

Highlands Borough Mayor & Council Meeting Agenda
Community Center
22 Snug Harbor Avenue, Highlands
Wednesday, January 16th 2019, 6:30 p.m.

As per requirement of Public Law 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board. Formal Action will be taken.

Call to Order
Meeting Statement
Roll Call

EXECUTIVE SESSION: 7:00PM

Attorney-Client Privilege: Prohibition on Sale of Marijuana
Cable Television Franchise Renewal
TNR Program/Ordinance
Litigation: Good Neighbors, LLC

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Presentation of Awards

Police Department

Approval of Minutes

June 20th 2018

Consent Agenda

R-19-046 Approve Payment of the Bills
R-19-047 Amend Schedule of Annual Notice of Meeting Dates
R-19-048 Amend Council Liaison Appointments
R-19-049 Amend HBP Appointments
R-19-050 Appoint OEM Coordinator
R-19-051 Appoint Deputy OEM Coordinator
R-19-052 Appoint Additional Fire Police
R-19-053 Amend Community Development Representatives

Resolutions

R-19-042 Appoint Risk Manager
R-19-054 Approve HBP's 2019 Objectives & 2018 Accomplishments
R-19-055 Approve HBP's 2019 Calendar of Events
R-19-056 Authorize Non-Fair & Open Contract to CME
R-19-057 Authorize Non-Fair & Open Contract to Heyer & Gruel
R-19-058 Authorize Change Order & Final Payment of Contract to Shore Top Construction
R-19-059 Authorize Extension of Contract for Solid Waste & Recyclables for 90 Days
R-19-060 Authorize Person to Person Transfer of Liquor License 1317-33-004
R-19-061 Authorize Purchase of Vehicles thorough State Contract

Ordinance: Introduction & First Reading

O-19-01 Amend Chapter 21, Article XIV, Section 74 – Prohibitive Uses

Other Business

Administrator's Report

Police Chief's Report

Public Comments:

Adjourn



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-046

AUTHORIZING BILLS LIST

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated January 11, 2019, which totals as follows:

Current Fund	\$ 1,004,743.39
Sewer Account	\$ 65,255.10
Capital Fund	\$ 120,995.84
Trust-Other	\$ 64,840.22
Federal/State Grants	\$ 0.00
Total	\$ 1,255,834.55

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$1,255,834.55** 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 19-047

RESOLUTION AMENDING THE SCHEDULE FOR MEETINGS OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HIGHLANDS FOR THE CALENDAR YEAR 2019

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 Workshop Meetings of the Borough Council will begin at 6:30pm and Regular Meetings of the Borough Council will be held at 8:00pm during the year 2019, at the Robert D. Wilson Community Center, 22 Snug Harbor Ave., Highlands New Jersey 07732 on the following dates:

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

Workshop/Regular Meetings	Regular Meetings
	January 16 th
February 6 th	February 20 th
March 6 th	March 20 th
April 3 rd	April 17 th
May 1 st	May 15 th
June 5 th	June 19 th
July 17 th	
August 21 st	
September 4 th	September 18 th
October 2 nd	October 16th
November 13 th	
December 4 th	December 18 th

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 begin at 6:30pm, 7:00pm, or 7:30pm during the year 2019. 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 2020 shall be held at 12:00 noon on January 1, 2020 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 19-048

A COUNCILMEMBER APPOINTMENTS (1 year, ending 12/31/2019)

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



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-049

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

Mayor Richard O'Neil

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 19-050

RESOLUTION APPOINTING PATRICK MASON TO POSITION OF OFFICE OF EMERGENCY MANAGEMENT COORDINATOR

Mayoral Appointment

WHEREAS, by way of Resolution R-17-097, Patrick Mason was appointed to serve as the Office of Emergency Management Coordinator for the Borough of Highlands for an unexpired three (3) year term expiring December 31, 2018; and

WHEREAS, a vacancy exists in the position of Emergency Management Coordinator wherein the appointing authority shall forthwith fill the Emergency Management Coordinator position for the unexpired term in the manner prescribed by law; and

WHEREAS, in accordance with N.J.S.A. App.A:9-40-1, the mayor shall appoint a municipal emergency management coordinator from among the residents of the municipality.

