



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 20-206

A RESOLUTION MAKING AN ADDITIONAL DETERMINATION REGARDING THE APPLICATION FOR A MERCANTILE LICENSE FOR THE YEAR 2020 FOR CAPTAIN'S COVE MARINA, LLC

WHEREAS, Captain's Cove Marina, LLC submitted a Mercantile License Application for the year 2020, wherein the applicant identified the type of business as a marina with a description consisting of boat and slip rentals; and

WHEREAS, by way of correspondence dated July 17, 2020, the Borough Administrator denied the aforesaid application; and

WHEREAS, in accordance with Borough Code, Section 4-9.4(b), the applicant appealed the notice of disapproval to the Borough Council; and

WHEREAS, in accordance with the said appeal, a remote hearing was conducted before the governing body, via Zoom, on August 3, 2020 wherein testimony was taken and exhibits were marked; and

WHEREAS, after due consideration of the applicant's appeal of the denial of a Mercantile License Application for the year 2020, by way of Resolution 20-183, duly adopted on August 19, 2020, the governing body granted a temporary conditional Mercantile License for Captain's Cove Marina, LLC., for a period of thirty (30) days based on conditions as outlined in the aforesaid Resolution, for slip rentals and boat rentals which are consistent with the boat rentals that have occurred at the site previously; and

WHEREAS, in light of the impending expiration of the temporary conditional Mercantile License, the governing body has given due consideration as to the application for the year 2020.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that the Mercantile License for Captain's Cove Marina, LLC for the year 2020 is extended for an additional twenty-one (21) days to allow for the following to be accomplished:

1. Developer to remove or test soil placed within municipal right-of-way (Rodgers Ave). Testing to be performed by certified laboratory and testing parameters will be provided by CME. CME will review testing to determine suitability of use.
2. Developer to correct damaged sanitary main and lateral servicing site at Washington Ave, along with associated pavement repair.

3. Repairs A, B, C & D per current agreement remain to be completed. Developer to complete outstanding tasks associated with repair A and provide details with schedule to address repairs B-D.
4. Proposed schedule to be modified to place priority on repairing bulkhead rather than upland development. Detail to be added for bulkhead replacement along Rodgers Ave
5. Developer to submit request for Borough authorization to modify grading within Rodgers Avenue accompanied with proposed grading plan demonstrating no negative impacts to adjacent residential properties.
6. Dredge pile to be removed from subject site.
7. Developer to provide schedule to restore damaged curbing and pavement along Washington Avenue
8. Developer to furnish a comprehensive performance guarantee in amount agreeable to Borough
9. Developer to utilize the Borough Administrator as the primary point of contact for all correspondence

after which time without further action by the governing body, the Mercantile License shall expire.

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

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL		X	X			
MAZZOLA			X			
RYAN				X		
VALKOS			X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: September 16, 2020

Michelle Hutchinson, Acting Municipal Clerk