

**Mayor and Council
Minutes
Community Center,
22 Snug Harbor Avenue, Highlands
Wednesday, April 6, 2017
8:00 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 Captain's 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:

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Call to Order
Pledge of Allegiance
Roll Call

ROLL CALL:

Present: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil

Absent:

Also Present: Brian Geoghegan, Borough Administrator
Elizabeth Merkel, Acting Borough Clerk
Brian Chabarek, Borough Attorney
Patrick DeBlasio, CFO
Dale Leubner, Zoning Officer

Approval of Minutes: March 15, 2017 – Regular Meeting (**TABLED**)

These meeting minutes were not completed at the time of this meeting. A motion to table the approval was offered by Council Member Broullon and seconded by Council Member Wells.

Council Member D'Arrigo wanted to read a letter she wrote in conjunction with Dale Leubner, dated February 2, 2016 regarding flood mapping. The letter was addressed to Senator Bob Mendez.

After reading the letter, Ms. D'Arrigo stated that at a FEMA meeting attended by herself, Mr. Leubner and Brian Geoghegan on April 4th, one full year after the original appeal, it was announced that the Borough of Highlands will be the first town in the history of FEMA mapping to adopt the preliminary maps as their final maps.

Ms. D'Arrigo went on to state that what this means for the residents of Highlands is that, once we receive our final letter of determination from FEMA in late June or early July of this year, our final flood maps will go into effect six months later and every resident should be able to use the new maps for their flood insurance beginning sometime in January/February 2018. Ms. D'Arrigo related that this is three to five years earlier than the rest of Monmouth and Ocean counties.

Beginning in mid-July, we will have letters of final determination available for residents to submit to their insurers. Once that is done, residents should see significant reductions in their flood insurance.

Ms. D'Arrigo thank Dale Leubner for all his hard work and for sticking with her to this outcome.

Council Member D'Arrigo asked if there were any questions.

Mayor O'Neil opened to floor to public questions regarding Ms. D'Arrigo's announcement.

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Eileen Scanlon of 24 Fifth Street asked where she could view those maps and whether there was a second set of maps issued.

Council Member D'Arrigo made it clear that the reduction of flood insurance does not mean that there would be rebates from the higher rates.

Emily Tiernan of 21 Shrewsbury Avenue state that she is one of the people who was permitted to build an enclosed foundation based on FEMA's requirements and she wanted to say thanks to Dale Leubner. She expressed gratitude to Mr. Leubner for making a difference for a lot of people.

Patricia Catalano of 2 Private Road asked if we can go to the switch right away.

Dale Leubner replied that a final determination letter is required first. He stated that he would like to pursue this so that the mandatory six-month waiting period would end in October or November of this year.

Council Member Broullon made a motion that Dale Leubner send the letter to FEMA tomorrow. This was seconded by Council Member Wells.

This motion was passed by the following vote:

ROLL CALL:

AYE:	Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)
NAY:	None (0)
ABSENT:	None (0)
ABSTAIN:	None (0)

This motion has been properly approved.

Mayor O'Neil opened the floor to public comments on the consent agenda. No comments were forthcoming.

Public Comments on Consent Agenda

Consent Agenda

R-17-079 - Authorizing the Removal of a Disabled Parking Space Designation

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R-17-085 - Appointing Clean Communities Coordinator

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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

A motion to offer the consent agenda was made by Council Member Broullon and was seconded by Council Member Wells.

This motion was passed by the following vote:

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

The consent agenda has been properly approved.

Resolutions

R-17-083 - Declining Support to the US Army Corp of Engineers and Rejecting the Coastal Storm Risk Management Project

Mayor O'Neil opened the floor to public comments on R-17-083.

Carol Bucco of 330 Shore Drive stated that she wrote a letter to the Army Corps of Engineers to get some answers to her questions. She asked about beach replenishment. She feels that if they replace the sand, the wall would not be needed. Mrs. Bucco expressed concern about the lack of information concerning Highlands on the NJDEP/Army Corp of Engineers website. Mrs. Bucco was also concerned about the easements that would be involved with a project of this magnitude.

