

Highlands Borough Mayor & Council Reorganizational Meeting Agenda
Community Center - 22 Snug Harbor Avenue - Highlands
Monday, January 1st 2018, 12:00 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.

REGULAR MEETING: 12:00pm

Call to Order
Meeting Statement
Pledge of Allegiance

Oath of Office

Kenneth R. Braswell, Councilmember
Rosemary D. Ryan, Councilmember

Roll Call

Oath of Office

Michael Armstrong, Fire Chief
Bill Mount, First Aid Captain

Acknowledgement of Service

Rebecca Kane-Wells, Councilmember 2003-2005 & 2009-2017
Doug Card, Councilmember 2014-2017
Carolyn Cummins, Municipal Clerk 1992-2017
Joseph Blewett, Police Chief 1990-2017

Swearing In

Matthew Chesak, Police Sergeant

Resolutions

R-18-001 – Appoint Municipal Attorney for 2018
R-18-002 – Appoint Council President for the 2018
R-18-003 – Appoint Municipal Auditor for 2018
R-18-004 – Approve Bond Counsel Services
R-18-005 – Appoint Labor Counsel
R-18-006 – Appoint Professional Legal Counsel for Tax Appeals & Tax Litigation
R-18-007 – Appoint Municipal Public Prosecutor & Alternative
R-18-008 – Appoint Municipal Public Defender & Alternative
R-18-009 – Appoint Member to Highlands Housing Authority
R-18-010 – Councilmember Liaison Appointments
R-18-011 – Appoint Juvenile Officer
R-18-012 – Designating Official Newspapers
R-18-013 – Schedule of Meetings of the Mayor & Council
R-18-014 – Appoint Members of the Green Team
R-18-015 – Authorize Cash Management Plan
R-18-016 – Authorize Bills List
R-18-017 – Temporary Municipal Budget
R-18-018 – Appoint Clean Communities Coordinator
R-18-019 – Appoint Special Police Officers

R-18-020 – Appoint Tax Search & Assessment Search Officers
R-18-021 – Appoint Members of the Highlands Business Partnership
R-18-022 – Appoint Fire Police
R-18-023 – Appoint Shade Tree Commission Members
R-18-024 – Appoint Open Space Committee Members
R-18-025 – Accept Resignation of Open Space Member
R-18-026 – Appoint Zoning Officer
R-18-027 – Establishing Communications Committee
R-18-028 – Appoint Land Use Board Members
R-18-029 – Appoint Community Development Representative
R-18-030 – Designating Public Agency Compliance Officer
R-18-031 – Appoint Members of the Environmental Advisory Commission
R-18-032 – Appoint Recreation Committee Members
R-18-033 – Appoint Borough Administrator

Ordinances: First Reading & Introduction

O-18-01 – Amend Chapter 21, Revisions to CBD Zone & Deletion of B-1 & B-2 Overlay Districts
O-18-02 – Amend Chapter 17, Establishment of Business District

Other Business:

Public Comments:

Adjourn



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-001

RESOLUTION APPOINTING MUNICIPAL ATTORNEY FOR THE CALENDAR YEAR 2018 & AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL LEGAL SERVICES CONTRACT

WHEREAS, the Borough of Highlands has a need for professional legal services to be provided to the Borough of Highlands for the calendar year 2018 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the Mayor has offered the name of Brian J. Chabarek, Esq. of the law firm of Davison, Eastman, Munoz, Lederman & Paone, P.A. and it is so recognized;

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

WHEREAS, the Law Firm of Davison, Eastman, Munoz, Lederman & Paone, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that their Law Office has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will provide to prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Law Firm of Davison, Eastman, Munoz, Lederman & Paone, P.A.. has completed and submitted a Political Contribution Disclosure form in accordance with P.L 2005, c271; and

WHEREAS, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 for an amount not to exceed \$66,000.00 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of January 1, 2018 through December 31, 2018 at the rate of a monthly retainer in the amount of \$5,500.00 and an hourly rate of \$150 per hour for services outside of the contract.

WHEREAS, Davison, Eastman, Munoz, Lederman & Paone, P.A., has submitted the attached contract for Professional Legal Services for the calendar year 2018; and

WHEREAS, the Governing Body has reviewed the attached contract for Professional Legal Services for 2018; and

WHEREAS, certification of the availability of funds has been provided by the Chief Financial Officer contingent upon the adoption of the 2018 Budget.

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

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Governing Body as follows:

1. Brian J. Chabarek of the Law Firm of Davison, Eastman, Munoz, Lederman & Paone, P.A. is hereby appointed Borough Attorney for the calendar 2018 and is awarded a professional service contract for an amount not to exceed \$66,000.00 for professional legal services provided for the period of January 1, 2018 through December 31, 2018.
2. The attached Professional legal services Contract is hereby approved and the Mayor and Borough Clerk are hereby authorized to sign the contract.
3. This contract is awarded without competitive bidding as "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(l)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk.
5. The Borough Clerk is hereby directed to publish notice of this award as required by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-002

RESOLUTION APPOINTING COUNCIL PRESIDENT FOR THE CALENDAR YEAR 2018

WHEREAS, Borough Code §2-3.3 sets forth that that at its annual meeting, the council shall by vote of a majority of its number elect a Council President; and

WHEREAS, in accordance with Borough Code §2-3.3, the Council President shall serve in the place of the Mayor in the event of his absence, disability, or refusal to act.

NOW, THEREFORE, BE IT RESOLVED by the members of the Borough Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that _____



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-003

RESOLUTION AUTHORIZING AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES – MUNICIPAL AUDITOR

WHEREAS, the Borough of Highlands has a need for professional auditing services for the calendar year 2018 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional services can only be provided by licensed professionals; and

WHEREAS, the Borough has determined that the firm of Holman, Frenia, Allison, P.C., satisfies the requirements to be considered for professional auditing services that the Borough may require during the contract year; and

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

WHEREAS, the office of Holman, Frenia, Allison, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that the Auditing Office of Holman, Frenia, Allison, P.C. has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will provide to prohibit the auditing office of Holman, Frenia, Allison, P.C. from making any reportable contributions through the term of the contract; and

WHEREAS, the firm of Holman, Frenia, Allison, P.C. has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c271; and

WHEREAS, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 to the firm of Holman, Frenia, Allison, P.C. for an amount not to exceed \$ 56,950.00 plus reimbursable expenses for Professional auditing services provided to the Borough for the period of January 1, 2018 through December 31, 2018; and

WHEREAS, certification of the availability of funds has been provided by the Chief Financial Officer contingent upon the adoption of the 2018 Budget; and

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

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

1. That the firm of, Holman, Frenia, Allison, P.C., is hereby retained to

provide professional auditing services for an amount not to exceed \$56,950.00 for a 12-month period to expire December 31, 2018.

2. **The contract is awarded without competitive bidding as “Professional Services” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.**

3. A copy of this Resolution as well as the contract shall be placed on file with the Clerk of the Borough of Highlands.

4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-004

RESOLUTION APPROVING PROFESSIONAL BOND COUNSEL SERVICES AND AWARDING A NON-FAIR AND OPEN CONTRACT

WHEREAS, the Borough of Highlands has a need for professional bond counsel services in connection with the authorization and issuance of bonds or notes; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Archer & Griener, PC is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$20,000 plus, reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period January 1, 2018 through December 31, 2018. All rates based on the services utilized are provided for in the contract between Archer & Griener, PC and the Borough of Highlands; and

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

WHEREAS, the law office of Archer & Griener, PC has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Office of Archer & Griener has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will provide to prohibit the law office from making any reportable contributions through the term of the contract; and

WHEREAS, the Law Office of Archer & Greiner, PC has completed and submitted a Political Contribution Disclosure for in accordance with P.L. 2005, c271; and

WHEREAS, certification of availability of funds has been provided by the Chief Financial Officer of the Borough of Highlands contingent upon the adoption of the 2018 budget.

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

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. The firm of Archer & Griener, PC is hereby retained to provide professional bond counsel services as described above for an amount not to exceed \$20,000 plus reimbursable expenses for the period of January 1, 2018 through December 31,

2018.

2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A: 11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-005

RESOLUTION PROFESSIONAL LABOR COUNSEL SERVICES AS A NON-FAIR AND OPEN CONTRACT

WHEREAS, the Borough of Highlands has a need for professional labor counsel services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Appruzzese, McDermott, Mastro & Murphy, P.C. is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, this contract is to be awarded at an hourly rate of \$150 per hour for an amount not to exceed \$20,000 plus reimbursable expenses for professional labor counsel services for the Borough of Highlands for the period January 1, 2018 through December 31, 2018. All rates based on the services utilized are provided for in the contract between Appruzzese, McDermott, Mastro & Murphy, P.C. and the Borough of Highlands; and

WHEREAS, the firm of Appruzzese, McDermott, Mastro & Murphy, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit the firm from making any reportable contributions through the term of the contract; and

WHEREAS, the firm of Appruzzese, McDermott, Mastro & Murphy, P.C. has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds has been provided contingent upon adequate funding being provided in the 2018 adopted budget.

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

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. That the Law Firm of Appruzzese, McDermott, Mastro & Murphy, P.C. is hereby retained to provide professional labor counsel services as described

above for an amount not to exceed \$20,000 plus reimbursable expense for the period of January 1, 2018 through December 31, 2018.