NOW, THEREFORE, BE IT RESOLVED, that Mayor O'Neil hereby appoints Patrick Mason to serve as the Office of Emergency Management Coordinator for the Borough of Highlands, County of Monmouth, State of New Jersey for the term, beginning January 1, 2019 and expiring December 31, 2022, and that he/she shall be compensated with an annual salary of \$3,650.00.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-051

RESOLUTION APPOINTING JONH McKAY TO POSITION OF DEPUTY EMERGENCY MANAGEMENT COORDINATOR

Appointment with the approval of the Mayor

WHEREAS, in accordance with N.J.S.A. App.A:9-40-3, each municipal disaster control director shall appoint a deputy municipal disaster control director with the approval of the Mayor; and

WHEREAS, in accordance with Directive No. 102 issued by the State Office of Emergency Management, each emergency management coordinator shall appoint one and may appoint more than one Deputy Emergency Management Coordinators with the approval of the Mayor; and

WHEREAS, the Borough's Emergency Management Coordinator has appointed John McKay to serve as the Borough's Deputy Emergency Management Coordinator and the Mayor has approved the said appointments.

NOW, THEREFORE, BE IT RESOLVED, that John McKay be and are hereby appointed to serve as the Deputy Emergency Management Coordinator for the Borough of Highlands for the aforesaid unexpired term which expires December 31, 2020.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-052

RESOLUTION APPOINTING ADDITIONAL FIRE POLICE

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following person be and hereby are appointed as additional Fire Police for the year 2019:

Officer: Richard Garcia



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-053

AMEND RESOLUTION APPOINTING COMMUNITY DEVELOPMENT REPRESENTATIVES

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Kimberly Gonzales be appointed Community Development Representative for the Borough of Highlands for a one-year term to expire December 31, 2019.

BE IT FURTHER RESOLVED, that Richard O'Neil be appointed Alternate Community Development Representative for the Borough of Highlands for a one-year term to expire on December 31, 2019.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-042

RESOLUTION APPOINTING BOROUGH RISK MANAGEMENT FIRM FOR THE CALENDAR YEAR 2019 & AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR PROFESSIONAL RISK MANAGEMENT SERVICES

WHEREAS, the Borough of Highlands has a need for professional risk management services to be provided to the Borough of Highlands for the calendar year 2019 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough has, through the fair and open process, publicly advertised for a Request for Proposals and Qualifications and said requests for Professional Services – Risk Management were received in the Office of the Municipal Clerk no later than 11:00 am on November 20, 2018; and

WHEREAS, the Borough has reviewed all proposals received and has determined that the Mayor and Borough Council desires to authorize the execution of a professional services contracts between the following listed persons/firms and the Borough for the provisions of said services for the year of 2019; and

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

1. Dominick Cinelli of Brown & Brown Metro, Inc. is hereby appointed Borough Risk Manager for the calendar 2019 and is awarded a professional service contract for an amount not to exceed \$6% of the assessed valuation of the Borough for 2019 for professional insurance consulting services provided for the period of January 1, 2019 through December 31, 2019.
2. That the services to be rendered shall be in compliance with the Laws of New Jersey.
3. The attached Professional risk management services Contract is hereby approved and the Mayor and Borough Clerk are hereby authorized to sign the contract.
4. 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.
5. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk.

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



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-054

RESOLUTION APPROVING THE HIGHLANDS BUSINESS PARTNERSHIP 2019 OBJECTIVES AND 2018 ACCOMPLISHMENTS

WHEREAS, the Highlands Business Partnership has provided the Borough with their 2019 objectives and 2018 accomplishments.

WHEREAS, the governing body has reviewed the Highlands Business Partnership 2019 Objectives and 2018 Accomplishments, a copy of which is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the governing body hereby approves the Highlands Business Partnership 2019 Objectives and 2018 Accomplishments.

2019 Objectives & 2018 Accomplishments
Highlands Business Partnership - Business Improvement District
Borough of Highlands, Monmouth County

MARKETING/EVENTS & COMMUNICATION

2019 Objectives

- Promote & Expand Event Calendar - Destination Highlands
- Upgrade & Maintain online Database
- Expand marketing programs for lodging and rentals both year-round & seasonal
- Seek and apply for available grants.
- Host Business Networking events.
- Continue online marketing & social media for all HBP members.
- Update and print 2019 - 2020 Visitor guide.
- Update and print brochures, rack cards and maintain distribution policy.
- Expand Social Media and online marketing advertising.
- Solicit new Corporate Sponsorship opportunities.
- Attend annual local and regional events to promote destination Highlands.

