastic bags of any type. Paper products shall not be placed at the curb for pickup in rainy or inclement weather.~~

~~b. a. Glass Recyclable material shall be placed in a reusable metal or rigid plastic container supplied by occupant. Glass shall be separated into one container for clear glass; one for brown, and one for green glass. Any mixed glass not separated as set forth herein will be left at the curb. It shall be the responsibility of occupant to remove same.~~

~~e. — Aluminum shall be contained in a reusable metal or rigid plastic container to be supplied by occupant or owner.~~

d. b. Garbage. The garbage receptacle shall be a container of galvanized iron or a rigid plastic container and shall be watertight with suitable handles and a tight-fitting cover that will prevent access by flies, other insects and animals to its contents. The container shall be covered at all times and shall have a capacity of not less than four gallons and not more than 32 gallons. Garbage shall not be

placed for pickup in non-rigid containers, plastic, bags or other containers not permitted herein.

e. c. Trash and debris shall be placed in metal or rigid plastic containers, ~~boxes~~ secured by a lid or securely tied.

f. d. Brush. Branches shall be tied in bundles not to exceed four feet in length or 40 pounds in weight.

g. e. Large items such as furniture, rugs, mattresses, television sets and refrigerators shall be placed at curbside no later than 5:00 a.m. on the day designated for collection and not earlier than ~~3:00~~ 5:00 p.m. on the day before the designated collection day, of such items, otherwise, disposal of same shall be the responsibility of the occupant.

h. f. The collection and disposal of leaves shall be in accordance with the following: sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the ~~seven~~ five (5) days prior to a scheduled and announced collection, and shall not be placed closer than ten feet from any storm drain inlet. Placement of such at the curb or along the street at any other time or in any other manner is a violation of this section. If such placement occurs, the party responsible for placement must remove the leaves from the street or said party shall be deemed in violation of this section.

i. g. Disposal of building materials, demolition materials, broken concrete, bituminous materials and similar items related thereto shall be the responsibility of property owner or contractor.

~~j. h. The borough reserves the right to designate certain specific materials to be put out for collection by certain users. Container users shall separate and place for collection corrugated paper, high grade paper, aluminum and glass as defined herein.~~

k. i. Recyclable material Tin and bi-metal cans shall be emptied of their contents and rinsed out. These items shall be placed for collection in accordance with the terms of subsection 3-7.4**b.a.**

~~l. All business, industrial, institutional and residential properties shall separate clean and unsoiled cardboard.~~

~~All business, industrial, institutional and residential cardboard shall be separated and tied and placed curbside on the appropriate pickup day. No pizza boxes or food soiled boxes shall be allowed with residential pickup.~~

j. The Large pieces of corrugated cardboard shall be flattened and placed next to the container of recyclable material securely tied with twine or rope in flat bundles, none of which shall weigh more than 50 pounds.

Placement for collection shall be in accordance with subsection 3-7.3b.

k. Leaves shall be kept separate from other vegetative waste, and shall only be placed for collection in a manner and schedule as shall be published and distributed by the municipality. This requirement shall not prohibit any person or establishment from making arrangements to collect leaves and grass directly from their property through their own efforts or via contract with a landscape service or other appropriate company, for direct transportation to a permitted recycling operation.

l. Automotive and other vehicle or wet cell batteries, used motor oil and antifreeze shall not be disposed as solid waste. Such items are to be kept separate from other waste materials and recyclables, and brought to ~~local service stations, scrap yards or~~ publicly operated recycling facilities designed and permitted to handle such products.

m. Liquid and hazardous waste shall not be disposed of as solid waste. No liquids of any type shall be placed with recyclables, or other solid waste for collection and disposal. No chemicals, liquid paints, pesticides, herbicides, reactive polishes or cleansers, cleaning or automotive products or other hazardous waste shall be placed with recyclables, or with solid waste for collection and disposal. Such items are to be kept separate from other waste materials and recyclables, and brought to publicly operated recycling facilities designed and permitted to handle such products.

3-7.5 Collection.