2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A: 11-5(l)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

The attached contract is hereby approved and the Mayor and Borough Clerk area hereby authorized to execute contract



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-006

RESOLUTION APPOINTING DAVISON, EASTMAN, MUNOZ, LEDERMAN, & PAONE, P.A. AS PROFESSIONAL LEGAL COUNSEL FOR TAX APPEAL AND TAX LITIGATION THROUGH THE NON-FAIR AND OPEN PROCESS

WHEREAS, the Borough of Highlands has a need for professional legal counsel services for tax appeal and tax litigation matters and special litigation matters; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Davison, Eastman, Munoz, Lederman & Paone, P.A. is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, this contract is to be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A.- 19:44A-20.5 through December 31, 2018 at an hourly rate of \$125.00 per hour for the period January 1, 2018 through December 31, 2018 in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands. All rates based on the services utilized are provided for in the contract between Davison, Eastman, Munoz, Lederman & Paone, P.A.. and the Borough of Highlands; and

WHEREAS, the law firm of Davison, Eastman, Munoz, Lederman & Paone, P.A.. has completed and submitted a Business Entity Disclosure Certification which certifies that the Firm has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit the firm from making any reportable contributions through the term of the contract; and

WHEREAS, the firm of Davison, Eastman, Munoz, Lederman & Paone, P.A.. has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271, and

WHEREAS, certification of availability of funds has been provided by the Chief Financial Officer of the Borough of Highlands contingent upon the adoption of the 2018 Municipal Budget

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:1 1-1 et. seq.

requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. That Blake Laurence, Esq. of Davison, Eastman, Munoz, Lederman & Paone, P.A. is hereby appointed and retained to provide professional legal counsel services as described above through December 31, 2018.
2. That Blake Laurence, Esq. of Davison, Eastman, Munoz, Lederman & Paone, P.A., LLP. is hereby retained at an hourly rate of \$125.00 per hour for the period January 1, 2018 through December 31, 2018 in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands.
- 3 The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A: 11-5(l)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
- 4 A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
- 5 The Borough Clerk is hereby directed to publish notice of this award as required by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-007

RESOLUTION APPOINTING BOROUGH PROSECUTOR AS A NON-FAIR AND OPEN CONTRACT

WHEREAS, N.J.S.A. 2B:25-1 et seq., requires each municipal court in this State to have at least one municipal prosecutor, who shall be an attorney-at-law of this State in good standing, be appointed by the governing body of the municipality, for a term of one year from the date of his or her appointment, in accordance with applicable laws, ordinances and resolutions; and

WHEREAS in accordance with applicable laws, ordinances and resolutions, a municipality may appoint additional municipal prosecutors as necessary to administer justice in a timely and effective manner in its municipal court subject to N.J.S.A. 2B:25-1 et. seq.; and

WHEREAS any municipal court having two or more municipal prosecutors shall have a "chief municipal prosecutor" who shall be appointed by the governing body of the municipality and shall have authority over other prosecutors serving that court with respect to the performance of their duties; and

WHEREAS, James Butler, Esq. and Patrick Healy, Esq. are attorneys-at-law licensed by the State of New Jersey and who are experienced with municipal law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands as follows:

1. James Butler, Esq. is hereby appointed Chief Municipal Prosecutor of the Borough of Highlands for the one (1) year term to expire December 31, 2018 for an amount not to exceed \$15,246.00.
2. Patrick Healy, Esq. is hereby appointed Alternate Municipal Prosecutor for the one (1) year term to expire December 31, 2018.
3. These appointments are made without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of this Resolution shall be placed on file with the Clerk of the Borough of Highlands.

BE IT FURTHER RESOLVED that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.



**BOROUGH OF HIGHLANDS 0
COUNTY OF MONMOUTH**

RESOLUTION 18-008

AUTHORIZING APPOINTMENT OF MUNICIPAL PUBLIC DEFENDER AND ALTERNATE MUNICIPAL PUBLIC DEFENDER

WHEREAS The municipal public defender serves as defense attorney for all indigent persons accused of violations of the State, disorderly persons' act, motor vehicle statutes or any offense or charge which carries a potential penalty of a substantial fine, incarceration or a loss of driving privileges; and,

WHEREAS at the discretion of the municipal court judge, and based upon the defendant's financial situation, the Court may appoint the municipal public defender to represent the individual's interests

WHEREAS N.J.S.A. 2B:24-4 requires a municipal public defender to be an attorney-at-law of this State in good standing, and shall serve for a term of one year from the date of his appointment, and may continue to serve in office pending re-appointment or appointment of a successor.

WHEREAS Kevin P. Wigenton, Esq. and Edward G. Washburne, Esq. are attorneys-at-law licensed by the State of New Jersey who are familiar and experienced with municipal defense law.

WHEREAS, pursuant to Ordinance 98-02 the Municipal Public Defender shall be paid an annual salary of no more than \$5,000.00, which shall be apportioned pro rata for the portion of the year in which the Public Defender serves and shall only be required to attend Court when his clients are listed on the calendar; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be printed in a newspaper of general circulation not more than ten days after passage of the resolution;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough
of Highlands as follows:

1. Kevin P. Wigenton, Esq. of the law office of Wigenton Law Firm is hereby appointed Public Defender in the Borough of Highlands for the unexpired (1) one-year term to expire December 31, 2018.
2. Edward G. Washburne, Esq. of the law office of McKenna, DuPont, Higgins & Stone is hereby appointed as Alternate Public Defender in the Borough of Highlands for the unexpired (1) one-year term to expire December 31, 2018.

3. The appointments are made without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(l)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of this Resolution shall be placed on file with the Clerk of the Borough of Highlands.
5. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

BE IT FURTHER RESOLVED that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-009

RESOLUTION APPOINTING MEMBERS TO THE BOROUGH OF HIGHLANDS HOUSING AUTHORITY

WHEREAS, the five (5) year appointment for Delores Francy to the Highlands Housing Authority expired on November 30, 2017; and

WHEREAS, the governing body desires to fill these positions with the Highlands Housing Authority.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the following appointments to the Highlands Housing Authority be and are hereby made as follows:

| Position: | Name: | Term: | Expiration: |
|------------------|----------------|--------------|--------------------|
| Member | Dolores Francy | 5 Years | 11/30/2022 |



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-010

A COUNCILMEMBER APPOINTMENTS (1 year, ending 12/31/2018)

| COUNCIL COMMITTEE: | LIAISON: |
|-----------------------------------|-----------------------------|
| Board of Education – HES & HHRHS | Rosemary Ryan |
| Building/Housing | Claudette D'Arrigo |
| Clam Plant | Carolyn Broullon |
| Communications & Public Relations | Carolyn Broullon |
| Substandard Housing | Kenneth Braswell |
| Environmental | Rosemary Ryan |
| Green Team | Rosemary Ryan |
| Highlands Business Partnership | Carolyn Broullon |
| Open Space | Claudette D'Arrigo |
| Parks & Recreation | Claudette D'Arrigo |
| Public Safety | Mayor Richard O'Neil |
| Public Works | Kenneth Braswell |
| Shade Tree | Carolyn Broullon |
| Sewer Department | Kenneth Braswell |
| Substandard Housing | Kenneth Braswell |



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-011

RESOLUTION APPOINTING JUVENILE OFFICER

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that George Ruth is hereby appointed Juvenile Officer for the one (1) year term to expire on December 31, 2018.

BE IT FURTHER RESOLVED, that the compensation for said position shall be set in the Municipal Salary Ordinance.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-012

RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS OF THE BOROUGH OF HIGHLANDS

WHEREAS, N.J.S.A 40:53-2 requires that all ordinances or other public notices which any municipality, except cities, may be required by any law to publish, where the manner of publication is not otherwise specifically provided for, shall be published in at least one official newspaper published and circulating in the municipality; and,

WHEREAS, N.J.S.A 40:53-1 provides that the governing body of every municipality may designate an official newspaper or newspapers for the publication of all advertisements and notices required by law to be published by the municipality; and,

WHEREAS "Official Newspapers" as defined by N.J.S.A. 10:4 means paid, published and circulated in the municipality, and if there be no such newspaper, then in at least one published in the county in which the municipality is located and said newspaper is circulated; and,

WHEREAS P.L. 1975 c.231 provides that a public body may provide electronic notice of any meeting of the public body through the Internet and defines "Electronic Notice" as advance notice available to the public via electronic transmission of at least forty-eight (48) hours, giving the time, date, location and, to the extent, known the agenda of any Regular, Special or Rescheduled Meeting, which notice shall accurately state whether formal action may or may not be taken at such meeting; and,

WHEREAS Nothing in P.L. 1975 c.231 shall be construed as affecting or superseding the adequate notice requirements that are imposed by the "Open Public Meetings Act" and no electronic notice issued pursuant to this act shall be deemed to substitute for, or be considered in lieu of, such adequate notice,

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the **Asbury Park Press, The Two River Times, and The Star Ledger** be designated as the official newspapers for the advertising of ordinances and other public notices, which the municipality may be required by any law to publish, for the year ending December 31, 2018.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-013

RESOLUTION SETTING THE SCHEDULE FOR MEETINGS OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HIGHLANDS FOR THE CALENDAR YEAR 2018

WHEREAS N.J.S.A. 10:4-18 provides for "ANNUAL NOTICE" which means at least once each year, within seven (7) days following the annual organization or reorganization meeting of a public body, every public body shall adopt, post and distribute a schedule of its regular meetings for the coming year. The schedule must contain the date, time and location of the meeting. In addition, it shall be mailed, telephoned, telegraphed or hand delivered to at least two (2) newspapers which newspapers shall be designated by the public body to receive such notices,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, and State of New Jersey, that Regular and/or Workshop meetings of the Borough Council will be held at 8:00pm during the year 2018, at the Robert D. Wilson Community Center, 22 Snug Harbor Ave., Highlands New Jersey 07732 on the following dates:

1. Regular Meetings shall be held on the following dates:

| | |
|---|---|
| January 17 th | July 18 th |
| February 7 th & 21 st | August 15 th |
| March 7 th & 21 st | September 5 th & *20 th |
| April 4 th & 18 th | October 3 rd & 17 th |
| May 2 nd & 16 th | November 7 th |
| June 6 th & 20 th | December 5 th & 19 th |
| | * Thursday |

Formal action will be taken at all Regular meetings. Public comments will be permitted at designated periods during all meetings. Executive Sessions, which are closed to the public, may be held to discuss matters authorized for closed sessions under N.J.S.A. 10:4-12. Executive Session will be held at 7:00pm during the year 2018. Prior to each Executive Session, the Borough Council will convene in open session at which time a resolution will be adopted in accordance with N.J.S.A. 10:4-13. Regular, Workshop or Special meetings may be adjourned, rescheduled, or held on different dates providing such are duly noticed as provided by law.

