



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-181

RESOLUTION REGARDING 2018 MERCANTILE LICENSE FOR CAPTAIN'S COVE MARINA

WHEREAS, in accordance with Borough Code, Chapter 4-9.5(c), "the holder of a mercantile license shall avoid all prohibited, improper, unlawful or unnecessary practices or conditions which do or may adversely affect public health, morals or welfare"; and

WHEREAS, N.J.S.A. 40:52-2 sets forth that, "the governing body may...revoke any license for sufficient cause and after notice and hearing"; and

WHEREAS, in accordance with Resolution 17-103, duly adopted May 12, 2017, the Borough authorized execution of an Agreement with Captain's Cove Marina regarding, among other things, the repair of the bulkhead; and

WHEREAS, the aforesaid Agreement that was entered into by and between the Borough of Highlands and Captain's Cove Marina, asserts in part that, "the Mercantile License issued in conjunction with this Agreement shall be subject to revocation, in accordance with N.J.S.A. 40:52-2 et. seq., should Captain's Cove fail to comply with all of the requirements contained herein, including but not limited to, repairing the bulkhead at issue in accordance with the schedule which has been represented to the Borough. The Borough shall provide reasonable notice to Captain's Cove Marina of any such revocation of the Mercantile License granted herein"; and

WHEREAS, by way of correspondence dated August 16, 2018, the Borough Engineer's Office served correspondence on Captain's Cove Marina advising, in part, that the bulkhead required emergent repair and/or replacement in multiple areas; and

WHEREAS, by way of correspondence dated August 20, 2018, the Borough served correspondence on Captain's Cove Marina providing notice that a hearing would be scheduled to revoke their Mercantile License for the year 2018, before the governing body at the Mayor and Council Meeting scheduled to take place on September 5, 2018;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that after due consideration of the matter, the following determination has been made as to the 2018 Mercantile License for Captain's Cove Marina:

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

Motion to Table Resolution 18-181 until October 17th 2018:

| | INTROUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|----------|-----------|----------|-----|-----|---------|--------|
| BRASWELL | | | X | | | |
| BROULLON | | X | X | | | |
| D'ARRIGO | | | X | | | |
| RYAN | X | | X | | | |
| O'NEIL | | | X | | | |

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held September 5, 2018. WITNESS my hand this 6th day of September 2018.



Bonnie Brookes, RMC
Municipal Clerk

Motion to Table Resolution 18-181 until December 5th 2018:

| | INTROUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|----------|-----------|----------|-----|-----|---------|--------|
| BRASWELL | | X | X | | | |
| BROULLON | X | | X | | | |
| D'ARRIGO | | | X | | | |
| RYAN | | | X | | | |
| O'NEIL | | | X | | | |

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held October 17th 2018. WITNESS my hand this 18th day of October 2018.



Bonnie Brookes, RMC
Municipal Clerk

Motion to Approve Resolution 18-181:

| | INTROUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|----------|-----------|----------|-----|-----|---------|--------|
| BRASWELL | | | X | | | |
| BROULLON | | | X | | | |
| D'ARRIGO | | X | X | | | |
| RYAN | X | | X | | | |
| O'NEIL | | | X | | | |

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held December 5th 2018. WITNESS my hand this 6th day of December 2018.



Bonnie Brookes, RMC
Municipal Clerk