

Highlands Borough Mayor & Council Meeting Agenda
Community Center
22 Snug Harbor Avenue, Highlands
Wednesday, January 17, 2018, 7:00 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.

Call to Order
Meeting Statement
Roll Call
Executive Session Resolution

EXECUTIVE SESSION: 7:00PM

Contract Negotiations: JCP&L Pole Issues
Shore Drive Pump Station
Shared Service – Plainfield Municipal Utilities Agency
Shared Service – Middletown

Attorney-Client Privilege: Open Public Meetings Act (OPMA)/Open Public Records Act (OPRA)
Sandy Hook Developers Tax Agreement
Tax Exemption Abatement Program
Water Witch Beach Improvement Association
Unskilled Labor Program
Parking Lot Lease, Block 56, Lot 13

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Public Comment on Resolutions

Consent Agenda

R-18-034 Authorize Payment of the Bills
R-18-035 Appoint Class II Land Use Board Member
R-18-036 Authorize Advertisement of Bid for 2017 Capital Road Improvements
R-18-037 Appoint Member of Environmental Commission
R-18-038 Authorize Bids for Lease of Municipal Property
R-18-039 Authorize Refund of Taxes
R-18-040 Appoint Shade Tree Commissioner
R-18-041 Approve Disabled Parking Spot
R-18-042 Appoint Additional Member of Shade Tree Commission

Ordinance: Introduction & First Reading

O-18-03 – Amend Chapter 7-3.6B, Disabled Parking on Streets for Private Residences

Ordinances: Public Hearing & Possible Adoption

O-18-02 – Amend Chapter 17, Establishment of Business District

Other Business:

Army Corp of Engineers

Engineer's Report
Police Chief's Report
Administrator's Update

Public Comments:

Adjourn



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-034

AUTHORIZING BILLS LIST

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated January 12, 2018, which totals as follows:

Current Fund	\$1,024,992.63
Sewer Account	\$ 18,163.36
Capital Fund	\$ 29,117.77
Trust-Other	\$ 7,772.53
Federal/State Grants	\$ 46.63
Total	\$1,080,092.92

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$1,080,092.92** 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 18-035

RESOLUTION APPOINTING CLASS II MEMBER
TO THE LAND USE BOARD

Mayoral Appointment

WHEREAS, a vacancy currently exists for the Class II Member of the Land Use Board, as one of the officials of the Municipality other than a member of the Governing Body, with a one (1) year term expiring December 31, 2018; and

NOW THEREFORE, BE IT RESOLVED that the following appointment be and is hereby confirmed to the Land Use Board:

Robert Burton - Class II Member, one of the officials of the Municipality other than a Member of the Governing Body for the unexpired term set to expire December 31, 2017.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-036

RESOLUTION AUTHORIZING ADVERTISEMENT AND PLACEMENT TO BID FOR 2017 CAPITAL ROAD IMPROVEMENTS TO VALLEY STEET, HILLSIDE AVENUE & PORTLAND ROAD

WHEREAS, by way of Resolutions 17-179 and 17-195, the Borough awarded a fair and open contract to CME Associates to serve as the Project Engineer for the 2017 Capital Road Improvements to:

- Valley Street – from Shore Drive to Fifth Street;
- Hillside Avenue – from Portland Road to Hillside Court;
- Portland Road – from Highland Avenue to Riker Street;
- Valley Street from 5th Street to end of outfall.

WHEREAS, the governing body has determined that it is in the best interest of the residents of the Borough to solicit bids for the aforesaid Capital Road Improvements.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Borough professionals and retained professionals, including but not limited to, CME Associates, be and are hereby authorized to prepare the necessary bid specifications for the aforesaid 2017 Capital Road Improvements to Valley Street, Hillside Avenue and Portland Road and to advertise and place the same out to bid.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-037

RESOLUTION APPOINTING MEMBER OF THE ENVIRONMENTAL ADVISORY COMMISSION

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

WHEREAS, a vacancy exists 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:

Stephanie Kealy, Regular Member three (3) year term to expire 12/31/2020



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-038

RESOLUTION AUTHORIZING BIDS FOR LEASE OF MUNICIPAL PROPERTY

WHEREAS, the Borough owns the property designated as Block 56, Lot 13 on the Tax Map of the Borough of Highlands; and

WHEREAS, by way of Resolution R-12-190, the Borough approved a lease for the use of the aforesaid property for the purpose of operating a parking lot for a five (5) year term; and

WHEREAS, the term of the aforesaid lease ended on July 31, 2017, thereby creating a month to month tenancy; and

WHEREAS, the Borough wishes to lease the aforesaid property on a non-exclusive basis, with new terms and conditions; and

WHEREAS, N.J.S.A. 40A:12-14 sets forth, in relevant part, that a municipality may lease any real property not needed for public use; and

WHEREAS, N.J.S.A. 40A:12-14(a) sets forth, in relevant part, that in the case of a lease to a private person, said lease shall be made to the highest bidder by open public bidding at auction or by the submission of sealed bids; and

WHEREAS, the governing body of the Borough of Highlands wishes to fix a minimum rental with the reservation of the right to reject all bids where the highest bid is not accepted.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Clerk be and is hereby directed to advertise for and solicit sealed bids for the lease of the property designated as Block 56, Lot 13 on the Tax Map of the Borough of Highlands on a non-exclusive basis, in accordance with the requirements of N.J.S.A. 40A:12-14(a), with a minimum annual rental sum of \$6,000 to be paid in twelve (12) equal monthly installments of \$500 per month, wherein the term of the lease would be for an initial term of one (1) year with the option to continue the said lease for up to four (4) consecutive additional terms of one (1) year each at the option of the Borough.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands, that the Borough hereby reserves the right to reject all bids where the highest bid is not accepted.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-039

AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
43	11.03	2017	\$4,241.65	EMILY BURKE



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-040

RESOLUTION APPOINTING SHADE TREE COMMISSIONER FOR THE SHADE TREE COMMISSION (ADVISORY)

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

WHEREAS, by way of Resolution 18-023, appointments were made to the Shade Tree Commission (Advisory), wherein four (4) individuals were appointed to serve as Members for the calendar year 2018 consisting of: Christian Lee, Chris Francy, Nancy Messina and Nancy Valinoti; and

WHEREAS, the governing body of the Borough of Highlands wishes to appoint Christian Lee to serve as the Shade Tree Commissioner for the calendar year 2018.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that Christian Lee be and is hereby appointed the Shade Tree Commissioner for the Shade Tree Commission (Advisory), which shall be for a term of one (1) year with an expiration date of December 31, 2018.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-041

RESOLUTION APPROVING DISABLED PARKING SPACE

WHEREAS, an application for a Disabled Parking Designation was submitted to the Highlands Police Department by Ms. Terri Anarumo, 57 Seadrift Avenue; and

WHEREAS, Ms. Anarumo has submitted all the necessary documentation including a copy of his Disabled Person Identification card issued by the New Jersey Motor Vehicle Commission; and

WHEREAS the Chief of Police has reviewed the application and recommends the approval of said Disabled Parking Designation and;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the application for Disabled Parking Designation for the following is hereby approved:

Name: Terri Anarumo
Location: 57 Seadrift Avenue



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-042

RESOLUTION APPOINTING ADDITIONAL MEMBERS TO THE SHADE TREE COMMISSION (ADVISORY)

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

WHEREAS, by way of Resolution 18-023, appointments were made to the Shade Tree Commission (Advisory), wherein three (3) individuals were appointed to serve for the calendar year 2017 consisting of: Christian Lee, Chris Francy, Nancy Messina and Nancy Valinoti; and

WHEREAS, one (1) opening remains on the Shade Tree Commission (Advisory) and the governing body wishes to fill those appointments with the following individual: Patricia Japngie.