2. The Reorganization Meeting for 2019 shall be held at 12:00 noon on January 1, 2019 at the Robert D. Wilson Community Center, 22 Snug Harbor Ave., Highlands New Jersey 07732.

3. **The Municipal Clerk shall post this “Annual Notice” on the official bulletin board in the Municipal Building, transmit it to the Asbury Park Press and Two River Times, and file this notice in the Office of the Municipal Clerk of the Borough of Highlands, all in accordance with the “Open Public Meetings Law.”**



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-014

RESOLUTION APPOINTING MEMBERS OF THE GREEN TEAM

WHEREAS, by way of Ordinance 17-02, the Borough of Highlands established a Green Team; and

WHEREAS, be it resolved by the Mayor and the Council of the Borough of Highlands that the following appointments be made the Green Team (Advisory)

Members of the team:

| Position: | Name: | Term: | Expiration: |
|------------------|---------------------------|--------------|-------------------------|
| Council Liaison | Rosemary Ryan** | 1 Year | 12/31/2018 |
| Mayor | Richard W. O'Neil* | 1 Year | 12/31/2018 |
| Resident Member | Nancy Burton* | 3 Years | 12/31/2020 |
| Resident Member | Scott Keller* | 3 Years | 12/31/2020 |
| Resident Member | Martin Rosen** | 3 Years | Unexpired 12/31/2019 |
| Business Owner | Carla Braswell* | 3 Years | 12/31/2020 |
| Environmental | Rosemary Ryan | 3 Years | 12/31/2019 |
| Land Use Board | Christian Lee** | 3 Years | Unexpired 12/31/2018 |

*Reappointment **New Appointment



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-015

RESOLUTION AMENDING R-98-42, R-09-50, R-14-23 and R-16-25, R-17-15 AUTHORIZING CASH MANAGEMENT PLAN

WHEREAS, R-98-42 Authorizing a Cash Management Plan was adopted by the Governing Body of the Borough of Highlands on February 18, 1998; and

WHEREAS, the adopted Case Management Plan included a list of designated depositories of the Borough of Highlands; and

WHEREAS, the Chief Financial Officer has requested that the list of designated depositories be amended as follows:

TD Bank, National Association;

Two River Community Bank;

United Roosevelt; and

Valley National Bank.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands that Resolution R-98-42 be amended as stated above.

BE IT FURTHER RESOLVED, that said banks are hereby authorized to honor checks drawn upon said banks, signed by the Mayor, Chief Financial Officer, Administrator and/or the Borough Clerk. All checks require two signatures, one of which may be a facsimile signature. The payroll account checks may utilize two facsimile signatures.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-016

AUTHORIZING BILLS LIST

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated December 26th 2017, which totals as follows:

| | |
|----------------------|---------------------|
| Current Fund | \$ 39,269.70 |
| Sewer Account | \$ 7,099.59 |
| Capital Fund | \$ 10,569.49 |
| Trust-Other | \$ 497.00 |
| Federal/State Grants | \$ 469.00 |
| Total | \$ 57,904.78 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$57,904.78** 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 posted on the borough website at www.highlandsborough.org and on file in the Municipal Clerk's office for reference.



BOROUGH OF HIGHLANDS
 COUNTY OF MONMOUTH

RESOLUTION 18-017

2018 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2018 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January 2018; and

WHEREAS, the total appropriations in the 2017 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund and public assistance is the sum of:

| | |
|---------------------------|----------------|
| 2017 Municipal Budget | \$9,144,198.53 |
| 2017 Sewer Utility Budget | \$1,383,512.50 |

WHEREAS, 26.25% of the total appropriations in the 2017 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2017 budget is the sum of:

| | |
|---------------------------|----------------|
| 2017 Municipal Budget | \$2,400,352.11 |
| 2017 Sewer Utility Budget | \$ 363,172.03 |

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands, County of Monmouth, State of New Jersey that the temporary appropriations be made and a certified copy of this resolution be transmitted to the Borough's Chief Financial Officer for their records.

2018 TEMPORARY APPROPRIATIONS: MUNICIPAL BUDGET

| Department | Salaries | Other Expenses | Total |
|----------------------------|-----------|----------------|--------------|
| "IN CAPS" | | | |
| General Government: | | | |
| Borough Council | \$ - | \$ 12,500.00 | \$ 12,500.00 |
| Borough Clerk | 20,000.00 | 18,625.00 | 38,625.00 |
| Borough Administrator | 28,750.00 | 875.00 | 29,625.00 |

| | | | | |
|----------------------------|--|------------|------------|------------|
| Central Services | | 8,500.00 | 9,250.00 | 17,750.00 |
| Financial Administration | | 32,000.00 | 4,375.00 | 36,375.00 |
| Grants Writer | | 0.00 | 10,500.00 | 10,500.00 |
| Audit | | 0.00 | 8,475.00 | 8,475.00 |
| Assessment of Taxes | | 7,000.00 | 6,750.00 | 13,750.00 |
| Collection of Taxes | | 18,750.00 | 2,250.00 | 21,000.00 |
| Legal Services | | 0.00 | 57,500.00 | 57,500.00 |
| Municipal Prosecutor | | 4,500.00 | 0.00 | 4,500.00 |
| Engineering Services | | 0.00 | 52,500.00 | 52,500.00 |
| Public Buildings & Grounds | | 5,000.00 | 30,000.00 | 35,000.00 |
| Municipal Land Use Law: | | 1,500.00 | 6,250.00 | 7,750.00 |
| Shade Tree Commission | | 0.00 | 225.00 | 225.00 |
| Environmental Commission | | 0.00 | 125.00 | 125.00 |
| Insurance: | | | | |
| Group Insurance | | 0.00 | 500,000.00 | 500,000.00 |
| Other | | 0.00 | 100,000.00 | 100,000.00 |
| Workers Compensation | | 0.00 | 100,000.00 | 100,000.00 |
| Flood Insurance | | 0.00 | 15,000.00 | 15,000.00 |
| Unemployment | | 0.00 | 5,000.00 | 5,000.00 |
| | | | | |
| Public Safety: | | | | |
| Fire | | 0.00 | 16,850.00 | 16,850.00 |
| Police | | 437,500.00 | 31,500.00 | 469,000.00 |
| Dispatch | | 52,000.00 | 375.00 | 52,375.00 |
| First Aid | | 0.00 | 7,250.00 | 7,250.00 |
| 911 Telecommunications | | 0.00 | 3,500.00 | 3,500.00 |
| Emergency Management | | 1,000.00 | 4,500.00 | 5,500.00 |
| | | | | |
| Municipal Court | | 3,750.00 | 1,625.00 | 5,375.00 |
| Public Defender | | 750.00 | 0.00 | 750.00 |
| | | | | |
| Streets and Roads: | | | | |
| Road Repair & Maintenance | | 62,500.00 | 14,500.00 | 77,000.00 |
| Snow Removal | | 20,000.00 | 30,000.00 | 50,000.00 |
| | | | | |
| Health & Welfare: | | | | |
| Regional Health Commission | | 0.00 | 17,500.00 | 17,500.00 |
| Dog Control | | 0.00 | 2,500.00 | 2,500.00 |
| Substance Abuse Program | | 0.00 | 750.00 | 750.00 |
| P.E.O.S.H.A. | | 0.00 | 1,125.00 | 1,125.00 |
| | | | | |
| Recreation & Education: | | | | |
| Beachfront Maintenance | | 0.00 | 1,250.00 | 1,250.00 |
| Parks & Playgrounds | | 0.00 | 2,700.00 | 2,700.00 |
| Public Events | | 0.00 | 675.00 | 675.00 |
| Community Center | | 27,500.00 | 6,000.00 | 33,500.00 |
| | | | | |
| Uniform Fire Safety Act | | 7,000.00 | 1,250.00 | 8,250.00 |
| Code Enforcement Officer | | 18,750.00 | 2,750.00 | 21,500.00 |
| Code - Substandard Housing | | 0.00 | 18,750.00 | 18,750.00 |