2018 Accomplishments

- BP obtained three (3) direct sponsors and three (3) Barter Agreements for 2018.
- Served on Monmouth County Tourism Council representing Council.
- Expanded social media and online advertising for all events and businesses.
- Assisted local organizations and non-profits with fundraising activities.
- Secured and implemented a contract with Outfront for annual billboards.
- HBP staff met with new business owners to provide welcome folders/packages.
- We continued the marketing plan project conducted by Rutgers Business School.
- HBP coordinated Ribbon Cutting ceremonies for new businesses with local officials. New members were highlighted the Business Spotlight section on website with photos and a Press Release.
- Press releases were created for each event and distributed to Media list.
- Continued to maintain Barter relationships.
- Produced and Printed Collateral materials for distribution locally and regionally.
- Website upgrade to a mobile friendly, interactive site to continue to promote Highlands events, grand openings, agendas, reports, minutes and photos.
- Completed the Database upgrade for HBP members and Highlands organizations to promote their events, retail promotions and link to their website / social media pages.
- Created and Implemented 2018 Event Calendar; Beef and Brew, Chili Cook Off, Guinness Run, St. Patrick's Day Parade, Pride in Highlands Earth Day, Brew By the Bay, Seaport Craft Show, Taste of Highlands, Clam Fest, Antique & Classic Car Show, Twin Lights Bike Tour, Oktoberfest, Zombie Parade, Howl-O-Ween Dog Costume Contest, Winter Wonderland Run, Holiday Lights Contest and Holiday Tree Lighting.

VISUAL IMPROVEMENT COMMITTEE

2019 Objectives

- Seasonal Maintenance Program throughout the district.
- Expand the Seasonal Decorations including new banners.
- Solicit and maintain existing barter agreements for public area improvements.
- Make recommendations to Borough for signage and lighting recommendations.

2018 Accomplishments

- Worked with Shade Tree Commissioner utilizing our Hufnagel Tree Barter to remove dead trees in various district locations.
- Maintained the seasonal street planters and highway welcome sign.
- Holiday Greens on decorative light posts with Barter Program with In The Garden.
- Installed the Holiday trees and decorations in Huddy Park, Cornwall Square and other public areas and entrances.
- Purchased and maintained existing signs for Highlands Welcome Areas.
- Maintained Way Finding System

ECONOMIC DEVELOPMENT

2019 Objectives

- Seek loan/grant programs for existing and new business façade improvements
- Allocate funds and implement mini grants for Paint/Fence/Sign Program.
- Work closely with Borough Officials to attract investment.
- Host Seminars and Presentation for commercial funding opportunities.

2018 Accomplishments

- Provided 6 guided tours to potential investors.
- Worked with existing commercial property owners to assist in leasing their property to potential business owners.
- Scheduled meetings with UCEDC and business prospects to provide funding opportunities for business start-up costs and real estate acquisition funding.
- Implemented a Business Grant Program for signage, awnings, paint etc. Funding was provided to 5 businesses in the district.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-055

RESOLUTION APPROVING THE HIGHLANDS BUSINESS PARTNERSHIP 2019 EVENTS CALENDAR

WHEREAS, the Highlands Business Partnership has provided the Borough with their 2019 events calendar; and

WHEREAS, the governing body has reviewed the Highlands Business Partnership 2019 Events Calendar which is as follows:

Highlands Business Partnership 2019 Events Calendar

Sunday	January 27	10 th Annual Beef & Brew Pre-Super Bowl Bash St. Patrick's Parade Day Parade Fundraiser Proving Ground – 3 – 7PM
Sunday	February 24	7 th Annual Chili Cook-Off St. Patrick's Day Parade Fundraiser To be announced - 3 – 7PM
Saturday	March 9	6 th Annual Highlands Guinness Run St. Patrick's Day Parade Fundraiser Chubby Pickle 2PM – 3PM Pub Crawl 3 – 5PM Event Planning Meeting w/Borough – February 21, 2019
Saturday	March 23	17 th Annual St. Patrick's Day Parade, Bay Avenue 2PM Event Planning Meeting w/Borough – February 21, 2019
Saturday	May 11	Brew by the Bay, The Seafarer, 1 Atlantic St.
Sunday	May 26	19 th Annual Seaport Craft Show, Huddy Park 10AM-5PM Event Planning Meeting with Borough – April 25, 2019
Saturday	June 22	8 th Annual Taste of Highlands, Noon-6PM Check in at Huddy and Veterans Park
Saturdays	July - October	25 th Annual Farmer's Market, Huddy Park 8:30AM
Thurs-Sun	Aug 1 – Aug 4	25 th Annual Clamfest, Huddy Park Event Planning Meeting – June 27, 2019
Sunday	September 29	18 th Annual Twin Lights Bike Ride, Huddy Park 7AM Event Planning Meeting – September 5 th , 2019
Saturday	October 5	19 th Annual Oktoberfest, Veterans Park 2-9PM
Sunday	October 6	Rain date Event Planning Meeting with Borough – September 5 th , 2019

Saturday	October 19	Halloween Event – Parade, Festival, Pets, Zombies, Costumes Check in at Huddy & Judging at Veterans Park Event Planning Meeting with Borough – September 5 th , 2019
Saturday	October 19	2 nd Annual Howl-O-Ween ShoreSide Veterinary Care
Friday	December 6	24 th Annual Tree Lighting, Huddy Park 6PM
Saturday	December 7	Rain date Event Planning Meeting with Borough – November 7 th , 2019
Saturday	December 7	Winter Wonderland Run, Proving Ground, 12PM Event Planning Meeting with Borough – November 7 th , 2019
Friday	December 20	7 th Annual Holiday Lights Contest



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-056

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES FOR BAY AVENUE SANITARY SEWER STUDY

WHEREAS, the Borough of Highlands has a need for professional Engineering Services consisting of an evaluation of the sanitary sewer collection system along Bay Avenue between Waterwitch Avenue and North Street, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the objective of the aforesaid Sanitary Sewer Study is to identify improvements to the sanitary sewer collection system to alleviate surcharging along Bay Avenue; and

WHEREAS, CME Associates has set forth its proposed services in a written proposal dated December 7, 2018, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the said Proposal includes the following: Field Investigation and Flow Monitoring as well as Analysis and Reporting; and

WHEREAS, the proposed amount of the contract with CME Associates is \$36,259.00 consisting of the following:

• Base Service for Sanitary Sewer Study	-	\$31,515.00
• <u>Allowance for 4 weeks of Additional Metering</u>	-	<u>\$ 4,744.00</u>
	Total	\$36,259.00

; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of CME Associates, 1460 Route 9 South, Howell, New Jersey 07731 is so recognized; and

WHEREAS, the governing body has determined that is in the best interest of the Borough to retain CME Associates for the proposed evaluation of the sanitary sewer collection system as set forth in its proposal; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$36,259.00 for Professional Engineering Services as stated in the CME Associates proposal dated December 7, 2018; and

WHEREAS, CME Associates has completed and submitted a Business Entity Disclosure Certification which certifies that CME Associates 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 CME Associates from making any reportable contributions through the term of the contract; and

WHEREAS, CME Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands;

I hereby certify that funds are available as follows:

Patrick DeBlasio, Chief Financial Officer

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. CME Associates is hereby retained to provide professional services for the evaluation of the sanitary sewer collection system along Bay Avenue, between Waterwitch Avenue and North Street as described above in their proposal dated December 7, 2018 for an amount not to exceed \$36,259.00.
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). The Mayor and Borough Clerk are hereby authorized to sign said 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.

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



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-057

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL PLANNING SERVICES FROM A LICENSED PLANNER

WHEREAS, the Borough is in need of Professional General Planning Services from a licensed Professional; and

WHEREAS, such professional planning services can only be provided by licensed professionals and the firm of Heyer, Gruel & Associates, 236 Broad Street, Red Bank, NJ 07701 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$7,500 for the aforesaid Professional Planning Services; and

WHEREAS, Heyer, Gruel & Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Heyer, Gruel & Associates 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 Heyer, Gruel & Associates from making any reportable contributions through the term of the contract; and

WHEREAS, Heyer, Gruel & Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; 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 Council of the Borough of Highlands as follows:

1. Heyer, Gruel & Associates are hereby retained to provide professional planning services for an amount not to exceed \$7,500.00.
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 hereby authorized to sign said 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 19-058

RESOLUTION AUTHORIZING CHANGE ORDER, DECLARING ACCEPTANCE OF PROJECT AND AUTHORIZING FINAL PAYMENT OF CONTRACT TO SHORE TOP CONSTRUCTION CORP.

