

Highlands Borough Mayor & Council Meeting Agenda
Community Center
22 Snug Harbor Avenue, Highlands
Wednesday, September 20, 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: Police Trailer
Attorney-Client Privilege: Recreation Department
Personnel: Administrator's Contract

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Approval of Minutes
September 6th 2017

Public Comment on Resolutions

Resolution & Swearing In

R-17-162 Appoint Chief of Police: Robert Burton

Consent Agenda

R-17-163 Extend Trash Collection Contract
R-17-164 Authorize Payment of the Bills

Resolutions

R-17-165 Person to Person Transfer of Liquor License
R-17-166 Authorize Mayor's Signature on CDBG 2016 Documents

Ordinances: Public Hearing & Possible Adoption

O-17-16 Update Borough's Adoption of International Property Maintenance Code
O-17-17 Amend Code Concerning Lawn Sprinkler Systems

Other Business:

Enforcement of Grease Traps – Update
Sanitary Sewer Scoping Report
Tidflex Valves
Administrator's Update

Public Comments:

Adjourn



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-162

RESOLUTION APPOINTING CHIEF OF POLICE

WHEREAS, in accordance with Borough Code, Chapter 2, Section 10, the head of the Police Department of the Borough of Highlands is the Chief of Police; and

WHEREAS, the responsibilities and duties of the Chief of Police are delineated in N.J.S.A. 40A:14-118 as well as Borough Code, Chapter 2, Section 10.3; and

WHEREAS, Joseph R. Blewett has retired as Chief of Police of the Borough of Highlands Police Department, effective September 1, 2017 and based on accrued time, ceased working in that capacity on May 19, 2017; and

WHEREAS, by way of Resolution 17-110, Robert Burton was appointed to serve as Acting Chief of Police of the Borough of Highlands Police Department effective May 20, 2017 and has served in the said capacity since that time; and

WHEREAS, the Borough of Highlands finds and determines that Robert Burton meets and exceeds all qualification requirements for appointment to said position; and

WHEREAS, based on the foregoing, the governing body of the Borough of Highlands has determined that Robert Burton is qualified to serve as the Chief of Police of the Borough of Highlands Police Department and will be able to perform the duties of Chief of Police.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands, that Robert Burton is hereby appointed to serve as Chief of Police of the Borough of Highlands Police Department, wherein he shall be responsible for performing all of the duties set forth in N.J.S.A. 40A:14-118 as well as Borough Code, Chapter 2, Section 10.3, as well as any and all other Rules and Regulations pertaining to the said position.

BE IT FURTHER RESOLVED, that the appointment of Robert Burton to Chief of Police of the Borough of Highlands Police Department is effective immediately.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-163

RESOLUTION AUTHORIZING THE BOROUGH OF HIGHLANDS TO EXERCISE ITS REMAINING OPTION TO EXTEND THE CONTRACT WITH M&S WASTE SERVICES, INC. FOR A PERIOD OF ONE (1) YEAR

WHEREAS, by way of Resolution No. 2014-60, the Borough of Highlands awarded a Contract for solid waste and recyclable materials collection services to M&S Waste Services, Inc.; and

WHEREAS, the said Contract for solid waste and recyclable materials collection services with M&S Waste Services, Inc. was for a term of three (3) years commencing on March 1, 2014 and terminating on February 28, 2017; and

WHEREAS, the said Contract for solid waste and recyclable materials collection services with M&S Waste Services, Inc. contained an option, to be exercised in the sole discretion of the Borough, for one 2-year extension or two 1-year extensions; and

WHEREAS, by way of Resolution 16-165, the Borough of Highlands, exercised a one (1) year extension of the said contract for the period through February 28, 2018; and

WHEREAS, the governing body of the Borough of Highlands has made a determination that it is in the best interest of the Borough to exercise its second one (1) year extension of the aforesaid contract; and

WHEREAS, M&S Waste Services, Inc. will continue to provide solid waste and recyclable materials collection services as described in its bid on options 5 and 6 of the Bid Specifications for the sum of \$223,122.00 consisting of \$215,252.00 for solid waste and recyclable materials and \$7,870.00 for bulk waste for the remaining one (1) year extension period; and

