



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 16-156

### RESOLUTION AUTHORIZING STREET EXCAVATION BY NEW JERSEY NATURAL GAS COMPANY AND/OR THEIR CONTRACTORS ON SHREWSBURY AVENUE

**WHEREAS**, there exists a need by the New Jersey Natural Gas Company and/or their contractors to perform street excavation on Shrewsbury Avenue, in order to perform necessary repairs and/or establish connections with various homes and/or buildings on Shrewsbury Avenue for which construction was performed as a result of Superstorm Sandy; and

**WHEREAS**, Borough Ordinance Section 8.2 and its various subsections set forth the standards and requirements for performing street excavation; and

**WHEREAS**, Borough Ordinance Subsection 8-2.3(b)(1) sets forth, in relevant part, that no permit shall be issued by the Director of the Department of Public Works, which would allow an excavation or opening of a paved or improved street surface less than seven (7) years old unless the applicant can clearly demonstrate that public health or safety requires that the proposed work be permitted or unless an emergency condition exists; and

**WHEREAS**, Borough Ordinance Subsection 8-2.14 sets forth, in relevant part, that not less than ninety (90) days prior to the commencement of paving or repaving of a public street in the Borough of Highlands, the governing body shall notify all abutting property owners by certified mail, return receipt requested, or by personal service, of the proposed date for the commencement of the paving of the roadway; and

**WHEREAS**, Borough Ordinance Subsection 8-2.15 sets forth, in relevant part, that the notice to the abutting property owners shall advise each property owner that permits for excavation in the public street shall not be granted for a period of three (3) years from the date of the proposed commencement of the paving as specified in the notice, except by a special permit issued by the governing body in the event of an emergency; and

**WHEREAS**, based on all of the foregoing, there is a demonstrated need by the New Jersey Natural Gas Company and/or their contractors to perform street excavation on Shrewsbury Avenue as the same is required for public health and safety and/or by way of an emergency; and

**WHEREAS**, the governing body hereby approves the issuance of any and all necessary permits for street excavation on Shrewsbury Avenue, in order to perform necessary repairs and/or establish connections with various homes and/or buildings on

Shrewsbury Avenue for which construction was performed as a result of Superstorm Sandy; and

**WHEREAS**, New Jersey Natural Gas Company and/or their contractors will be required to meet all of the standards and requirements set forth in Borough Ordinance Section 8.2 and its various subsections; and

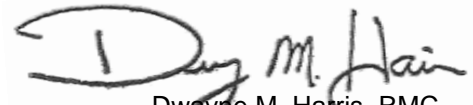
**WHEREAS**, New Jersey Natural Gas Company and/or their contractors must perform street excavation in a neat manner through the use of means involving the use of saw-cuts, without the use of a jackhammer, to the satisfaction of the Borough officials, including, but not limited to, the Borough Engineer, the Superintendent of the Department of Public Works and/or the Borough Administrator; and

**WHEREAS**, final restoration of the street surface of any excavation to Shrewsbury Avenue, performed by New Jersey Natural Gas Company and/or their contractors, must be completed by means of infrared repair, to the satisfaction of the Borough officials, including, but not limited to, the Borough Engineer, the Superintendent of the Department of Public Works and/or the Borough Administrator; and

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body hereby authorizes the issuance of any and all necessary permits for street excavation on Shrewsbury Avenue, by its Borough officials, in order to perform necessary repairs and/or establish connections with various homes and/or buildings on Shrewsbury Avenue for which construction was performed as a result of Superstorm Sandy, subject to all of the requirements of Borough Ordinance Section 8.2 and its various subsections as well as the terms of the within Resolution being met.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON		X	X			
CARD			X			
D'ARRIGO			X			
WELLS						X
NOLAN	X		X			
ON CONSENT AGENDA: YES <u>  X  </u> NO						

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 July 20, 2016. WITNESS my hand this 22nd day of July 2016.



Dwayne M. Harris, RMC  
Acting Municipal Clerk