WHEREAS, a contract was awarded to Shore Top Construction Corp., by way of Resolution R. 18-120 duly adopted on May 16, 2018, for improvements to Hillside Ave. and Portland Rd. in the amount of \$498,615.00; and

WHEREAS, the Borough's Professional Engineer, CME Associates, by letter dated January 7, 2019, recommend an increase in the project cost by way of final payment estimate number 2 and Closeout Change Order, and that final payment be made in the amount of \$110,768.24 for work completed by Shore Top Construction Corp.; and

WHEREAS, the Closeout Change Order results in an increase in the project cost from the original bid amount of \$498,615.00 to an adjusted total of \$504,622.15, for an increase of \$6,007.15 (1.20 percent) due to additional work performed outside the original scope, including resurfacing the intersection of Lighthouse Rd. and Highland Ave., paving the south end of Oceanview Ave., water and sanitary sewer repairs, and yellow curb painting; and

WHEREAS, the Borough's Professional Engineer, CME Associates, by letter dated January 7, 2019, advised that all work on the above-referenced project has been completed, including all previously issued punch list items; and

WHEREAS, the Borough's professional Engineer, CME Associates, by letter dated January 7, 2019, advised that the increase in quantities could not have been reasonably effectuated by a separately bid contract without unduly disrupting the basic work and imposing adverse consequences on the Borough wherein the same will provide an improved level of services to the residents; and

WHEREAS, Shore Top Construction Corp. has submitted a two (2) year Maintenance Bond in the amount of \$75,693.32, which represents fifteen (15) percent of the final Contract Amount; and

WHEREAS, it is the intention of the governing body of the Borough of Highlands to adopt the within Resolution only for the purposes described in N.J.S.A. 2A:44-132.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Highlands, based on the above-referenced recommendations, accepts the project known as Improvements to Hillside Ave. and Portland Rd. and authorizes final payment be made to Shore Top Construction Corp.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded to the Chief Financial Officer and the Borough's Professional Engineer, CME Associates.

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BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-059

RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR SOLID WASTE AND RECYCLABLE MATERIALS COLLECTION FOR A PERIOD OF NINETY (90) DAYS

WHEREAS, by Resolution 2014-60, duly adopted on February 5, 2014, the Borough of Highlands awarded a contract to M&S Waste Service, Inc. for the collection of solid waste and recyclable materials for a term of three (3) years, which contract was subsequently extended for two (2) additional one (1) year periods; and

WHEREAS, by Resolution 18-203, duly adopted on September 20, 2018, the Borough consented to the assignment of the contract for the collection of solid waste and recyclable materials with M&S Waste Services, Inc. to Suburban Disposal, Inc.; and

WHEREAS, the Contract for the collection of solid waste and recyclable materials expires on February 28, 2019; and

WHEREAS, by Resolution 18-222, duly adopted on October 17, 2018, the Borough authorized the advertisement for the receipt of joint bids with the Borough of Sea Bright for solid waste, recyclable materials and bulk collection; and

WHEREAS, Suburban Disposal, Inc. has agreed to continue their service under the present contract for an additional ninety (90) days beyond the expiration date of February 28, 2019, in order to allow proper time for the Borough of Highlands to go out to bid and award a new contract; and

WHEREAS, Suburban Disposal, Inc. will continue to provide solid waste and recyclable materials collection services as described in the bid of its predecessor, M&S Waste Services, for solid waste and recyclable materials and bulk waste for an additional ninety (90) day period at the same rates as are contained in the one (1) year extension option period which expires on February 28, 2019; and

WHEREAS, Suburban Disposal, Inc. will continue to direct solid waste to the Monmouth County Reclamation Center and will continue to direct bulk waste to the Montecalvo Transfer Station to be disposed of at the same rate per ton, as are contained in the one (1) year extension option period which expires on February 28, 2019, for the additional ninety (90) day period; and

WHEREAS, certification of availability of funds has been provided by the Chief Financial Officer.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands that the present contract with Suburban Disposal, Inc. for the collection of solid waste and recyclable materials is hereby extended for an additional ninety (90) days, expiring on May 29, 2019.