The collection, removal and disposal of ~~aluminum, building materials,~~ debris, garbage, ~~glass,~~ large objects, leaves, ~~metal and nonmetal objects, paper,~~ recyclable material and trash shall be supervised by those persons designated by the borough who shall have the power to establish the time, method and routes of service. ~~and the color coding of receptacles, if applicable.~~ Collection for recyclable material shall be one (1) time per week shall be by the Highlands Borough Sanitation Department once per week only on the following routes as indicated on the borough map ~~attached.~~ Classification of Zones are available on the official Borough of Highlands website and will be available upon request at Borough Hall. and on designated days of each month from 10/1 to 4/30 with twice weekly pick up the weeks of Thanksgiving and Christmas as posted by the governing body. Twice weekly pickup shall occur from 5/1 to 9/30 on the days posted by the governing body. There will be no collection of recyclable materials on the fifth week of any month in the calendar year.

~~The borough administrator shall establish the time for collection.~~

3-7.6 Receptacle Requirements .

a. All receptacles, not to exceed four in number, required herein shall be supplied by the occupant or owner of the premises subject to paragraph c. below, and placed prior to collection between the curb and sidewalk where they shall be readily accessible to the collector. *The collector shall not retrieve receptacles from private property, and as such, it shall be the resident's responsibility to ensure that receptacles are placed between the curb and sidewalk.* The occupant or owner shall keep all receptacles clean and in condition for safe handling. With the exception of Bay Avenue, receptacles must be stored in the rear of the premises at all times.

1. All apartment and other multifamily complexes, businesses, schools and other public or private institutions shall provide separate and clearly marked containers for use by residents, students, employees, customers or other visitors, for trash and the various types of recyclables, as appropriate.

2. Any company or agency providing dumpsters, roll off or other containers to any apartment or other multifamily complex with shared disposal and recycling areas, or to any business, school or other institution, or for any construction/ demolition project, shall clearly mark such container for trash or for specific recyclables, as may be appropriate.

b. The use of containers or receptacles exceeding 40 pounds, shall be by special permit only.

c. The borough reserves the right to require the use of special receptacles by certain users when deemed necessary by the borough due to the nature of commodity and/or quantity involved.

d. No person shall park or leave unattended any waste or refuse container, commonly known as a roll-off dumpster, roll-off container, or mobile storage unit on or along any street, highway or public property in the borough without having first obtained a permit from the Borough of Highlands Code Enforcement, subject to police department approval. The application should specify, among other things, the size and location of said container. Said permit shall be valid for a period of seven days after issuance and may be renewed by application to the Borough of Highlands Code Enforcement, for an additional seven-day period, if necessary, at the discretion of the police chief, or his designee. The cost for each initial or renewal permit shall be twenty ~~(\$20.00)~~ \$30.00 dollars. A refundable escrow deposit of two hundred (\$200.00) dollars shall be required to indemnify the borough for any costs incurred by the borough, to reimburse the borough for any excess clean-up costs, or damages to borough property caused by improper removal of said containers.

e. Reflective Markers. Any roll-off dumpster parked on or along the street, highway or public property in the borough shall be equipped with and display markers with reflective panels having a minimum size of 18 inches in order to warn passersby of a traffic hazard. The reflective markers shall be mounted on both ends at the height of four feet from the surface of roadway.

f. A maximum of one dumpster or roll-off container is permitted on any one lot at any time.

g. Notwithstanding anything to the contrary set forth above, no permit shall be granted for use on a public street or public property, if the applicant has sufficient space on his/her/their premises to accommodate same.

3-7.7 Debris Management Plan for Construction Permits .

a. The municipality shall issue construction and demolition permits only after the applicant has provided a debris management plan identifying the estimated number and types of containers to be used for the handling of all solid waste and recyclables generated during the project, and arrangement for the proper disposition of the generated materials.

b. A refundable deposit of fifty (\$50.00) dollars to one thousand (\$1,000.00) dollars shall be submitted with the debris management plan, which will be returned after completion of the project and submittal of appropriate records documenting the quantity and disposition of solid waste and recyclables. Inadequate or incomplete documentation may result in a refundable deposit of one thousand (\$1,000.00) dollars.