Tommy Stramka of 31 Gravelly Point Road stated that since the meeting at the high school, there has been a petition with over 600 signatures against the wall. Mr. Stramka said that he would like to submit the petition to counsel

Pat Doyle of 67 Gravelly Point Road asked what would happen if an easement is required on someone's property and they refuse, could eminent domain take place.

Kim Skorka of 315 Shore Drive stated that she is upset that this resolution was added to the agenda. Ms. Skorka said that she felt that council needed to explain easements. Ms. Skorka strenuously stressed that council should speak to Bound Brook or Manville as suggested by the Army Corps of Engineers.

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Tricia Rivera of 31 Waterwitch Avenue stated that the Army Corps of Engineers advised that an extension could be requested based on change of government and have a referendum.

John Digaletos of 63 Valley Avenue wanted to know what information was needed before deciding on an extension. He feels that the Army Corps of Engineers and the council needs to meet the demands of the tax payers. He wanted to know how much the taxes would be raised. Mr. Digaletos stated that he wants to see a plan in writing.

Jamie Kline of 330 Shore Drive said that he thought the plan was one which would eliminate the beach. He feels that Highlands is getting the short end of the stick since the borough has not had beach replenishment done like other shore communities. Mr. Kline stated that he doesn't want to see the town lose its beach areas.

Mike Marchetti of 28 Beach Boulevard stated that he has been to most of the meetings and at the meeting on March 20th, the Army Corps of Engineers made it perfectly clear that they were not going to give any more information unless the borough agreed to go forward with the wall.

Jake McCarthy of 12 Gravelly Point Road said that he was at some meetings where they asked the Army Corps of Engineers about beach replenishment and was told that beach replenishment is not a part of this process. Mr. McCarthy stated that he did some research on bulkhead beaches and the beach erosion is progressive. He stated that he is against the extension since it won't change anyone's opinion of the wall.

Fred Rosiak of 9 Marine Place stated that it was incorrect that sand doesn't build up around the bulkhead. Mr. Rosiak stated that the Army Corps of Engineers has been very forthcoming with answering his questions. He suggested that we have a format for sending questions to ACE prior to a meeting so those issues can be addressed.

Council Member Broullon gave admin@highlandsborough.org as a place to post questions concerning the wall.

Dwight Stollwerck of 75 Gravelly Point Road stated that he never heard how much this project was going to cost the individual taxpayer. Mr. Stollwerck stated that he believed it would cause each taxpayer an additional \$50,000 a year.

Paul (?) of (?) stated that this should go to referendum.

Chris Francy of 36 Fifth Street stated he felt there should be more information and then it should go to referendum.

Susan Pritchard of 130 Bay Avenue asked if the referendum could take place at the same time as the primary.

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Tom Shrank of 73 Gravelly Point Road wanted to know how he could get his vote when he isn't a registered Highlands voter.

Annmarie Tierney of 29 Shrewsbury Avenue stated that she wanted a referendum. She asked what legal rights the town had if the letter of support for the project was sent but it was too expensive for the borough to go forward. Ms. Tierney also asked if other towns had to accept/decline the project at 30%. She wanted to know what the wall was going to look like.

Pat Scarano of 1 Seadrift Avenue stated that Jason Shea told her they will be adding 2 more feet to that wall on Marine Place.

Kathy (?) of (?) asked why the sea wall is the only option. She wanted to know if there were other options to consider. She feels that water will defeat the wall.

(?) Reed of 7 Snug Harbor Avenue stated that she did not know why the borough should spend \$10,000 to vote on something when that solution isn't going to fix anything. Ms. Reed stated that the wall isn't a solution to fix the flooding.