| | | | | |
|------------------------------------|--|-------------------|---------------------|---------------------|
| Sanitation | | 1,000.00 | 10,000.00 | 11,000.00 |
| Sanitation - Contractual Service | | 0.00 | 57,500.00 | 57,500.00 |
| Monmouth County Reclamation Center | | 0.00 | 50,000.00 | 50,000.00 |
| Mechanical Garage | | 0.00 | 1,750.00 | 1,750.00 |
| Condominium Services | | 0.00 | 6,250.00 | 6,250.00 |
| Construction Code Official | | 28,000.00 | 2,250.00 | 30,250.00 |
| Accumulated Leave | | 12,500.00 | 0.00 | 12,500.00 |
| | | | | |
| Utilities: | | | | |
| Electricity | | 0.00 | 13,750.00 | 13,750.00 |
| Street Lighting | | 0.00 | 13,250.00 | 13,250.00 |
| Telephone | | 0.00 | 7,500.00 | 7,500.00 |
| Water | | 0.00 | 3,750.00 | 3,750.00 |
| Gasoline-Fuel | | 0.00 | 12,500.00 | 12,500.00 |
| Natural Gas | | 0.00 | 4,000.00 | 4,000.00 |
| Telecommunications | | 0.00 | 8,250.00 | 8,250.00 |
| Fire Hydrants | | 0.00 | 16,500.00 | 16,500.00 |
| | | | | |
| Deferred Charges: | | | | |
| PERS | | 0.00 | 22,816.68 | 22,816.68 |
| Social Security System | | 0.00 | 33,000.00 | 33,000.00 |
| PFRS | | 0.00 | 85,145.75 | 85,145.75 |
| DCRP | | 0.00 | 750.00 | 750.00 |
| Matching Funds for Grants | | 0 | 3,750.00 | 3,750.00 |
| TOTAL INSIDE "CAP" | | 798,250.00 | 1,458,262.43 | 2,256,512.43 |
| | | | | |
| "OUTSIDE CAPS" | | | | |
| | | | | |
| LOSAP | | 0.00 | 16,250.00 | 16,250.00 |
| Recycling Tax | | 0.00 | 250.00 | 250.00 |
| Stormwater Management | | 0.00 | 12,500.00 | 12,500.00 |
| Interlocal: | | | | |
| Atlantic Highlands | | | | |
| Garage | | 0.00 | 18,750.00 | 18,750.00 |
| Municipal Court | | 0.00 | 20,000.00 | 20,000.00 |
| Grants: | | | | |
| Alliance Grant | | 0.00 | 1,997.50 | 1,997.50 |
| | | | | |
| TOTAL OUTSIDE "CAP" | | 0.00 | 69,747.50 | 69,747.50 |
| | | | | |
| SUB-TOTAL APPROPRIATIONS | | 798,250.00 | 1,528,009.93 | 2,326,259.93 |
| | | | | |
| Statutory Additions: | | | | |
| Capital Improvement Fund: | | | 100,000.00 | 100,000.00 |
| Deferred Charge-SEN | | | 0.00 | 0.00 |
| Payment of Bond Principal | | | 358,000.00 | 358,000.00 |
| Interest on Bonds | | | 204,543.00 | 204,543.00 |
| Payment of Note Principal | | | 100,000.00 | 100,000.00 |
| Interest on Notes | | | 75,000.00 | 75,000.00 |

| | | | | |
|---|--|-------------------|-----------------------|---------------------|
| Lease Purchase | | | | |
| Principal | | | 52,000.00 | 52,000.00 |
| Interest | | | 25,000.00 | 25,000.00 |
| SUB-TOTAL STATUTORY ADDITIONS | | 0.00 | 914,543.00 | 914,543.00 |
| TOTAL TEMPORARY MUNICIPAL BUDGET | | 798,250.00 | 2,442,552.93 | 3,240,802.93 |
| | | | | |
| | | | SEWER UTILITY: | |
| | | | | |
| | | | Salaries | Other Expenses |
| | | | | Total |
| Sewer Operating | | 23,750.00 | 255,375.00 | 279,125.00 |
| Sewer Operator-Atlantic Highlands | | | 43,750.00 | 43,750.00 |
| Group Insurance | | | 7,000.00 | 7,000.00 |
| Workers Compensation | | | 5,500.00 | 5,500.00 |
| Insurance Other | | | 7,000.00 | 7,000.00 |
| | | | | |
| PERS | | | 1,578.12 | 1,578.12 |
| Social Security System | | | 1,925.00 | 1,925.00 |
| | | | | |
| Sub-Total | | 23,750.00 | 322,128.12 | 345,878.12 |
| | | | | |
| Statutory Additions: | | | | |
| Payment of Bond Principal | | | 175,000.00 | 175,000.00 |
| Interest on Bonds | | | 178,000.00 | 178,000.00 |
| Principal/ Interest on Notes/Loans | | | 125,000.00 | 125,000.00 |
| | | | | |
| Total Statutory Additions | | 0.00 | 478,000.00 | 478,000.00 |
| | | | | |
| Total Sewer Utility Budget | | 23,750.00 | 800,128.12 | 823,878.12 |
| | | | | |



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-018

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, 2018.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-019

RESOLUTION APPOINTING SPECIAL POLICE OFFICERS

WHEREAS, the Borough of Highlands from time-to-time has the need to employ Special Police Officers; and

WHEREAS, the Chief of Police has made recommendations to the Governing Body regarding appointment of said officers;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following persons be and hereby are appointed Special Officers of the Borough of Highlands for a one-year term to expire December 31, 2018:

Special Officer Class I
Special Officer Class II

Diane Alvator
Davis Osuch



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-020

RESOLUTION APPOINTING TAX SEARCH AND ASSESSMENT SEARCH OFFICERS

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following appointments be made for the term to expire December 31, 2018:

| | |
|---------------------------|--------------|
| Tax Search Officer | Donna Conrad |
| Assessment Search Officer | Donna Conrad |



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-021

RESOLUTION APPOINTING MEMBERS OF THE HIGHLANDS BUSINESS PARTNERSHIP

WHEREAS, Borough Ordinance 17-7(a) provides that members of the Board of Directors of the Highlands Business Partnership shall include a member of the Governing Body selected by the Governing Body and a member of the Planning Board selected by the Governing Body; and

WHEREAS, these members serve at the pleasure of the appointing authority; and

WHEREAS, the appointing authority (Governing Body) desires to make new appointments at this time;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following persons shall and hereby are appointed to the Highlands Business Partnership:

Governing Body Representative Carolyn Broullon

Land Use Board Member Representative Andrew Stockton

BE IT FURTHER RESOLVED that the above appointments shall be effective immediately and shall serve until replaced by the Governing Body of the Borough of Highlands.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-022

RESOLUTION APPOINTING FIRE POLICE

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following persons be and hereby are appointed Fire Police for the year 2018:

| | |
|----------|---|
| Chief | Edward Sulkowski |
| Officers | Chris Creighton Robin Dowd Pat Mason, Jr. John McKay Stanley Pape Charles Roemelle Tom Snow |



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-023

APPOINT SHADE TREE COMMISSION MEMBERS

WHEREAS, Borough Code §2-21 establishes the Shade Tree Commission (Advisory).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following appointments be made to the Shade Tree Commission (Advisory):

| Position: | Name: | Term: | Expiration: |
|------------------|------------------|--------------|--------------------|
| Council Liaison | Carolyn Broullon | 1 Year | 12/31/2018 |
| Member | Christian Lee | | |
| | Chris Francy | | |
| | Nancy Messina | | |
| | Nancy Valinoti | | |
| | Vacant | | |



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-024

RESOLUTION APPOINTING MEMBERS OF THE OPEN SPACE COMMITTEE

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following appointments be made for vacancies which exist in the Open Space Committee:

| Position: | Name: | Term: | Expiration: |
|------------------------|---------------------------|--------------|--------------------|
| Council Representative | Claudette D'Arrigo | 1 Year | 12/31/2018 |
| Resident Member | Scott Keller | 3 Years | 12/31/2020 |
| Resident Member | Laurie Salka | 3 Years | 12/31/2020 |



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-025

RESOLUTION ACCEPTING RESIGNATION OF MEMBER OF OPEN SPACE COMMITTEE

WHEREAS, Section 2-43 of the Borough of Highlands Code establishes an Open Space Committee and sets forth that the said committee shall consist of seven (7) members comprised of a member of the Borough Council and six (6) citizens of the Borough appointed by the Mayor and Council; and

WHEREAS, by way of Resolution R-16-45, Doug Widman was appointed to serve on the Open Space Committee for a three (3) year term set to expire on December 31, 2018; and

WHEREAS, Doug Widman has resigned from his appointment on the Open Space Committee, effective December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that the Borough hereby accepts the resignation of Doug Widman from his service on the Open Space Committee, effective December 31, 2017, and thanks him for his service to the Community.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-026

RESOLUTION APPOINTING ZONING OFFICER

WHEREAS, the Code of the Borough of Highlands, Section 2-12A establishes the position of Zoning Officer within the Department of Buildings and Housing; and

WHEREAS, the Code provides for appointment by the Governing Body for a term of one (1) year; and

WHEREAS, the Borough wishes to appoint Dale Leubner from T & M Associates as a part-time Zoning Officer for a one-year term of January 1, 2018 through December 31, 2018 as part of the engineering contract; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the Borough hereby appoints Dale Leubner of T & M Associates to serve as the Zoning Officer for the period of January 1, 2018 through December 31, 2018.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-027

RESOLUTION ESTABLISHING A COMMUNICATIONS COMMITTEE

WHEREAS, by way of Resolution R-16-74, the Borough of Highlands established a Communications Committee that would advise the Governing Body as to email, website, social media, and re-branding in order to provide a consistent message by and for the Borough of Highlands; and

WHEREAS, the Borough of Highlands is desirous of establishing a Communications Committee for the year 2018 for the purpose of advising the Governing Body as to email, website, social media and re-branding in order to provide a consistent message by and for the Borough of Highlands; and

WHEREAS, the Communications Committee shall be advisory in nature and shall consist of not less than five (5) and not more than nine (9) resident members in order to streamline Borough messages to residents, businesses and investors; and

WHEREAS, all appointments shall be for a one-year term to expire on December 31, 2018 and all members shall serve until their respective successors are duly appointed and qualified; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that the following appointments shall be made to the Communications Committee:

| Position: | Name: | Term: | Expiration: |
|-----------------|-------------------|--------|-------------|
| Council Liaison | Carolyn Broullon | | |
| Regular Member | Jen Olson | 1 Year | 12/31/2018 |
| | Larry Chesal | | |
| | Greg Wells | | |
| | Jo-Anne Olszewski | | |
| | Ray Goddard | | |
| | Cody Valkos | | |
| | Vacant | | |
| | Vacant | | |



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-028

RESOLUTION APPOINTING MEMBER OF THE GOVERNING BODY TO THE LAND USE BOARD

WHEREAS, a vacancy exists on the Land Use Board as to a Class III-member consisting of a member of the governing body to be appointed by it.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following appointment be and is hereby confirmed to the Land Use Board:

| Position: | Name: | Term: | Expiration: |
|-------------------------------|-----------------|--------------|-----------------------|
| Mayor (Class I) | Richard O'Neil | 3 Years | 12/31/19 |
| Municipal Official (Class II) | | 1 Year | 12/31/18 |
| Council (Class III) | | 1 Year | 12/31/18 |
| Member 1 (Class IV) | Andrew Stockton | 4 Years | 12/31/19 |
| Member 1 (Class IV) | | | Unexpired 12/31/19 |
| Member 1 (Class IV) | Chris Francy | | 12/31/18 |
| Member 1 (Class IV) | Rob Knox | | 12/31/18 |
| Member 1 (Class IV) | Larry Colby | | 12/31/18 |
| Member 1 (Class IV) | Art Gallagher | | 12/31/19 |
| Alternative 1 | | | 2 Years |
| Alternative 2 | Frank Nolan | 12/31/18 | |
| Alternative 3 | | 12/31/19 | |
| Alternative 4 | Christian Lee | 12/31/18 | |



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-029

RESOLUTION APPOINTING COMMUNITY DEVELOPMENT REPRESENTATIVES

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Carolyn Broullon be appointed Community Development Representative for the Borough of Highlands for a one year term to expire December 31, 2018.