WHEREAS, M&S Waste Services, Inc. will continue to direct solid waste to the Monmouth County Reclamation Center to be disposed of at a rate of \$73.85 per ton and will continue to direct bulk waste to the Montecalvo Transfer Station to be disposed of at a rate of \$81.00 per ton for the remaining one (1) year extension period; and

WHEREAS, in accordance with the Contract for Solid Waste and Recyclable Materials Collection Services entered into by and between the Borough of Highlands and M&S Waste Services, Inc. on February 28, 2014, the terms of the said Agreement will continue for the remaining one (1) year extension option period through February 28, 2019; and

WHEREAS, certification of availability of funds for future years will be provided for in 2018 and 2019 contingent upon the Governing Body appropriating the necessary funding.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands that the Borough is hereby exercising its remaining one (1) year extension for the Contract for Solid Waste and Recyclable Materials Collection Services, entered into by and between the Borough of Highlands and M&S Waste Services, Inc., through February 28, 2019 for the aforesaid sum of \$223,122.00 consisting of \$215,252.00 for solid waste and recyclable materials and \$7,7870.00 for bulk waste, wherein M&S Waste Services, Inc. will continue to direct solid waste to the Monmouth County Reclamation Center to be disposed of at a rate of \$73.85 per ton and will continue to direct bulk waste to the Montecalvo Transfer Station to be disposed of at a rate of \$81.00 per ton for the remaining one (1) year extension period.

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward a Certified Copy of this Resolution to M&S Waste Services, Inc. and to the Chief Financial Officer of the Borough of Highlands.

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH



RESOLUTION 17-164

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 September 15, 2017, which totals as follows:

Current Fund	\$218,472.97
Sewer Account	\$53,831.09
Capital Fund	\$18,039.77
Trust-Other	\$36,814.46
Federal/State Grants	\$2,518.36
Total	\$329,676.65

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$329,676.65 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 17-165

PERSON TO PERSON TRANSFER OF LIQUOR LICENSE 1317-33-012-004

WHEREAS, an application has been filed for a Person to Person transfer of Plenary Retail Consumption License 1317-33-012-004, from Dan-Rob Restaurant Associates, LLC., trading as Windansea, to SmokeNMirrors LLC, trading as The Proving Ground, for the premise located at 56 Shrewsbury Avenue, Highlands; and,

WHEREAS, the submitted application form is complete in all respects, as outlined in N.J.S.A.33: 1-1 et seq., an Affidavit of Publication has been received by the Municipal Clerk and the transfer fees have been paid; and,

WHEREAS, the Highlands Police Department has investigated the applicant and the source of all funds to be utilized in connection with the purchase and operation of the business, and the results meet ABC standards; and,

WHEREAS, the location meets ABC and Municipal requirements; and,

WHEREAS, a Tax Clearance Certificate has been received from the Division of Taxation; and,

WHEREAS, the applicant is qualified to be licensed per Title 33 of the New Jersey Statutes and all rules and regulations promulgated there under, in addition to pertinent Borough Ordinances,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey approves the Person to Person Transfer of the Plenary Retail Consumption License numbered 1317-33-012-004, from Dan-Rob Restaurant Associates, LLC., trading as Windansea, to SmokeNMirrors LLC, trading as The Proving Ground, for the premises located at 56 Shrewsbury Avenue, Highlands. This transfer will be effective on _____.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-166

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A
CERTIFICATION CONCERNING THE BOROUGH'S USE OF FORCE
POLICY AND A CERTIFICATION PROHIBITING THE USE OF FEDERAL
FUNDS FOR LOBBYING FOR A COMMUNITY DEVELOPMENT BLOCK
GRANT**

WHEREAS, by way of Resolution 17-158, the governing body authorized execution of a Project Agreement entitled Sanitary Sewer Rehabilitation Project by and between Monmouth County and the Borough of Highlands; and