Carla Cefalo of 62 Gravelly Point Road stated that she was speaking as a private citizen. Ms. Cefalo stated that the wall doesn't get rid of flood insurance nor does it prevent flooding from rainwater. Ms. Cefalo stated that she could see no benefit from the wall. Ms. Cefalo commented she didn't consider it fair to not get a chance to vote if, as a resident, you paid higher taxes when the wall didn't benefit you.

Mayor O'Neil offered a motion to asked for an extension so a referendum can take place and was seconded by Council Member Wells.

ROLL CALL:

AYE: Mrs. Wells, Mayor O'Neil (2)
NAY: Ms. Broullon, Mr. Card, Ms. D'Arrigo (3)
ABSENT: None (0)
ABSTAIN: None (0)

This motion has been properly denied.

Council Member Card offered a motion to decline the Army Corps of Engineers project and was seconded by Council Member D'Arrigo.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo (3)
NAY: Mrs. Wells, Mayor O'Neil (2)
ABSENT: None (0)
ABSTAIN: None (0)

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Resolution 17-083 has been properly approved.

R-17-086 - Terminating Shared Services Agreement Between the Borough of Highlands and the Borough of Atlantic Highlands for Sewer Operation Services

Mayor O'Neil opened the floor to public comments.

(?) of (?) asked if this service was being terminated because Atlantic Highlands no longer wanted to continue it.

A motion to approve this resolution was offered by Council Member Card and was seconded by Council Member Broullon.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

Resolution 17-086 has been properly approved.

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

A motion to approve this resolution was offered by Council Member Card and was seconded by Council Member Wells.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)

NAY: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

Resolution 17-093 has been properly approved.

Ordinances: Introduction

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

Brian Chabarek, read this ordinance

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A motion to introduce this ordinance was offered by Council Member Card and was seconded by Council Member Broullon.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

Ordinance 17-09 has been properly introduced and will have a public hearing/possible adoption on April 19, 2017.

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

A motion to introduce this ordinance was offered by Council Member Broullon and was seconded by Mayor O'Neil.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

Ordinance 17-10 has been properly introduced and will have a public hearing/possible adoption on April 19, 2017.

Ordinances: Public Hearing/Possible Adoption

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

Brian Chabarek, borough attorney stated that this ordinance was properly introduced on January 18, 2017 and was transmitted to the Land Use Board and in accordance with NJSA 40:55D-26, the Land Use Board failed to meet these requirements.

Dale Leubner, zoning officer, explained the change to the ordinance.

Mayor O'Neil opened the floor to public comments. None were forthcoming. The mayor closed the public comments on this ordinance.

A motion to adopt this ordinance was offered Council Member Broullon and was seconded by Council Member Card.

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ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

Ordinance 17-01 has been properly adopted.

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

Mayor O'Neil opened the floor to public comments. None were forthcoming. Mayor O'Neil closed the public portion.

A motion to adopt this ordinance was offered by Council Member Wells and was duly seconded by Council Member D'Arrigo.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

Ordinance 17-07 has been properly adopted.

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

Patrick DeBlasio, borough CFO, explained this ordinance.

Mayor O'Neil opened the floor to public comments.

Keith Rinaldi of 52 Gravelly Point Road asked if budget money left over at the end of the year goes into the bank.

Mayor O'Neil closed the public portion on this ordinance.

A motion to adopt this ordinance was offered by Council Member Broullon and was duly seconded by Council Member D'Arrigo.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)
NAY: None (0)

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ABSENT: None (0)

ABSTAIN: None (0)

Ordinance 17-08 has been properly adopted.

Other Business:

R-17-087 - Regarding Appeal of Denial of Mercantile License for Captain's Cove Marina Continuation of Appeal of Denial of Mercantile License for Captain's Cove Marina

Mr. Chabarek: This is a continuation of the appeal of the denial of the mercantile license for Captain's Cove Marina. This is to establish this is a mercantile application for 2017 for type of business of marina with the description of boat storage.