BE IT FURTHER RESOLVED, that Carla Cefalo Braswell be appointed Alternate Community Development Representative for the Borough of Highlands for a one-year term to expire on December 31, 2018.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-030

RESOLUTION DESIGNATING A PUBLIC AGENCY COMPLIANCE OFFICER (P.A.C.O.)

WHEREAS, in accordance with N.J.A.C. 17:27-3.2 et. seq., each public agency shall annually designate an officer or employee to serve as its Public Agency Compliance Officer (P.A.C.O.); and

WHEREAS, the individual designated as the Public Agency Compliance Officer will be the point of contact for all matters concerning implementation and administration of the legal requirements of the Equal Employment Opportunity Monitoring Program; and

WHEREAS, the Public Agency Compliance Officer is also responsible for administering contracting procedures pertaining to equal employment regarding both the public agency and its service providers; and

WHEREAS, in accordance with N.J.A.C. 17:27-3.3, each public agency shall notify the State of New Jersey, Department of the Treasury, Division of Purchase & Property, Contract Compliance Audit Unit, EEO Monitoring Program of its designation by January 10th of each year; and

WHEREAS, the Borough wishes to designate Bonnie Brookes, Borough Clerk, to serve as its Public Agency Compliance Officer for the calendar year 2018; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that Bonnie Brookes is hereby designated to serve as its Public Agency Compliance Officer for the calendar year 2018.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-031

RESOLUTION APPOINTING MEMBER OF THE ENVIRONMENTAL ADVISORY COMMISSION

WHEREAS, Borough Code §2-16 establishes the Environmental Advisory Commission;
and

WHEREAS, vacancies exist within the Environmental Advisory Commission; and

WHEREAS, the governing body desires to fill this position with the Environmental
Advisory Commission.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of
Highlands that the following person shall be appointed to the Highlands Environmental
Advisory Commission:

| Position: | Name: | Term: | Expiration: |
|-----------------|---------------|---------|-------------|
| Member & LUB | Chris Francy* | 3 Years | 12/31/2020 |
| Member | Peter Mullen | 3 Years | 12/31/2018 |
| Member | Steve Szuleki | 3 Years | 12/31/2018 |
| Member | Cody Valkos** | 3 Years | 12/31/2020 |
| Council Liaison | Rosemary Ryan | 1 Year | 12/31/2018 |

*Reappointment

**New Appointment



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-032

RESOLUTION APPOINTING RECREATION COMMITTEE MEMBERS

WHEREAS, Section 2-23 of the Borough of Highlands General Code creates a Recreation Committee, (Advisory) which states there shall be an advisory recreation committee in the Borough consisting of not less than five nor more than nine members. All appointments shall be for one year and members shall serve until their respective successors are appointed and qualified. The recreation committee shall advise the mayor and council on the recreation program of the Borough; and

WHEREAS, it is the desire of the Governing Body to appoint and implement the Recreation Committee and would appoint the following Members:

| Position: | Name: | Term: | Expiration: |
|-----------------|--------------------|--------|-------------|
| Council Liaison | Claudette D'Arrigo | | |
| Member | Scott Keller | 1 Year | 12/31/2018 |
| | Jen Strehl | | |
| | Rebecca Kane-Wells | | |
| | Chris Moran | | |
| | Jacqui Kane | | |
| | Greg Wells | | |
| | Vacant | | |
| | Vacant | | |
| | Vacant | | |

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the above-named persons are appointed to the Recreation Committee for a one-year term to expire December 31, 2018.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-033

RESOLUTION APPOINTING BOROUGH ADMINISTRATOR

WHEREAS, by way of Resolution 17-183 Kimberly Gonzales was appointed to serve as Interim Borough Administrator, with an effective date of November 2, 2017 and has served in the said capacity since that time; and

WHEREAS, the Mayor and Council of the Borough of Highlands have determined that there is a need for a Borough Administrator; and

WHEREAS, the Mayor has offered the name of Kimberly Gonzales to serve as the Borough Administrator; and

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

WHEREAS, based on the foregoing, the governing body of the Borough of Highlands has determined that Kimberly Gonzales is qualified to serve as the Borough Administrator of the Borough of Highlands and will be able to perform the duties of Borough Administrator.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands, that Kimberly Gonzales is hereby appointed Borough Administrator, beginning January 1, 2018, for a two (2) year term to expire on December 31, 2019, wherein she shall be responsible for performing all of the duties of Borough Administrator as delineated in Borough Code, Chapter 2-6.5.

BE IT FURTHER RESOLVED, that the Mayor be and is hereby authorized to execute an Employment Agreement governing the terms and conditions of Kimberly Gonzales' employment as aforesaid.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-18-01

An Ordinance Amending Chapter 21 of the Borough Code Concerning Revisions to the CBD Zone and Deletion of the B-1 and B-2 Overlay Districts.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Highlands, County of Monmouth and State of New Jersey as follows:

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 Chapter 21 of the Borough Code to provide for the within changes; and

WHEREAS, these amendments are designed to implement the recommendations in the 2016 adopted Master Plan Reexamination Report as related to the CBD Zone and Overlay District.

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 21, Article XIV, Establishment of Districts, are hereby 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 Article XIV that will remain unchanged are omitted below.)

21-69 ZONING DISTRICTS.

For the purposes of this chapter, the Borough of Highlands is hereby divided into the nineteen (19) zone districts known as:

| | |
|--------|---------------------------|
| R-1.01 | Single-Family Residential |
| R-1.02 | Single-Family Residential |
| R-1.03 | Single-Family Residential |
| R-2.01 | Single-Family Residential |
| R-2.02 | Single-Family Residential |
| R-2.03 | Single-Family Residential |

| | |
|----------------------------------|--|
| MF | Multifamily Residential |
| PB | Professional Business |
| MH | Mobile Home |
| B-1 | Neighborhood Business District |
| B-2 <u>CBD</u> | Central Business District |
| B | Business District |
| WT-R | Waterfront Transition-Residential |
| WT-C | Waterfront Transition-Commercial |
| WT-C/T | Waterfront Transition-Commercial/Townhouse |
| WC-1 | Waterfront Commercial |
| WC-2 | Waterfront Commercial |
| MXD | Mixed Use District |
| HO | Highway Oriented District |
| B-1-O | B-1 Neighborhood Business Overlay |
| B-2-O | B-2 Central Business Overlay |

21-70 ZONING MAP AND SCHEDULE.

A. The boundaries of the zone districts are hereby established as shown on the map entitled ~~Zoning Map, Borough of Highlands, adopted by the Borough Council on May 19, 2010, by Ord. No. O 10-10, and titled "Zoning Map, Borough of Highlands, Monmouth County, New Jersey, June 2010,"~~ **"Zoning Map, Highlands Borough, New Jersey" dated November, 2017,** which map accompanies and is hereby declared to be a part of this chapter.

B. Interpretation of Zoning Boundaries. Where uncertainty exists as to any of said boundaries as shown on said map, the following rules shall apply:

1. Zone boundary lines are intended to follow the centerline of the streets, railroads, rights-of-way, streams and lot or property lines as they exist on plats of record at the time of the passage of this chapter, where practicable, unless such zone boundary lines are fixed by dimensions as shown on the Zoning Map.

2. Where such boundaries are not fixed by dimensions and where they approximately follow lot lines, and where they do not scale more than ten (10) feet distance therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

3. In unsubdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.

SECTION II.

The following Section of Chapter 21, Article XVII, Business and Waterfront Zone Districts, is hereby 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 Article XVII that will remain unchanged are omitted below.)

21-91 B-2 CENTRAL BUSINESS DISTRICT.

A. The following regulations shall apply in ~~all B-2 districts~~ the Central Business District:

1. Permitted Principal Uses

- a. Retail sales and services, business and personal service establishments;
- b. Finance such as banks, savings institutions, credit unions, consumer lending, and securities brokerage;
- c. Insurance offices such as life, health, medical carriers, claims adjusting and all other insurance related activities
- d. Medical and health care offices;
- e. Restaurants, bars and taverns and other eating establishments, except drive through restaurants;
- f. Professional, administrative and business office and services;
- g. Recreational retail sales and service businesses related to water sports and outdoor recreation, such as, but not limited to, bicycling, fishing and surfing;
- h. Houses of Worship;
- i. ~~Bed and breakfasts~~; Reserved;
- j. Taxi/livery/bus companies, except on parcels with frontage on Bay Avenue;
- k. Essential services as defined in this chapter;
- l. Offices and facilities for municipal, County, State and Federal government;
- m. Art, handicraft studios/ workshops and galleries and craft stores;
- n. Microbreweries and distilleries;
- o. Pool Halls
- p. Home furnishing stores;
- q. Music, ballet and dance studios;
- r. Hardware, plumbing and electric supply sales;
- s. Health and fitness studios including spa services;
- t. Existing single-family homes; and
- u. Residential above the first floor.