WHEREAS, it is required that the Borough of Highlands execute a Project Agreement with Monmouth County to undertake a project known as the Sanitary Sewer Rehabilitation Project; and

WHEREAS, the County of Monmouth has notified the Borough of Highlands of the necessity of adopting an additional Resolution concerning execution of a certification with regard to the Borough Police Department's use of force policy as well as prohibiting the use of federal funding for lobbying as required by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for Fiscal Year 2016; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Highlands sign additional certifications in order to receive these funds; and

WHEREAS, the Borough of Highlands by and through its Police Department has a policy concerning the use of force by its members.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highlands has met the conditions of receiving a Fiscal Year 2016 allocation by adopting a policy concerning the use of force by and through the Borough's Police Department and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Highlands is hereby authorized to sign the necessary certifications which will become part of the Fiscal Year 2016 Project Agreement.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-17-16

AN ORDINANCE AMENDING CHAPTER 10-9 OF THE BOROUGH
CODE IN ORDER TO UPDATE THE BOROUGH'S ADOPTION OF THE
INTERNATIONAL PROPERTY MAINTENANCE CODE TO THE 2015
EDITION AND ANY NEW EDITIONS THEREOF

WHEREAS, by way of Ordinance 07-14 the Borough made the determination to empower the Department of Building and Housing to enforce the International Property Maintenance Code as part of the Revised General Ordinances of the Borough of Highlands; and

WHEREAS, the governing body has determined that it is in the best interests of the residents to update reference to the aforesaid International Property Maintenance Code to its most recent edition in 2015 and to reference any subsequent supplements, amendments or new editions thereof in Chapter 10-9 of the Borough Code.

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

SECTION I.

The following Sections of Chapter 10, Section 9 entitled "International Code Council (ICC) International Property Maintenance Code, 2006 Edition" 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 10, Section 9 that will remain unchanged are shown in normal type.)

10-9 INTERNATIONAL CODE COUNCIL (ICC) INTERNATIONAL
PROPERTY MAINTENANCE CODE, ~~2006~~ 2015 EDITION.

10-9.1 Adoption by Reference.

There is hereby adopted, for the purpose of providing regulations for the protection of public health, safety and welfare in existing buildings within the borough, that certain code known as "International Code Council (ICC) International Property Maintenance Code, ~~2006~~ 2015 Edition" and any subsequent supplements or amendments thereto, or new editions thereof, as published by International Code Council, which is hereby adopted as the Property Maintenance Code of the Borough of Highlands in the State of New Jersey for the control of buildings and structures as herein provided; and each and all the regulations, provisions, penalties, conditions and terms of said International Code Council (ICC) International Property Maintenance Code, ~~2006~~ 2015 Edition and any subsequent

supplements or amendments thereto or new editions thereof, as published by International Code Council are hereby referred to, adopted, and made a part hereof, as if fully set out in this section.

10-9.2 Enforcement.

The Department of Building and Housing within the Borough of Highlands, inclusive of all its officials and subcode officials, shall be empowered to enforce the International Code Council (ICC) International Property Maintenance Code, ~~2006~~ 2015 Edition and any subsequent supplements or amendments thereto or new editions thereof, as published by International Code Council, as part of the Revised General Ordinances of the Borough of Highlands.

10-9.3 Penalties.

Any person violating any provision of this section and therefor, the International Code Council (ICC) International Property Maintenance Code, ~~2006~~ 2015 Edition and any subsequent supplements or amendments thereto or new editions thereof, as published by International Code Council shall be subject to a fine of not more than five hundred (\$500.00) dollars for each violation.

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 0-17-17

AN ORDINANCE AMENDING CHAPTER 9-11 OF THE BOROUGH CODE CONCERNING LAWN SPRINKLER SYSTEMS

WHEREAS, Borough Code Chapter 9, Section 11 prohibits the use of lawn sprinkler systems; and

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to allow for the use of lawn sprinkler systems with certain regulations and restrictions in order to engage in water conservation.

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

SECTION I.

The following Sections of Chapter 9, Section 11 entitled "Lawn Sprinkler Systems Prohibited" 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 9, Section 11 that will remain unchanged are shown in normal type.)