February 1, 2017, that application for a mercantile license was denied by the borough administrator. The borough administrator cited Borough Code Chapter 4-9.5 (c): The holder of a mercantile license shall avoid all prohibited, improper, unlawful or unnecessary practices or conditions which do or may adversely affect public health, morals or welfare. The denial letter also cited NJSA C40:52-16 p 8 (3) : A licensing authority may revoke or refuse to renew a license granted under this act for any of the following reasons: repeated violations or prolong failure to correct any violations, any applicable building, housing, health or safety code or regulations. The letter concluded by stating that based upon the condition of the property at issue, it is clear that you have failed to comply with these requirements and the mercantile license was denied. In accordance Borough Code Chapter 4-9.4 (b), an appeal was made to the governing body. The applicant submitted a letter dated March 6, 2017 which set forth in regards to your comments regarding the condition of the property, "I have proposed actions to be taken to make repairs to sections of the bulkhead that are in need of them as soon as the weather permits."

On March 15, a hearing was conducted, exhibits were marked, testimony was taken from the applicant and borough officials. During the hearing, the applicant acknowledged that there issues with the bulkhead that require repair. The applicant believed that within 60 days they could accomplish that (?) repairs. The applicant indicated that they were not necessarily adverse to the posting of a (?) bond and after a subsequent meeting of the applicant with certain borough officials, correspondence was submitted on March 24, 2017 to chart a proposal with certain benchmarks for the repair, which is quite a bit longer than 60 days and this is an opportunity to try to explain your proposal to the governing body.

Mr. Rosiak: When I met with Mr. Geoghegan back in February, I had mentioned that we could do the repairs that we felt were needed in 60 days. We did meet at the site with Mayor O'Neil, Mr. Geoghegan, Mr. Mercado, and reviewed those areas that we made and we had a diagram of and schedule of those repairs. We had hired the same crew that did the work on replacing the 350 feet of new bulkhead on Washington Avenue. Mr. Card, as you know, (?) will be heading up the group. We had submitted the following schedule based on us getting the mercantile license, we could get the funding and order the materials and for our schedule, we believe we will be able to start on May 8th.

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Due to Recreation Place on the north side of the marina, we think that section there will take ten days to do that. We will then move to the south side on Washington Avenue. There are two 30 foot sections we identified as needing replacement. We will make those replacements and that will bring us to June 17th.

The crew that we have has a commitment for two months of work in July and August. So what we are proposing is that the café building that is already secured with 6' fencing around it, that's why we left that to be the last project. We would resume that in September. We also are being advised by Mr Leubner that we can make the repairs to the café rather than do the bulkhead and then damage to it making repairs to the boat docks. We are proposing that we actually do additional work which is putting new pilings underneath the café, new ledger beams and then replace the bulkhead. We would complete that in a total of 75 days as opposed to 60 days as we originally said.

We are requesting your consideration and approval of that.

Mr. Chabarek: Mr. Leubner had an opportunity to review your proposal plans and has comments for the governing body with his thoughts.

Mr. Leubner: So, as we met out in the field, I had expressed concerns of the areas on the Washington Street side. To me it wasn't enough. And Fred, you and I went through that. I felt that the rest of that bulkhead from Recreation where you stopped after Irene to the café was appropriate. Whether you agree or not, that's neither here nor there.

With regards to a bond: I think there needs to be a bond posted. I went around back and forth with this on what I feel you should do. And basically, if you use the recent application that was in front of the board with the bulkhead, it was \$1100 a foot that was posted as a bond. Alright, Mr. Rosiak is proposing 125 feet of repair; there is about 325 feet that needs to be done on Washington and then you add the 25 feet on the other side, (?) that's about 350 feet. If you use the \$1100 a foot, you are looking at a bond of \$385,000. If you're looking to just do the 125, then it's about \$137,500.

There are different ways you can look at it. You can put that bond in place, reduce it as repairs are made. You could choose a different number. I'm just throwing it out there, what was recently done by another application in this town.