3-7.8 Title, Appointment and Duties of Recycling Coordinator.

a. The position of recycling coordinator is hereby created and established within the municipality, to be appointed by the governing body of the Borough of Highlands, for a term of one year expiring on December 31 of each year.

b. The duties of the recycling coordinator shall include, but are not limited to: the preparation of annual or other reports as required by state and county agencies regarding local solid waste and recycling programs, reviewing the performance of local schools and municipal agencies and conducting recycling activities, periodic review of local residential and business recycling practices and compliance, review and recommendation and local subdivision and site plan submittals and local construction and demolition projects for appropriate waste disposal and recycling provisions, report to the governing body on the implementation and enforcement of the provisions of this section, and such other reports and activities as may be requested by the governing body.

c. The recycling coordinator shall be required to comply with the Certification Requirements for Municipal Recycling Coordinators as established by the State of New Jersey, the recycling coordinator shall have completed or be in the process of completing the

requirements for certification as a "Certified Recycling Professional" (CRP) no later than January 13, 2012, as required by the New Jersey Recycling Enhancement Act.

3-7.9 Collection by Unauthorized Persons .

From the time of placement at the curb by anyone described herein, items shall become the property of the Borough of Highlands or its authorized agent. It shall be a violation of this section for any person not authorized by the Borough of Highlands to collect or pick up or caused to be collected or picked up any such items. ~~Each such~~

3.7.10 Enforcement.

- a. The duly appointed municipal recycling coordinator, the Monmouth County Health Department and the Monmouth County Solid Waste Enforcement Team are hereby jointly and severally empowered to inspect solid waste and recycling arrangements and compliance at local residences, businesses, schools and institutions, and to enforce the provisions of this section, by issuance of warnings, notices, summons and complaints. A typical inspection may consist of sorting through containers and opening bagged solid waste to detect the presence of recyclable materials.
- b. The authorized inspector may, in his or her discretion, issue a warning rather than a summons following an initial inspection, with a follow up visit to determine compliance within a stated period of time.

3-7.11 Refrigerant Items .

- a. **Refrigerant Items to Be Recycled** All refrigerators, freezers, air conditioners and other items containing, or designed to contain, refrigerant fluid shall be recycled in accordance with the terms of this subsection.
- b. **Collection.** All refrigerators, freezers, air conditioners and items placed for collection containing or designed to contain refrigerant fluid shall be placed curbside no earlier than ~~4:00~~ 5:00 p.m. on the day before the designated collection day and not later than 5:00 a.m. of the collection day. Before placing any refrigerator or freezer for collection, any doors must be fully removed. Refrigerators and freezers shall be placed for collection with the open side facing up.

- c. **Removal by Contractor.** If someone other than the homeowner, tenant or resident shall remove an existing item containing refrigerant fluid from its premises, that person or entity shall be responsible for disposal of the item. In such cases, the item may not be placed at curbside for pick up by the borough. The provisions of this paragraph shall not apply to items which have been placed for collection by the owner, tenant or resident of residential property who has performed the work himself or herself.
- d. **Removal Permit.** Prior to placing any item referred to in this subsection at curbside for collection, the owner, tenant or resident of the premises shall complete a form provided by the ~~building department~~ Borough offices, and pay the required fee, in order to obtain a removal permit. Such permit shall be affixed to the item to be removed by the borough.
- e. **Permit Fee.** The fee for obtaining a removal permit shall be ~~twenty (\$20.00)~~ fifty (\$50.00) dollars per item.
- f. **Enforcement.** This subsection shall be enforced by the Highlands Police Department or the Highlands Code Enforcement Officer.
- g. **Penalties.** The penalty for violating any section of this subsection shall be as prescribed in subsection 3-7.~~8~~12.
- ~~h. **Effective Date.** This subsection shall become effective immediately upon passage and publication according to law.~~

3-7.12 Violations and Penalties.

- a. Violations or noncompliance with any of the provisions of this section, or the rules and regulations promulgated hereunder, shall be subject to a fine of not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars.
- b. Each day such violation or neglect is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- c. Fines levied and collected in municipal court pursuant to the provisions of this section shall be deposited into the municipal recycling fund. Monies in the municipal recycling trust fund shall be used for the expenses of the municipal recycling program.