BE IT FURTHER RESOLVED, that the Borough Administrator be and is hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes of this Resolution.

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward a Certified Copy of this Resolution to Suburban Disposal, Inc. and to the Chief Financial Officer of the Borough of Highlands.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-060

PERSON TO PERSON TRANSFER OF LIQUOR LICENSE 1317-33-004

WHEREAS, an application has been filed for a Person to Person transfer of Plenary Retail Consumption License 1317-33-004, from 123 Bay Avenue Associates LLC. to Bay Avenue Entertainment for a pocketed license without a premise; and,

WHEREAS, the submitted application form is complete in all respects, as outlined in N.J.S.A.33: 1-1 et seq., an Affidavit of Publication has been received by the Municipal Clerk and the transfer fees have been paid; and,

WHEREAS, the Highlands Police Department has investigated the applicant and the source of all funds to be utilized in connection with the purchase and operation of the business, and the results meet ABC standards; and,

WHEREAS, the location meets ABC and Municipal requirements; and,

WHEREAS, a Tax Clearance Certificate has been received from the Division of Taxation; and,

WHEREAS, the applicant is qualified to be licensed per Title 33 of the New Jersey Statutes and all rules and regulations promulgated there under, in addition to pertinent Borough Ordinances,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey approves the Person to Person Transfer of the Plenary Retail Consumption License numbered 1317-33-004, from 123 Bay Avenue Associates LLC. to Bay Avenue Entertainment LLC., a pocketed license without a premise. This transfer will be effective on January 17th 2019.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-061

AUTHORIZING PURCHASE OF VEHICLES

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Highlands has the need to purchase three vehicles using Educational Services Commission of New Jersey, Contract #17/18-44, from Brooks Buxton; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available using budget #8-01-22-201-000-225 in the amount of \$35,222.74 and 8-01-25-240-000-294 in the amount of \$17,611.37.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highlands authorizes the purchase of a police vehicle for the Police Department in the amount of \$52,834.11.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 19-01

AN ORDINANCE AMENDING CHAPTER 21 (ZONING AND LAND USE REGULATIONS), ARTICLE XIV, SECTION 74 (PROHIBITED USES) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:55D-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 Borough of Highlands finds that it is in the best interest of the residents to amend Chapter 21 of the Borough Code to prohibit retail or wholesale establishments, businesses, persons or entities from selling or offering to sell marijuana or marijuana products, for medicinal or recreational use, or paraphernalia that facilitates the use of marijuana and to further prohibit the growing, cultivation or harvesting of any type of marijuana plant within the Borough; and

WHEREAS, Chapter 21 of the Borough Code additionally contains an outdated reference to the B-1 and B-2 zones, which have since been replaced pursuant to Highlands Ordinances O-18-01 and O-18-06.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Highlands County of Monmouth, State of New Jersey, as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ***~~strikeovers in bold italics~~***.)

SECTION I.

Chapter 21, Article XIV, Establishment of Districts is hereby amended to provide as follows:

21-74. PROHIBITED USES

Those uses not specifically permitted in a zone district are prohibited. Additionally, the following uses are specifically prohibited: adult entertainment, arcades, pool halls, any

accessory use with an establishment with a liquor license designed for use by minors, auctions or sales conducted outside a structure except when a private home is being cleaned or vacated or for the raising of funds for charitable institutions and done not more than twice a year for more than two (2) days duration, short- or long term storage of trucks or trailers for use as storage facilities, the keeping of farm animals, such as horses, cows, pigs, fowl or rabbits, **retail or wholesale establishments, businesses, persons or entities selling or offering for sale: (a) marijuana or marijuana products, whether for medicinal and/or recreational use; (b) paraphernalia that facilitates any use of marijuana, including but not limited to inhalation, ingestion or injection of any substance which contains or is derived from marijuana, (2) the growing, cultivation or harvesting of any type of marijuana plant, including but not limited to cannabis sativa, cannabis indica, and cannabis ruderalis.** ~~In addition the following uses are prohibited in the B-1 and B-2 zones: pawn shops, tattoo parlors, check-cashing shops, automotive transmission, automobile body shops, heavy duty machine shops and new or used automobile sales are also prohibited.~~

SECTION II. SEVERABILITY.

If any section, subparagraph, 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 III. REPEALER.

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

SECTION IV. EFFECTIVE DATE.

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