I feel, like last time, there should be plans posted. Whether it is the same repair that you were looking to do last time or not, I still don't think you will be able to weld those tie rods on your side of the curb. I think that was looked at last time and I don't think we were able to, if I remember correctly.

Mr. Rosiak: We were able to. We chose not to.

Mr. Leubner: Okay, because, I mean I know they're corroded so it's...

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Mr. Rosiak: The corrosion takes place within two feet of the bulkhead where the water actually comes in the sand.

Mr. Leubner: That's actually not true. It's out in the road too. I've seen it myself. I actually have photos of it.

Mr. Rosiak: You're talking about the tie rods.

Mr. Leubner: Absolutely. Alright. So, I don't think you have enough to weld onto this; I think you're going out into the road, back to those deadmen.

Mr. Rosiak: If the tie rods are insufficient, we would absolutely replace them. And I think, Mr. Card, you know the quality of the guy that is doing the work. He's not going to do something if it isn't correct. We wouldn't do that.

Mr. Leubner: No, of course. I'm not saying that. I'm just thinking that your project is going to be larger than you think.

Mr. Rosiak: It was our observation, though, along the whole 350 feet of bulkhead that we replaced that led us to make this proposition because all those tie rods were big, fat and good within three feet away from the bulkhead. That's not the case, obviously with the...

Mr. Leubner: I have photos that show otherwise but I understand your point. And then, at least the Washington Street side, as of last time, Mr. Rosiak should post an escrow to make sure, it's probably expected to make sure that bulkhead is in compliance with the plans and, obviously, it supports our roads and the sewer isn't far away. So, that would be up to how the governing body wants to handle all this.

If you do have to go back out in the roadway to the deadmen, to me, that would be an additional roadway permit with an additional bond, probably in the range from \$15,000-\$20,000. That's what I'm looking at.

Mr. Rosiak: May I respond to that?

Mr. Chabarek: Sure.

Mr. Rosiak: When we did the 350 feet that we actually did tear up half the road, we posted a bond of \$25,000 and that's rather relevant in this project as opposed to someone's bulkhead that's, what did you say? \$1100 a foot? So, I guess would suggest to the council that we use the standard we used before everyone was satisfied with.

Mr. Leubner: That's up to council.

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Mr. Rosiak: Right and that's why I'm suggesting it. If it was 350 feet at \$25,000, 100 feet is what? \$12,000.

Mr. Chabarek: Does anyone have any questions for Mr. Rosiak with respect to his proposed schedule or the timing?

Council Member Card: My concern as a councilman is that actions are taken. That it's not delay, delay, delay for whatever reason. Rather it's the town, or a snowman, whatever. Actions are taken and it's done. It's been a problem in this community for a while. You know that. So, that's all I'm asking. I know who is doing the work. He can weld aluminum foil. If it's weldable, he'll be able to do it and he knows it's going to be quality work but we got to make sure it's getting done though. No delays.

The bond I will leave up to the governing body to see what we need to do on that as a whole.

Mr. Chabarek: Does anyone else from the governing body want to ask Mr. Rosiak anything?

Council Member Wells: I think I'm (?) It's just gotta get done. Again, even when you look at this, it's another boating season and then we go into another winter and then we have another issue. So, I don't want there to be another issue after another boating season, after another mercantile is given. We're trying to sit up here and say we have no tolerance for code enforcement violators and then we are constantly extending and constantly extending. And at the end of the day, people are gonna say, "Well, why do I have to do it? Look what's going on over here!" And that's what I get quite a bit and we just want to make sure it gets done this time and I think that's a fair shake.

Mayor O'Neil: Does 75 days include the building, Fred?

Mr. Rosiak: Yes.

Mayor O'Neil: That includes the building work into the fall. And when we actually spoke onsite, there will be discussions about the days work, weather conditions and stuff, it will be communicated to the town.