~~3-7.13 Repealer.~~

~~All ordinances or part of ordinances inconsistent herewith are repealed as to such inconsistency only.~~

3-7.14-13 Refuse Containers/Dumpsters .

a. Purpose. The purpose of this subsection is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Highlands and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

b. Definitions. For the purpose of this subsection, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this subsection clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Municipal separate storm sewer system (MS4) shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or "operated by the Borough of Highlands or other public body, and is designed and used for collecting and conveying stormwater. NOTE: In municipalities with combined sewer systems, add the following: "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Refuse container shall mean any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

Stormwater shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

Waters of the State shall mean the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

c. **Prohibited Conduct.** Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must insure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm system(s) operated by the Borough of Highlands.

d. **Exceptions to Prohibition.**

1. Permitted temporary demolition containers.
2. Litter receptacles (other than dumpsters or other bulk containers).
3. Individual homeowner trash and recycling containers.
4. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
5. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

e. **Enforcement.** This subsection shall be enforced by the police department and/or ~~other municipal officials~~ the Code Enforcement Officer of the Borough of Highlands.

f. **Penalties.** Any person(s) who is found to be in violation of the provisions of this subsection shall be subject to a fine not to exceed two thousand (\$2,000.00) dollars.

3-7A NONRESIDENTIAL GARBAGE.

3-7A.1 Definition.

Bulk garbage shall mean appliances, ~~building materials, and all similar waste~~ and debris which is not ordinarily generated as household garbage or which may now or in the future be excluded by the Monmouth County Reclamation Center as acceptable residential type garbage.

3-7A.2 Collection of Bulk Garbage.

a. **Schedule.** ~~Bulk garbage shall be collected by the Highlands Borough Sanitation Department.~~ Bulk garbage shall be collected by a contracted hauler selected by the Borough.

b. **Additional Regulations.**

(a) ~~Schedule. Bulk garbage shall be collected by the Highlands Borough Sanitation Department.~~

(1) There shall be four pickups annually in March, June, September and December in accordance with the schedule set for the particular zone. Four (4) large items or the equivalency of four (4) cans can be collected. Classification of Zones are available on the official Borough of Highlands website and will be available upon request at Borough Hall.

(2) ~~The pickup for all residents Downtown, shall be the last Thursday in March, June, September and December.~~

- ~~(3) The pickup for all residents on the Hill, shall be the last Friday in March, June, September and December.~~
- (2) Zone 1 - The first (1st) Friday of the month.
Zone 2 - The second (2nd) Friday of the month.
Zone 3 - The third (3rd) Friday of the month.
Zone 4 - The fourth (4th) Friday of the month.
- (3) Materials collected cannot exceed five cubic yards (determined by the sanitation driver) for each pickup.
- (4) Appliances shall not be placed at the curb before ~~6:00 p.m.~~ 5:00 p.m. on the day before the scheduled pickup. Doors must be removed from refrigerators prior to placement at the curb.
- (5) Bulk debris shall not be placed at the curb for collection until 5:00 p.m. the day preceding the scheduled collection date.
- (6) Notwithstanding the above, appliances containing refrigerants will not be scheduled for pick up unless permit stickers are first obtained from Borough Hall. A fee of ~~twenty (\$20.00)~~ fifty (\$50.00) dollars will be assessed for each such sticker.
- (7) Notwithstanding the above, all construction debris (including carpets and tiles) regardless of whether generated by a homeowner or contractor, will not be collected by the borough, and must be removed by a duly licensed private hauler.
- (8) Every property owner, including landlords, shall be entitled to two additional annual bulk garbage collections upon payment of a ~~twenty (\$20.00)~~ fifty (\$50.00) dollar appointment fee per collection, provided that the materials collected do not exceed two items or two cubic yards, whichever is the lesser.

3-7A.2(1) Brush and Branch Pick Up

Brush and branches are scheduled to be picked up by zone during the following months: April, May, September, October, November and December. Brush and Branch placement is permitted to be placed a maximum of five (5) days prior to pick up All brush is to be placed at least ten (10) feet from any storm drain, inlet or stream. Further, all brush is to be placed at least twenty-five (25) feet from any intersection. Branches are to be bundled, not longer than 48 inches or greater than 4 inches in diameter. Additionally, residents are permitted to bring brush and branches to the recycling yard. Proof of residency is required to bring brush and branches to the recycling yard and no commercial entities are permitted to bring brush and branches to the recycling yard.

Zone 1 – The first (1st) Friday of the month.

Zone 2 – The second (2nd) Friday of the month.

Zone 3 – The third (3rd) Friday of the month.

Zone 4 – The fourth (4th) Friday of the month.

Classification of Zones are available on the official Borough of Highlands website and will be available upon request at Borough Hall.

Branch and Branches will only be picked up during the months listed above. Additional pick-ups will not be granted.