2. Permitted Accessory Uses: Off street parking areas; Uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.

3. Conditional Uses: ~~Reserved.~~

a. Bed and Breakfasts;

b. Hotels; and

c. Parking as a principal use.

4. Area and Bulk requirements as shown in Schedule I and below.

a. Side yards. No side yard is required adjacent to the properties in the ~~business~~ **CBD** zone, however, if any is to be provided, it shall be at least five (5) feet. Any side yard which serves as a boundary between that lot and any residence zone shall be at least five (5) feet and shall contain buffering in accordance with the requirements of this section.

b. For any building containing residential uses, outdoor living space shall be provided, at the rate of one hundred (100) square feet per unit, plus fifty (50) square feet per bedroom. This space may be provided either at ground level or directly adjacent to the unit in the form of decks and/or roof top terraces. The area provided shall be private, for the exclusive use of the residential terrace and shall be sufficiently screened or otherwise designed to insure that privacy and exclusive use.

SECTION III.

Article XVII, Overlay Zone Districts (Sections 21-96.02 and 21-96.03) is hereby repealed in its entirety.

SECTION IV.

The following Section of Chapter 21, Article XIX, Conditional Uses, is hereby 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 Article XIX that will remain unchanged are omitted below.)

21-97 CONDITIONAL USES.

A. – J. [No change.]

K. Hotels ~~in the B-1 and B-2 Overlay District~~. Where specifically permitted pursuant to this chapter, the following minimum standards shall be met:

1. The minimum floor area per unit shall be two hundred fifty (250) square feet.

2. A hotel as defined herein may have a maximum building height of thirty-six (36) feet or three (3) stories. If more than fifty (50%) percent of the ground level of the hotel consists of an on-site parking area, the building height may be forty-seven (47) feet or three (3) stories above the off-street parking area.

3. All solid waste containers for storage and pickup shall be centrally located and easily accessible and within a screened enclosure on the street level.

4. All hotel uses shall be provided with adequate fire safety and evacuation provisions and sprinkler systems. Regardless of the number of rooms, such facilities shall be approved by the Municipal Fire Subcode Official and shall incorporate all applicable requirements of the National Fire Protection Association Code and the NJ Uniform Construction Code.

5. Each unit of accommodation shall contain a minimum of two (2) rooms, a bedroom, and a separate bathroom which affords privacy to a person within the room and is equipped with a toilet, a wash basin and bathtub/shower. Kitchen facilities are prohibited.

6. The first floor area of a hotel, or the first level over on-site parking, may be used for offices, permitted nonresidential uses, coffee shop or restaurant. The first floor area of the hotel structure does not have to be associated or related to the hotel use.

7. The hotel shall contain a main lobby, a central reservation/guest registration desk and a specified area for the pick up and drop off of guests and luggage.

8. Each hotel shall provide parking at a ratio of one (1) space per unit of accommodation. The parking may be provided on site or within one thousand (1,000) feet of the hotel property. A minimum of fifty (50%) percent of the required parking shall be provided on the same lot, parcel, and tract of the hotel use.

9. The hotel use may provide some of the required parking on another parcel, which may or may not be contiguous to the hotel parcel, provided that the property line of the off-site parking lot is within one thousand (1,000) feet from the front or rear customer entrance of the hotel structure. In addition the applicant shall provide written assurances acceptable to the appropriate Board that the parking will remain available in the future. Such assurances shall be in the form of lease agreements or deed restrictions which will be reviewed by the attorney of the board of jurisdiction. The parking assurances may be linked to a municipal mercantile license.

10. The buffer zone between the rear setback of a hotel and adjacent residential uses or district shall comply with the requirements of this chapter but shall not be less than ten (10) feet in width.

11. The structure shall not be a "rooming house" or "boarding house" as defined by current New Jersey statute.

12. Once established, a hotel use shall not be converted to a multifamily residential use such as apartments, townhouses, or condominium living arrangements.

~~L. Mixed Use Buildings in the B-1 and B-2 Overlay Districts. Residential dwelling units shall be permitted above nonresidential uses, as a conditional use in the B-1 and B-2 Overlay zones, subject to the following conditions:~~

~~— 1. — In the B-1 and B-2 Overlay zones, no more than one (1) story, floor or level shall be used for residential purposes. The density of the residential dwellings in mixed use buildings in the B-1 Overlay shall not exceed eight (8) units to the acre. In the B-2 Overlay zone, the density of the residential dwelling units may not exceed a density of ten (10) units per acre.~~

~~— 2. — The floor area of the residential dwelling unit(s) may not exceed thirty three (33%) percent of the floor area of the structure. If the structure is limited to two (2) stories, the permitted limit of floor area may be up to fifty (50%) percent. For purposes of this section, the floor area used to compute the allowable limits shall not include parking area underneath a building, storage areas, basements/cellars or garage areas.~~

~~— 3. — Maximum Building Height: forty two (42) feet or three (3) stories, whichever is less. In the B-2 zone only, if fifty (50%) percent or more of the ground level of the mixed use building consists of an on site parking area, the building height may be forty seven (47) feet or four (4) stories (one (1) parking level and three (3) building levels).~~

~~— 4. — The first floor must contain a permitted nonresidential use or area for on site parking. If the first or ground level consists of on site parking, the residence must be above a nonresidential use. Residences shall not be located on a story below a nonresidential use.~~

~~— 5. — All residential units shall have an entry separate from the nonresidential use and the residences shall have a common entry, accessible from the street.~~

~~— 6. — Notwithstanding other provisions of this chapter, the parking requirements for the residential dwellings of mixed use buildings shall be addressed on the same lot, site, and parcel as the mixed use building.~~

~~— 7. — Minimum Dwelling Unit Requirements. Each dwelling unit shall contain complete kitchen facilities, toilet, bathing and sleeping facilities as well as living space, and shall have a minimum gross floor area of one thousand (1,000) square feet provided that dwelling units in excess of two (2) bedrooms per unit shall not be permitted.~~

~~— 8. — Storage Space. In addition to any storage space contained inside the individual dwelling units, there shall be provided for each dwelling unit three hundred fifty (350) cubic feet of storage space in a convenient, centrally located area, possible the ground floor for use of the residents. The area should be secured and locked without creating a safety hazard.~~

~~— 9. — Site Appearance. Adequate provisions and facilities shall be provided for maintenance of the property for trash and garbage.~~

~~— 10. — Heating, ventilation and air conditioning equipment shall be located in an enclosed area above the base flood elevation or on the roof, in the attic or other adequately screened area.~~

~~11. Residences in mixed use buildings in the B-1 and B-2 Overlay zone districts are exempt from the outdoor living space requirement of Section 21-90A.4.b (B-1 zone) and 21-91a.4.b (B-2 zone).~~

L. Parking as a principal use. Parking as a principal use may be permitted in specified zones only upon receipt of a conditional use permit, provided that applicable Article XI Design Standards are met together with any other requirements deemed necessary by the Land Use Board, any other applicable requirements of this chapter, and subject to following conditions:

1. Parking shall be used for permitted or approved conditional uses (except for other parking uses) in the CBD Zone.

2. Commuter parking shall not be allowed in any portion of the property.

Notwithstanding anything contained herein to the contrary, all ordinances inconsistent herewith are expressly repealed to the extent of such inconsistency.

SECTION V. SEVERABILITY.

If any section, subsection, sentence clause or phrase of the ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of the ordinance, which shall otherwise remain in full force and effect.

SECTION VI. REPEALER.

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

SECTION VII. EFFECTIVE DATE.

This Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-18-02

AN ORDINANCE AMENDING CHAPTER 17 OF THE BOROUGH CODE WHICH ESTABLISHED A BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF HIGHLANDS

WHEREAS, the Borough of Highlands by way of Ordinance O-11-9 and as codified in Chapter 17 of the Code of the Borough of Highlands, established a business improvement district, which expired on December 31, 2014; and

WHEREAS, by way of Ordinance O-15-3, the aforesaid business improvement district was extended for a three-year period with an expiration date of December 31, 2017; and

WHEREAS, the Borough of Highlands finds that it is in the best interest of the Borough to amend Chapter 17 of the Borough Code to renew and extend the aforesaid business improvement district for an additional three-year period.

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

SECTION I.

Chapter 17 of the Borough Code of the Borough of Highlands shall be readopted as follows (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~strikeovers in bold italics~~):

CHAPTER XVII BUSINESS IMPROVEMENT DISTRICT

17-1 DEFINITIONS.

Business Improvement District (sometimes also referred to as "District" or "Special Improvement District") shall mean an area within the Borough of Highlands, designated by this chapter, as an area in which a special assessment on property within the District shall be imposed for the purposes of promoting the economic and general welfare of the District.

District Management Corporation shall mean "Business Improvement District of Highlands, New Jersey, Inc. (also referred to as "management corporation"), an entity incorporated pursuant to Title 15A of the New Jersey Statutes, and designated by municipal ordinance to receive funds collected by a special assessment within the Business Improvement District, as authorized by this chapter and any amendatory supplementary ordinances.

17-2 FINDINGS.

The Mayor and Council find and declare:

- a. That the area within the Borough of Highlands, as described by lot and block number, and by street addresses as set forth in Schedule A of this chapter, will benefit from being designated as a Business Improvement District.

Editor's Note: Schedule A, referred to herein, may be found at the end of this chapter.

- b. The rental apartments containing five (5) or more units on the attached Schedule A as Class 4C are hereby included within the Special Improvement District as established by this chapter, provided, however, that no assessment shall be collected from Shore Landings, L.L.C. unless the decision of the Superior court, Law Division in Shore Landings v. Borough of Highlands is modified or reversed by appeal or agreement.

All the properties included on Schedule A as Class 4 income producing properties hereto are hereby deemed to be included within the Special Improvement District as established by this chapter.