Council Member Broullon: Fred, what I'm going to propose here is that we do a 30-day conditional license and I want you to get together with you and your attorney with Mr. Chabarek, Dale. Get all in a room together. You need to agree on certain terms and where your milestones are going to be in that 30 days. It's going to be good faith on both parts and for you and your attorney to work with our attorney so that we have a mutually agreeable situation. Then we can get a resolution typed up and then move forward with that.

Mr. Rosiak: Certainly, that is not unreasonable, however, I can't get the money to start this project without the mercantile.

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Council Member Broullon: The license that will be based on the conditions that are worked out between your attorney and our attorney.

Council Member Card: I think we said we will give you the license for 30 days. If we see action, we will keep renewing and renewing it. If we don't see action, ...

Council Member Broullon: It will stop. Conditional just means for a certain amount of time and this will be a 30-day conditional license.

Mr. Rosiak: Oh, I misunderstood.

Council Member Card: That's all.

Council Member Broullon: And if you just stop doing anything, we will stop.

Mr. Rosiak: If these guys didn't have that contract for that month, we would be done with it.

Council Member Broullon: Exactly.

Mr. Rosiak: They all have work schedules.

Council Member Broullon: Okay? Is that a good solution for you?

Mr. Rosiak: I can certainly live with that.

Mr. Chabarek: I would caution you to have your counsel contact me so we can formalize because what the governing body is saying is they want to see it in written terms with the guards, the benchmarks, the improvements, the posting of a bond. That can all be memorialized in the agreement and then there would be a subsequent resolution, hopefully, at the May 3rd meeting which would spell out terms that are agreed upon. Okay? You understand?

Mr. Rosiak: So, we won't be able to move until the May 3rd meeting?

Mr. Chabarek: Their proposal is to issue a temporary conditional license for 30 days. So, what I'm saying is May 3rd would be basically the end period for, at that point, there would be another resolution, provided that there is a written agreement. That's why I am strongly cautioning your attorney to contact me so we can get this agreement in writing. And then that would be a resolution then to memorialize all the terms of the agreement. And that would have all the benchmarks and the posting of the bond.

So, Resolution 17-087 Regarding Appeal of Denial of Mercantile License for the Year 2017 for Captain's Cove Marina, sixth whereas clause:

**Mayor and Council
Minutes
Community Center,
22 Snug Harbor Avenue, Highlands
Wednesday, April 6, 2017
8:00 p.m.**

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:

That is to issue a temporary conditional mercantile license for a period of thirty days to allow the applicant and the borough to memorialize a formal agreement regarding the repair of the bulkhead and the posting of a performance bond, which will then be memorialized in the form of a written agreement in a subsequent resolution on terms acceptable to the borough.

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 bond determination has been made as to the (?) denial of the mercantile license application for Captain's Cove Marina for the year 2017, again for the issuance of a temporary mercantile license for the period of thirty days to allow the borough and the applicants to memorialize the terms of an agreement for the repair of the bulkhead and the posting of a performance bond to be on terms acceptable to the borough to be memorialized in a subsequent resolution.

A motion to offer this agreement was made by Council Member Broullon and was duly seconded by Council Member Card.

ROLL CALL:

AYE: Ms. Broullon, Mr. Card, Ms. D'Arrigo, Mrs. Wells, Mayor O'Neil (5)
NAY: None (0)
ABSENT: None (0)
ABSTAIN: None (0)

Resolution 17-087 has been properly passed.

Mayor O'Neil opened the public comments portion.

Public Comments:

Julian Mambelli of 15 Center Street asked if the council would comment on the (?) sloping.

(?) of (?) asked if there were any appropriations for this.

(?) of (?) asked if the duckbills that are permanently being used are faulty.

Carol Bucco of 330 Shore Drive stated that she would like to address three things: that Chris Francy had posted on Facebook that he had the consent agenda before it was posted. She also wanted the governing body to address a letter she sent them regarding the sand issue. Finally, she had an issue with the mayor about the bus for the pub crawl and a rumored altercation.