3-7A.2(2) Leaf Pick Up

Leaves are scheduled to be picked up by zone during the following months: October, November and December. Leaves are permitted to be placed a maximum of five (5) days prior to pick up. Leaves must be left out loose and placed by the curb. All leaves are to be placed at least ten (10) feet from any storm drain, inlet or stream. Further, all leaves are to be placed at least twenty five (25) feet from any intersection. Residents are permitted to bring leaves to the recycling yard. Proof of residency is required to bring leaves to the recycling yard and no commercial entities are permitted to bring leaves to the recycling yard.

Zone 1 – The first (1st) Friday of the month.

Zone 2 – The second (2nd) Friday of the month.

Zone 3 – The third (3rd) Friday of the month.

Zone 4 – The fourth Friday of the month.

Classification of Zones are available on the official Borough of Highlands website and will be available upon request at Borough Hall.

3-7A.3 Garbage Prohibited at All Times .

No person or entity shall at any time place or cause to be placed for collection by ~~the Highlands Borough Sanitation Department~~ the contracted hauler selected by the Borough any of the following:

Tires, ~~batteries~~, paints or any hazardous materials as defined by the Monmouth County Reclamation Center. Household batteries are accepted with household trash.

3-7A.4 Limited Collection of Bulk Garbage.

No person shall place or cause to be placed any bulk garbage for collection by the ~~Borough of Highlands Sanitation Department~~ the contracted hauler selected by the Borough except in accordance with the schedule contained in section 3-7A.2 hereof.

3-7A.5 Penalties .

Any person or entity violating the provisions of this section shall be subject to a fine of not more than five hundred (\$500.00) dollars.

3-7A.6 Number of Receptacles ; Weight Limit.

- a. The Borough of Highlands shall collect four receptacles, not to exceed 40 pounds in weight each, for the removal of garbage, trash and refuse from business or commercial establishments. The collection of garbage beyond the four receptacles per pick up shall be the responsibility of the owners and

occupants thereof to provide for private collection of garbage, trash and refuse and to comply with all applicable federal, state and borough laws, rules and regulations regarding such collection. All businesses and commercial establishments shall also be entitled to four receptacles of 40 pounds in weight each for recycling as required by law. The remaining recycling must be disposed of by the owner or occupant of the establishment through private collection to comply with all applicable federal, state and borough laws, rules and regulations regarding such collection.

- b. For purposes of this subsection, businesses and commercial uses shall be designated as any business or commercial operation having a mercantile license issued under subsection 4-9.1 of the Revised General Ordinances of the Borough of Highlands.

3-7B GARBAGE COLLECTION — COMMERCIAL PREMISES.

- a. The Borough of Highlands shall ~~not~~ collect garbage, trash and refuse ~~of any kind~~ from business or commercial establishments as set forth in Chapter 3-7A.6. The collection of garbage shall be the responsibility of the owners and occupants thereof to provide for private collection of garbage, trash and refuse and to comply with all applicable federal, state and borough laws, rules and regulations regarding such collection. All businesses and commercial establishments shall also provide for recycling as required by law.

b. Collection of recyclable material for business and commercial premises shall be one (1) time per week on the same schedule as set forth in Chapter 3, Section 7.5. Collection will be performed on the routes indicated on the borough map. Classification of Zones are available on the official Borough of Highlands website and will be available upon request at Borough Hall. There will be no collection of recyclable material on the fifth week of any month in the calendar year. Any additional collection of recyclable material required by businesses and commercial premises shall be the responsibility of the occupants and owners thereof to provide for such additional collection.

- b. c. For purposes of this section, businesses and commercial uses shall be designated as any business or commercial operation having a mercantile license issued under subsection 4-9.1 of the Revised General Ordinance of the Borough of Highlands.

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

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



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-17-10

AN ORDINANCE AMENDING CHAPTER VII, "TRAFFIC," OF THE CODE OF THE BOROUGH OF HIGHLANDS RELATED TO AREAS OF STOP INTERSECTIONS

WHEREAS, the Borough has determined to regulate traffic and parking within the jurisdiction of the Borough; and

WHEREAS, the Chief of Police has analyzed and evaluated the Borough Code and has recommended certain changes; and

WHEREAS, the governing body finds that these recommendations should be adopted for the general safety, health and welfare of the Borough.