That a District Management Corporation would provide administrative and other services to benefit the businesses, employees, residents and consumers in the Business Improvement District. These services shall be over and above the services already provided to the District by the Borough.

- c. That a special assessment shall be imposed and collected by the Borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments shall be transferred to the District Management Corporation to effectuate the purposes of this chapter and to exercise the powers given to it by this chapter.
- d. That it is in the best interests of the municipality and the public to create a Business Improvement District and to designate a District Management Corporation.
- e. That the business community should be encouraged to provide self-help and self-financing programs to meet local business needs, goals and objectives.

17-3 CREATION OF DISTRICT.

- a. There is hereby created and designated within the Borough of Highlands a Business Improvement District to be known as the Highlands Business Improvement District consisting of the properties designated and listed on Schedule "A" by tax lot and block number and street addresses. The Business Improvement District shall be subject to special assessments on all affected property within the District which assessment shall be imposed by the Borough of Highlands for the purposes of promoting the economic and general welfare of the District.
- b. All business properties within the Business Improvement District, including all private, nonresidential assessed properties, are deemed included in the assessing

provisions of this chapter and are expressly subject to potential assessment made for Business Improvement District purposes.

- c. All properties within the Business Improvement District that are tax-exempt or are used exclusively for residential purposes, are deemed excluded from the assessing provisions of this chapter and are expressly exempt from any assessment made for Business Improvement District purposes.

17-4 APPEAL OF PROPERTY OWNER FROM INCLUSION IN THE DISTRICT.

Any owner of property included within the Business Improvement District and subject to the assessing provisions of this chapter, may appeal to the Tax Assessor of the Borough of Highlands, requesting to be excluded from the District and from any assessment provisions of this chapter.

This appeal is only as to whether or not a property should be included within the District under the standards set forth in Section 17-3 of this chapter. It is not an appeal with regard to any taxes. Appeals with regard to taxes should be taken in the usual manner to the Monmouth County Board of Taxation or to the Tax Court.

This appeal seeking exclusion from the District and any assessment provisions of this chapter, shall be in writing and specifically detail the factual basis for the appeal. The Assessor shall investigate the matter and conduct an informal hearing or conference within thirty (30) days of receipt of the appeal. Within ten (10) days after the conclusion of the informal hearing or conference, the Assessor shall file a report and recommendation with the Governing Body. The Governing Body shall review the matter and act within thirty (30) days upon receipt of the report and recommendation from the Assessor.

17-5 ASSESSMENTS.

- a. **Maintenance of District.** Annual operation and maintenance costs relating to services peculiar to the District, as distinguished from services normally provided by the Borough, will provide benefits primarily to the properties included within the District rather than to the Borough as an entirety. These annual costs shall be assessed and taxed to the benefited properties pursuant to the provisions of this chapter and N.J.S.A. 40:5665, et seq.
- b. **Development, Construction or Acquisition Costs.** All costs of development, construction and acquisition relating to improvements to the District shall be financed and assessed to properties especially benefited thereby. The Borough may, by separate ordinance, or by amendment to this chapter, provide that improvements and facilities hereinafter acquired or developed shall be operated and maintained and the costs assessed to the benefited properties.

17-6 DESIGNATED DISTRICT MANAGEMENT CORPORATION.

The nonprofit corporation, Highlands Business Partnership, Inc., is hereby designated as the District Management Corporation for the District. This Management Corporation shall conduct its business in accordance with the Open Public Meetings

Law, and all of its operations shall be subject to the Open Public Records Act (OPRA). This Corporation shall have no power of condemnation or eminent domain.

To comply with the provisions of OPRA, the Corporation shall maintain its records at the Highlands Borough Hall and regularly file copies of the minutes of its meetings with the Borough Clerk so the minutes shall be conveniently available to the public for inspection.

17-7 POWERS OF THE DESIGNATED DISTRICT MANAGEMENT CORPORATION.

The District Management Corporation, in addition to acting as an advisory board to the Mayor and Council, shall have all powers and responsibilities necessary and requisite to effectuate the purposes of this chapter and the District, including, but not limited to:

a. Adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties; the bylaws and other corporate documents shall provide that the corporation shall conduct its business in accordance with the Open Public Meeting Law; shall conduct regular meetings no less than quarterly and that the Board of Directors shall consist of twenty-one (21) members. As to the membership of the Board of Directors it shall include (1) a member of the Governing Body selected by the Governing Body; (2) a member of the Borough Planning Board selected by the Governing Body; (3) one (1) resident of the Borough who shall not be an owner or occupant of commercial property within the District. All of these appointments shall serve at the pleasure of the appointing authority.

Additionally, the Board of Directors shall consist of one (1) nonvoting member appointed from bodies such as:

1. Northern Monmouth Area Chamber of Commerce
2. Gateway National Park
3. Twin Lights Historic State Park
4. Not named

c. The members appointed by these bodies shall serve at the pleasure of the appointing body. The remaining fourteen (14) members of the Board of Directors shall consist of owners or occupants of commercial property located within the District. The Mayor and Council will designate the BID Steering Committee members to carry on the duties of the nonprofit corporation, to include securing corporate and nonprofit status and creation of bylaws, form a nominating and election committee, utilize technical assistance of the League of Women Voters. The BID Committee shall not expend or commit any District Management Corporation funds without a simple majority vote of BID Committee members. The bylaws shall provide for an election to create the Board of Directors by owners and/or occupants of commercial property included within the District, which election shall be held on or before the third month anniversary from the date of the adoption of the chapter (this chapter was adopted May 5, 1999 by Ordinance No. 0-99-06). Said elections will be for a term of three (3) years,

except, however, at the first election five (5) members shall be elected for one (1) year; four (4) members shall be elected for two (2) years and five (5) members shall be elected for three (3) years. Any vacancies with regard to these elected members shall be filled by a majority vote of the Board members for the balance of the term.

c. The Designated District Management Corporation shall also:

1. Employ such persons as may be required, and fix and pay their compensation from funds available to the corporation.
2. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money.
3. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity.
4. Administer and manage its own funds and accounts and pay its own obligations.
5. Borrow money from private lenders for periods not to exceed one hundred eighty (180) days and from governmental entities for that or longer periods.
6. Fund the improvement for the exterior appearance of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.
7. Fund the rehabilitation of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.
8. Accept, purchase, rehabilitate, sell, lease or manage property in the District. Enforce the conditions of any loan, grant, sale or lease made by the corporation.
 9. Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality.
 10. Undertake improvements designated to increase the safety or attractiveness of the District to businesses, which may wish to locate there or to visitors to the District including, but not limited to, litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the Borough of Highlands.
 11. Publicize the District and the businesses included within the District boundaries.
 12. Recruit new businesses to fill vacancies in, and to balance the business mix of, the District.
 13. Organize special events in the District.
 14. Provide special parking arrangements for the District.
 15. Provide temporary decorative lighting in the District.

17-8 ANNUAL BUDGET, HEARING AND ASSESSMENTS.

- a. The fiscal year of the District and of the management corporation shall be the calendar year. The first budget has been approved by the Mayor and Council. Hereafter, beginning December 1, 1999, the District Management Corporation shall submit no later than December 1 of each year a detailed annual budget for the following year for approval by the Mayor and Council. The budget shall be processed and adopted by the Borough on or before April 1st of each year in accordance with the procedures set forth in N.J.S.A. 40:56-84.
- b. The budget shall be submitted with a report, which explains how the budget contributes to goals and objectives for the Business Improvement District together with the following:
 1. The amount of such costs to be charged against the general funds of the municipality, if any.
 2. The amount of costs to be charged and assessed against properties benefited in the District in proportion to benefits which shall be the aggregate of costs of annual improvements to be made in the District during the year.
 3. The amount of costs, if any, to be specially assessed against properties in the District.
- c. Each year, when the Mayor and Council shall have acted on the estimated costs and/or on the budget, the Municipal Assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District. Descriptions of such properties, and the names of the ten (10) current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the office of the Municipal Clerk and be there available for inspection. The Mayor and Council shall annually meet to consider objections to the amounts of such special assessments at least ten (10) days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the Governing Body shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the Municipal Clerk shall forthwith certify a copy of the assessment roll, with such changes, if any to the Monmouth County Tax Board.
- d. For the purpose of this section, "annual improvements" shall mean and include any reconstruction, replacement or repair of trees and plantings and other facilities of the Business Improvement District and the furnishing of any other local improvement which benefits properties within the District. For the purpose of this act, "costs" shall, with respect to annual improvements to and operation and maintenance of the Business Improvement District, mean costs of annual improvements; and all other costs, including planning costs, incurred or to be

incurred in connection with annual improvements to and operation and maintenance of the District.

- e. Moneys appropriated and collected on account of annual improvement costs, and costs of operating and maintaining a Business Improvement District, shall be credited to a special account. The Mayor and Council may incur the annual costs of improving, operating and maintain a Business Improvement District, during any fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, it in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account as approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied towards the financial requirements of the succeeding year.
- f. The Mayor and Council shall pay over funds to the management corporation quarterly on the first day of March, June, September and December of each year.

17-9 ANNUAL AUDIT OF DISTRICT MANAGEMENT CORPORATION.

The District Management Corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Mayor and Council and for that purpose the corporation shall employ a certified public accountant of New Jersey. The annual audit shall be completed and filed with the Governing Body within four (4) months after the close of the fiscal year of the corporations, and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five (5) days of filing of the audit with the Mayor and Council. (Ord. No. 0-2011-9; Ord. No. 0-20153)

17-10 ANNUAL REPORT TO MUNICIPALITY.

The district management corporation shall, within thirty (30) days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Mayor and Clerk of the Borough. (Ord. No. 0-2011-9; Ord. No. 0-2015-3)

17-11 MUNICIPAL POWERS RETAINED.