**Mayor and Council
Minutes
Community Center,
22 Snug Harbor Avenue, Highlands
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8:00 p.m.**

John Digaletos of 63 Valley Avenue stated that he had a sinkhole open on him. He requested that a dead sign be placed on that street but it was placed on the end of the street instead of the beginning of the street. He also stated that during storm mitigation, he has a lot of water coming into his yard from the neighbors.

Thomas Wilson stated that he is an attorney representing long-time resident Ms. Caplinger. He spoke of an easement agreement the borough entered into in 1958. He asked that the easement be put to an end.

Mayor O'Neil read a statement on behalf of the chief of police:

"The Borough of Highlands Police Department, in cooperation with the Drug Enforcement Administration, will be hosting a prescription drug take back initiative the seeks to prevent increased pill abuse and theft. We will be collecting potentially dangerous, expired items and unwanted prescription drugs for destruction at the Highlands Police Department, 27 Shore Drive on Saturday, April 29th, from 10:00 am to 2:00 pm.

This program is anonymous and your anonymity is guaranteed. There will be no requests made for identification and there will be no logging in of any medications. This service is free and anonymous, no questions asked."

Mayor O'Neil returned to the public comments portion.

Jamie Kline of 330 Shore Drive spoke about taxes and the bulkhead and sand on the beach. He also talked about an abandon vehicle at by the Seastreak.

Jo-Anne Olszewski of 27 Grand Tour talked about the deterioration of the road on Chestnut near Oak. She also mentioned that the light on Miller and Route 36 was too long.

Eileen Scanlon of 24 Fifth Street had a question about beach sand replenishment.

Kim Skorka of 315 Shore asked who of the governing body would work with her on clarifying what constitutes a structure. She also wanted to make some comments about the wall and the budget. She also made comments about taxes and sinkholes. She mentioned the black wall on Marine Place.

(?) of (?) spoke of dirty drains that were flooded.

Pat (?) of Fourth Street asked about the drains that were sinking. She also asked about the Army Corps of Engineers project.

**Mayor and Council
Minutes
Community Center,
22 Snug Harbor Avenue, Highlands
Wednesday, April 6, 2017
8:00 p.m.**

(?) of (?) stated that violence is not the answer. She finds violence and violent acts unacceptable especially when council members are concerned.

Adjournment

APPROVAL OF MINUTES:

Motion: Approve Minutes of April 06, 2017, **Moved** by Councilmember Broullon, **Seconded** by Mayor O'Neil.

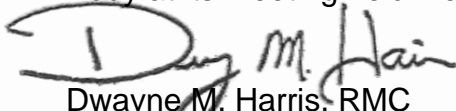
Vote: Motion carried by roll call vote (**summary:** Yes = 5).

Yes: Councilmembers: Broullon, Card, D'Arrigo, Wells and Mayor O'Neil

No:

Abstain:

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 the action of the Governing Body at its meeting held May 17, 2017.


Dwayne M. Harris, RMC
Acting Municipal Clerk



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 Hartsgrrove, 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 CAPTAIN'S 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.~~

~~c. 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 severely 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.

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; ~~strike throughs~~ 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.

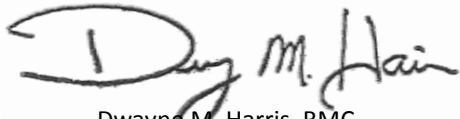
No: None

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.

A handwritten signature in black ink, appearing to read "Dwayne M. Harris". The signature is stylized with a large, looped initial "D" and a cursive "M. Harris".

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.

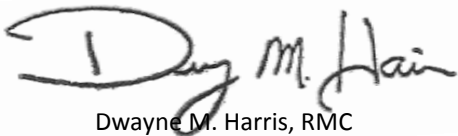
No: None

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