9-11 LAWN SPRINKLER SYSTEMS ~~PROHIBITED.~~

~~a. No lawn sprinkler or irrigation system shall hereafter be connected to the Borough of Highlands Municipal Water System.~~

~~b. The prohibitions of this section shall not extend to lawn sprinkler or irrigation systems existing and connected to the Borough of Highlands Municipal Water System as of the date of the adoption of this section, provided that the owner of the lands upon which such system is located shall file with the plumbing inspector of the Borough of Highlands within six months after the adoption of this section, a certification stating the location and nature of such existing irrigation system and the date upon which it was connected to the Borough of Highlands Municipal Water System.~~

~~c. The prohibitions of this section shall not extend to interior water sprinkler systems designed for fire protection or other emergency standby service.~~

~~d. The borough clerk shall forward to the Highlands Plumbing Subcode Official a certified copy of this section upon its adoption.~~

~~e. Any person violating the provisions of this section shall be subject to a fine by the Borough of Highlands Municipal Court in an amount not to exceed five~~

hundred (\$500.00) dollars for the first offense and two thousand (\$2,000.00) dollars for any subsequent conviction.

9-11.1 – Lawn Sprinkler System Applications and Installation

- a. All applications for new lawn sprinkler systems shall be made to the Construction Official.
- b. Application fees shall be waived for applications seeking to upgrade a lawn **sprinkler system which does not utilize “smart” technology controllers to one utilizing “smart” technology controllers which meet the United States EPA criteria for a WaterSense certification.**
- c. All contractors installing and/or maintaining irrigation systems shall hold a **valid Landscape Irrigation Contractor’s license issued by the New Jersey Department of Environmental Protection in order to construct, maintain, improve or alter a landscape irrigation system pursuant to N.J.S.A. 48:5AA-3.**

9-11.2 – Lawn Sprinkler System Design

- a. All newly installed or retrofitted lawn sprinkler control systems shall utilize **“smart” technology controllers which meet the United States EPA criteria for a WaterSense certification.**
- b. Each new lawn sprinkler system shall utilize a rain sensor and/or at least one other weather or soil moisture sensor.
- c. Lawn sprinkler systems shall be designed and positioned to prevent overspray onto sidewalks, streets, adjacent properties or any natural body of water and shall follow industry design standards.
- d. All lawn sprinkler systems must be equipped with a backflow prevention device.

9-11.3 – Water Use Restrictions

- a. Upon adoption of a resolution declaring a Water Emergency as set forth in section 9-10, all residents shall abide by the terms of the resolution. At all other times, all residents shall abide by the water use restrictions set forth herein.
- b. Lawn sprinkler systems may be utilized no more than two days per week. Properties with an even-numbered address shall limit use to even days of the month; properties with an odd-numbered address shall limit use to odd days of the month.
- c. Lawn sprinkler systems shall be set to water lawns and planting beds between the hours of 12:00 midnight and 9:00 a.m.

- d. **“Smart” lawn sprinkler systems which meet the United States EPA criteria for a WaterSense certification are exempt from the restrictions set forth in sections 9-11.3(b) and (c).**
- e. No watering of lawns, by lawn sprinkler system or otherwise, shall be permitted when it is raining.
- f. Watering of any single area shall not exceed thirty minutes per day.

9-11.4 – Violations and Penalty

- a. The water use restrictions imposed pursuant to this section shall be enforced by the Code Enforcement Officer who shall give the violator a written warning, refer the violator to this section, and explain the penalties for a second and third offense as provided by this section. The Code Enforcement Officer shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been warned upon a first offense. The Code Enforcement Officer is hereby empowered to write summonses for the violation of the water use restrictions imposed pursuant to this section.
- b. After a first offense in accordance with this section, any person or business who thereafter violates this section shall be fined in accordance with this subsection. For a second offense, the fine imposed shall be five hundred (\$500.00) dollars. For a third and subsequent offense, the fine imposed shall be one thousand (\$1,000.00) dollars.
- c. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

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.