Notwithstanding the creation of a Business Improvement District, the Borough of Highlands expressly retains all its powers and authority over the area designed as within the Business Improvement District. No improvements or modifications shall be made to any public property without the prior formal approval of the Borough Governing Body. (Ord. No. 0-2011-9; Ord. No. 0-2015-3)

17-12 SEVERABILITY.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions of the chapter and to this end the provisions of this chapter are severable.

17-13 EFFECTIVE DATE.

This chapter shall take effect immediately after passage and publication as required by law, ~~nunc pro tunc January 1, 2015~~ with an effective date of January 1, 2018. This chapter shall expire in three (3) years unless reenacted by the Mayor and Council of the Borough of Highlands prior to ~~December 31, 2017~~ December 31, 2020. Upon the third anniversary of the Business Improvement District, the chapter will expire unless the Board of Directors recommends the continuation of the BID with the approval of the Mayor and Council.

17-14 DOWNTOWN BUSINESS IMPROVEMENT ZONE (D-B12).

17-14.1 Purpose.

The purpose of this section is to (a) promote economic growth and employment within the business district and, in particular, the Business Improvement District; (b) foster and encourage self-help programs to enhance to local business climate; and (c) authorize, permit and facilitate the Business Improvement District and the Highlands Business Partnership to apply for and accept funds or loans from the State Department of Community Affairs for public improvements as contemplated by P.L. 1998, c. 115.

17-14.2 Zone Created.

There is hereby created and designated within the Borough a Downtown Improvement Zone ("D-BIZ") which shall be co-extensive with the Business Improvement District as defined by the Code of the Borough of Highlands, Section 17-3.

**SCHEDULE A
(Section 17-2)**

| Block | Lot | Qual | Property Location |
|--------------|------------|-------------|---------------------------|
| 7 | 1 | 4C | 44 SOUTH BAY AVENUE |
| 8 | 1 | 4A | 42 SOUTH BAY AVENUE/RIPAR |
| 9 | 5 | 4A | PORTLAND & BRIDGE |
| 9 | 7 | 1 | 1 SOUTH BAY AVENUE |
| 11 | 18 | 4A | NEW RD & GRAND TOUR |
| 14 | 1.01 | 4A | PORTLAND ROAD |
| 20 | 1 | 4A | 1 NAVESINK AVENUE |
| 34 | 8 | 4A | 1 WOODLAND STREET |
| 35 | 17 | 4C | 82 VALLEY AVENUE |
| 38 | 3 | 4A | 36 NAVESINK AVENUE |

| | | | |
|--------------|------------|-------------|--------------------------|
| 38 | 4 | 4A | 30 NAVESINK AVENUE |
| 38 | 5 | 4A | 26 NAVESINK AVENUE |
| 38 | 6 | 4A | 22 NAVESINK AVENUE |
| 38 | 8 | 4A | 2 NAVESINK AVENUE |
| 38.01 | 11.01 | 4A | 1 BAY AVENUE |
| Block | Lot | Qual | Property Location |
| 38.01 | 12 | 4A | 15 BAY AVENUE |
| 38.01 | 13 | 4A | 19 BAY AVENUE |
| 38.01 | 15.01 | 4A | 23 BAY AVENUE |
| 39 | 7.01 | 4A | 34 BAY AVENUE |
| 39 | 8 | 4A | 26 BAY AVENUE (DOCK) |
| 39 | 9 | 4A | 24 BAY AVENUE |
| 39 | 10 | 4A | 18 BAY AVENUE |
| 39 | 12 | 4A | 12 BAY AVENUE |
| 39 | 14 | 4A | 2 BAY AVENUE |
| 39 | 15 | 4A | 2 SOUTH BAY AVENUE |
| 40 | 11.02 | 2 | EXTENSION OF FIRST ST |
| 40 | 15.01 | 2 | 116 NAVESINK AVENUE |
| 40 | 18.19 | 4A | MILLER STREET |
| 41 | 8 | 4A | 75 BAY AVENUE |
| 41 | 9 | 4A | BAY AVENUE |
| 42 | 10 | 4A | 88 BAY AVENUE |
| 42 | 13 | 4A | 78 BAY AVENUE |
| 42 | 15 | 2 | 68 BAY AVENUE |
| 45 | 4.01 | 4A | 102 BAY AVENUE |
| 46 | 1 | 4A | 103-107 BAY AVENUE |
| 46 | 2 | 4A | 111 BAY AVENUE |
| 46 | 3 | 4A | 123 BAY AVENUE |
| 46 | 7 | 2 | 143 BAY AVENUE |
| 47 | 6 | 4A | 132 BAY AVENUE |
| 47 | 7 | 4A | 130 BAY AVENUE |
| 47 | 8 | 4A | 128 BAY AVENUE |
| 47 | 9 | 4A | 126 BAY AVENUE |
| 47 | 11 | 4A | 122 BAY AVENUE |
| 47 | 12 | 4A | 120 BAY AVENUE |
| 48 | 1 | 4C | 45 CENTER STREET |
| 48 | 7 | 4A | 30 JACKSON STREET |
| 50 | 1 | 4A | 52 SHREWSBURY AVENUE |
| 50 | 2 | 4A | 52 SHREWSBURY AVENUE |

| | | | |
|--------------|------------|-------------|--------------------------|
| 50 | 4 | 4A | 56 SHREWSBURY AVENUE |
| 51 | 2 | 4A | 3 CORNWALL STREET |
| 52 | 2 | 4A | 140 BAY AVENUE |
| 53 | 2 | 4C | 65 MILLER STREET |
| 53 | 8 | 4A | 157 BAY AVENUE |
| Block | Lot | Qual | Property Location |
| 53 | 9 | 4A | 151 BAY AVENUE |
| 54 | 1 | 4A | 150 BAY AVENUE |
| 54 | 3.01 | 4A | 146-148 BAY AVE |
| 54 | 4 | 4A | 144 BAY AVENUE |
| 54 | 24.01 | 4A | 11-13 MILLER STREET |
| 55 | 1 | 4A | 70 SHREWSBURY AVENUE |
| 55 | 4.01 | 4A | 88 SHREWSBURY AVENUE |
| 56 | 14 | 4C | 18 FIFTH STREET |
| 56 | 15 | 2 | 22-24 FIFTH STREET |
| 56 | 16 | 2 | 26 FIFTH STREET |
| 58 | 18 | 4A | 190 BAY AVENUE |
| 58 | 19 | 4A | 188 BAY AVENUE |
| 58 | 23.01 | 4A | 182 BAY AVENUE |
| 58 | 24 | 4A | 170 BAY AVENUE |
| 58 | 25 | 4A | 168 BAY AVENUE |
| 58 | 26 | 2 | 164 BAY AVENUE |
| 59 | 9 | 4A | 165 BAY AVENUE |
| 60 | 7.01 | 4A | SHORE DRIVE |
| 63 | 5 | 2 | 197 BAY AVENUE |
| 63 | 7 | 2 | 205 BAY AVENUE |
| 63 | 19.01 | 4A | 231 BAY AVENUE |
| 64 | 1 | 4A | 196 BAY AVENUE |
| 64 | 24 | 4A | 214 BAY AVENUE |
| 64 | 28.01 | 4A | 208 BAY AVENUE |
| 66 | 12 | 4A | 62 FIFTH STREET |
| 69 | 4.01 | 4A | 242 BAY AVENUE |
| 69 | 13 | 4A | ATLANTIC STREET |
| 72 | 8 | 4A | FT OF ATLANTIC ST |
| 72 | 9.012 | 4A | MARINA ON THE BAY |
| 72 | 11.01 | 4A | 270 BAY AVENUE |
| 72 | 12 | 4A | 272 BAY AVENUE |
| 74 | 9 | 4A | 277 BAY AVENUE |
| 75 | 1 | 2 | 274-276 BAY AVENUE |

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| 81 | 10.01 | 4A | 295 BAY AVENUE |
| 82 | 1.01 | 4A | 297-299 BAY AVENUE |
| 82 | 5.01 | 2 | 83 HUDDY AVENUE |
| 83 | 1 | 4A | 300 BAY AVENUE |
| 84 | 2.01 | 4A | MARINE PLACE |
| Block | Lot | Qual | Property Location |
| 88 | 1.01 | 4A | 311 BAY AVENUE |
| 88 | 3 | 4A | 71 WATERWITCH AVENUE |
| 88 | 4.01 | 4A | 67-69 WATERWITCH AVENUE |
| 88 | 5 | 4A | 321 BAY AVENUE |
| 89 | 1 | 4A | 310 BAY AVENUE |
| 96 | 3 | 2 | 409 BAY AVENUE |
| 100 | 27 | 4A | 326 SHORE DRIVE |
| 100 | 27.06 | 4C | SHORE LANDING APARTMENTS |
| 101 | 12.01 | 4A | 348 SHORE DRIVE |
| 101 | 14 | 4A | 354 SHORE DRIVE |
| 101 | 27 | 4A | WILLOW STREET |
| 101 | 30 | 4A | LOCUST ST |
| 105.107 | 1.1 | 4A | SHADOW LAWN TRAILER PARK |
| 108 | 1.01 | 4A | 450 STATE HIGHWAY 36, also known as 450 NAVESINK AVE. (Ord. No. 0-2015-14) |
| 108 | 2.04 | 4A | 470 STATE HIGHWAY 36, also known as 470 NAVESINK AVE. (Ord. No. 0-2015-14) |
| 114 | 1.01 | 4A | 301 SHORE DRIVE |
| 114 | 1.02 | 4A | SHORE DRIVE |
| 116 | 11 | 4A | 404 NAVESINK AVENUE |
| 116 | 13 | 4A | 410 NAVES1NK AVENUE |
| 116 | 14 | 4A | 426 NAVESINK AVENUE |
| 120 | 8.04 | 4A | 254 NAVESINK AVENUE |

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.