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

1. Patricia Japngie Member

BE IT FURTHER RESOLVED that the aforesaid additional appointment of Patricia Japngie, to serve on the Shade Tree Commission (Advisory), shall be for a term of 1 year with an expiration date of December 31, 2018.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-18-03

AN ORDINANCE ADDING CHAPTER 7-3.6B OF BOROUGH CODE CONCERNING RESTRICTED PARKING IN FRONT OF RESIDENCES OCCUPIED BY PERSONS WITH DISABILITIES

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to establish a permitting process for restricted parking spaces in front of a residence occupied by a person with a disability if a windshield placard or wheelchair symbol license plate has been issued for a vehicle owned by the person with a disability.

WHEREAS, N.J.S.A. 39:4-197.6 provides for the establishment of such restricted parking zones in front of residences for persons with disabilities.

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

SECTION I.

The following Sections of Chapter 7, Section 3.6B entitled "Restricted Parking in Front of Residences Occupied by Persons with Disabilities" of the Borough Code shall be added to provide as follows:

7-3.6B Restricted Parking in Front of Residences Occupied by Persons with Disabilities.

- a. Applications for Resident Parking Permits for Persons with Disabilities shall be subject to the following procedure:
 1. Residents of the Borough of Highlands requesting on-street resident parking for persons with disabilities shall make an application to the Highlands Police Department. The application shall be reviewed and approved or denied by the Chief of Police of the Borough of Highlands. A negative determination may be appealed to the Borough Council if a request from the resident aggrieved is received within twenty (20) days from the date of the Chief's declination.
 2. Prior to the issuance of a permit pursuant to this Section, the subject property must pass an on-site inspection by the Highlands Police Department, which inspection shall determine whether parking for persons with disabilities is otherwise prohibited, whether parking for persons with disabilities will interfere with the normal flow of traffic, or whether there is immediate adjacent off-street parking available to the applicant.

3. The person requesting on-street resident parking for persons with disabilities must have been issued a wheelchair symbol license plate or windshield placard issued by the New Jersey Motor Vehicle Commission. Said license plate or placard must be displayed in either the applicant's vehicle, or the vehicle of an immediate family member who also resides at that location.
- b. Upon approval of an applicant's request for on-street resident parking for persons with disabilities, the Borough shall enact an appropriate ordinance designating the name of the subject street, the side of that street where the resident resides, and a description of the allowed parking area in front of the subject residence. Such designation shall be within the property lines of the subject residence, but otherwise shall be subject to the discretion of the Highlands Police Department and the Chief of Police.
 - c. Applications for Resident Parking Permits for Persons with Disabilities that have been granted shall be kept on file with the borough clerk and the resident shall be required to update same upon disposing of any vehicle on the application and/or acquisition or leasing of replacement or additional vehicles.
 - d. A sign shall be installed specifically identifying the on-street parking space as being resident parking for persons with disabilities only, and a special permit shall be issued to the resident, which shall be placed in the window of the subject vehicle or be available for production, if requested by law enforcement, which indicates that the applicant is a resident with a disability in possession of the aforesaid special permit.
 - e. The fee for a Resident Parking Permit for Persons with Disabilities shall be \$100.00.
 - f. The applicant must comply with the provisions of N.J.S.A. 39:4-138(o) and N.J.S.A. 39:4-197.6 regulating parking for persons with disabilities in designated spaces.
 - g. If the Resident Parking Permit for Persons with Disabilities is no longer necessary for the residence, the resident shall notify the borough clerk and the borough shall remove any signs installed pursuant to subsection (d).
 - h. This section shall in no way permit the Chief of Police or his designee to lift, suspend, or in any way modify those parking restrictions governed by Title 39 of the New Jersey Statutes Annotated.
 - i. Penalty. Any person improperly parking in a properly designated restricted parking space for persons with disabilities shall be subject to the penalty provisions of Section 3-9 of the General Ordinances of the Borough of Highlands.

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 immediately upon its passage and publication in accordance with law.



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

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
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

Block	Lot	Qual	Property Location
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
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
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

Block	Lot	Qual	Property Location
116	13	4A	410 NAVESINK 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.