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

SECTION I. The following section of Schedule IV, "Stop Intersections" of Chapter VII, "Traffic," of the Code of the Borough of Highlands shall be supplemented to include the following: (underscores represent additions; ~~striketroughs~~ represent deletions):

SCHEDULE IV STOP INTERSECTIONS

In accordance with the provisions of subsections 7-6.1, the following described intersections are hereby designated as stop intersections:

Second Street:

- a. Stop signs shall be installed on Valley Street at both the northwest and southeast corners of its intersection with Second Street.

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

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

ROLL CALL:

AYE:

NAY:

ABSENT:

ABSTAIN:

DATE:

Dwayne M. Harris, Acting Municipal Clerk



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 17-01

AN ORDINANCE AMENDING CHAPTER 21-8 OF THE BOROUGH CODE CONCERNING THE DEFINITION OF LOT COVERAGE

WHEREAS, N.J.S.A. 40:55-D-1, et seq., authorizes local governmental units to adopt ordinances to regulate land use to promote the public health, safety, morals and general welfare; and

WHEREAS, the Borough regulates land use and zoning by and through Chapter 21 of the Borough Code; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Section 21-8 to provide for the within changes; and

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 I.

The following section of Chapter 21, Section 8, "Definitions", of the Borough Code shall be amended to provide as follows: (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).

LOT, COVERAGE - That percentage of the plot or lot area covered by impervious surface, inclusive of ~~gravel parking~~ and driveway areas containing asphalt and/or concrete surfaces, but exclusive of gravel areas as well as terraces and decks in conformance with subsection 21-65.27.

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

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

Public Hearing and possible adoption will be on April 6, 2017.

INTRODUCTION Ordinance 01-2017	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD			X			
D'ARRIGO			X			
WELLS		X	X			
O'NEIL	X		X			

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held January 18, 2017. WITNESS my hand this 19th day of January 2017.



Dwayne M. Harris, RMC
Acting Municipal Clerk



BOROUGH OF HIGHLANDS
 COUNTY OF MONMOUTH

ORDINANCE 17- 07

AN ORDINANCE AMENDING CHAPTER VII, “TRAFFIC,” OF THE CODE OF THE BOROUGH OF HIGHLANDS RELATED TO AREAS OF NO PARKING

WHEREAS, the Borough has determined to regulate traffic and parking within the jurisdiction of the Borough; and

WHEREAS, the Chief of Police has analyzed and evaluated the Borough Code and has recommended certain changes; and

WHEREAS, the governing body finds that these recommendations should be adopted for the general safety, health and welfare of the Borough.

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

SECTION I. The following section of Schedule I, “No Parking,” of Chapter VII, “Traffic,” of the Code of the Borough of Highlands shall be amended and supplemented as follows: (underscores represent additions; ~~strikethroughs~~ represent deletions):

SCHEDULE I NO PARKING

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
New Road	Both	From Grant Tour to its northern most terminus. <u>Entire Length</u>

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

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

Motion: Introduce Ordinance 17-07, Moved by Mayor O’Neil, Seconded by

Councilmember Wells

Vote: Motion carried by roll call vote (**summary:** Yes = 4, No=0, Abstain= 0).

Yes: Councilmember Broullon, Councilmember **D'Arrigo**, Councilmember Wells, Mayor **O'Neil**.


No: None

Absent: Councilmember Card

Abstain: None

Public Hearing and possible adoption will be held on April 6, 2017.

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held March 15, 2017. WITNESS my hand this 20th day of March 2017.



Dwayne M. Harris, RMC
Municipal Clerk



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 17-08

**CALENDAR YEAR 2017
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Highlands, in the County of Monmouth, finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 3.0% increase in the budget for said year, amounting to \$229,278.93 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$267,492.09, and that the CY 2017 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion: Introduce Ordinance 17-08, **Moved** by **Mayor O'Neil**, **Seconded** by Councilmember Broullon

Vote: Motion carried by roll call vote (**summary:** Yes = 4, No=0, Abstain= 0).

Yes: Councilmember Broullon, Councilmember **D'Arrigo**, Councilmember Wells, Mayor **O'Neil**.

No: None

Absent: Councilmember Card

Abstain: None

Public Hearing and possible adoption will be held on April 06, 2017.

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held March 15, 2017. WITNESS my hand this 20th day of March 2017.



Dwayne M. Harris, RMC