

**Highlands Borough Mayor & Council Meeting Agenda**  
**Community Center**  
**22 Snug Harbor Avenue, Highlands**  
**Wednesday, March 6<sup>th</sup> 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

**WORKSHOP: 6:30PM**

Monmouth County Dispatch  
New Municipal Building

**EXECUTIVE SESSION: 7:00PM**

Attorney-Client Privilege:      Highlands Business Partnership  
   Captain's Cove Marina  
Contract Negotiations:      Economic Development Officer

**REGULAR MEETING: 8:00PM**

Call to Order  
Pledge of Allegiance  
Roll Call

**Minutes**

December 19<sup>th</sup> 2018  
February 6<sup>th</sup> 2019  
February 20<sup>th</sup> 2019

**Consent Agenda**

R-19-082      Approve Payment of the Bills  
R-19-083      Authorize Refund of Tax Overpayment  
R-19-084      Authorize Refund of Sewer Overpayments  
R-19-085      Amend Members of the Green Team  
R-19-086      Approve Request for Waiver of Alcohol Ban at the Community Center  
R-19-087      Authorize Disposal of Surplus Property  
R-19-088      Approve Fire Department Membership

**Resolutions**

R-19-089      Authorize Amendment to 2019 Temporary Budget  
R-19-090      Introduce the 2019 Municipal Budget  
R-19-091      Authorize Award of Non-Fair & Open Contract for a Licensed Planner to Prepare  
                                 Amended Redevelopment Plan for B84 L2.01  
R-19-092      Certify & Approve 2018 First Aid LOSAP Contributions  
R-19-093      Approving Salary Increase for Senior Account Clerk  
R-19-094      Award Non-Fair & Open Contract to CME for Valley Street Improvement Construction  
                                 Administration

**Ordinance: Introduction & First Reading**

- O-19-05 Amend Chapter 11 Concerning the Uniform Fire Code
- O-19-06 Amend Chapter 17 Establishing a Business Improvement District
- O-19-07 Exceed Municipal Budget Appropriation Limits & Establish a CAP Bank

**Ordinance: Second Reading, Public Hearing & Possible Adoption**

- O-19-03 Amend Chapter 8-5 of Borough Code, Snow & Ice Removal

**Other Business**

- Administrator's Report
- Police Chief's Report

**Public Comments:**

**Adjourn**



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 19-082

### AUTHORIZING BILLS LIST

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated March 1, 2019, which totals as follows:

Current Fund	\$ 673,059.79
Sewer Account	\$ 51,480.03
Capital Fund	\$ 168,088.38
Trust-Other	\$ 19,204.57
Federal/State Grants	\$ 3,634.89
Total	<b>\$ 915,467.66</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$915,467.66** 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](http://www.highlandsborough.org) and on file in the Municipal Clerk's office for reference.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 19-083

### AUTHORIZING REFUND OF TAX OVERPAYMENTS

**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>
42	6	2018	\$4,830.65	Provident Funding



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 19-084

### AUTHORIZING REFUND OF SEWER OVERPAYMENTS

**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 sewer fees: and

**WHEREAS**, monies were incorrectly deposited into the 2018 sewer account instead of the 2018 tax account; and

**WHEREAS**, the monies which will be refunded to the Borough of Highlands will be immediately deposited in the correct tax account; 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 sewer fees to the individuals and property owners of the specific properties listed below, and attached hereto:

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>YEAR</u></b>	<b><u>AMOUNT</u></b>	<b><u>NAME</u></b>
38.01	17.02	2019	\$1012.59	Borough of Highlands
38	7	2018	\$666.59	Borough of Highlands



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

# RESOLUTION 19-085

## RESOLUTION AMENDING 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	12/31/2019
Mayor	Richard W. O'Neil	1 Year	12/31/2019
Resident Member	Nancy Burton	3 Years	12/31/2020
Resident Member	Scott Keller	3 Years	12/31/2020
<i>Resident Member</i>	<i>Cody Valkos*</i>	<i>3 Years</i>	<i>Unexpired 12/31/2021</i>
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	12/31/2021

\*Reappointment

\*\*New Appointment



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 19-086**

### **RESOLUTION APPROVING REQUEST FOR WAIVER OF ALCOHOL BAN FOR COMMUNITY CENTER RENTAL**

**WHEREAS**, the Borough of Highlands has received an application for rental of the Community Center from two residents seeking to host a holiday observance; and

**WHEREAS**, the residents have requested a waiver of the alcohol prohibition in order to serve alcohol to the guests of this private event; and

**WHEREAS**, the residents will obtain the necessary insurance coverage required to allow alcohol at the private event.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Highlands, that Patricia Steen & William Frankenstein's request for a waiver of the alcohol prohibition is approved for the private event to be hosted on April 19<sup>th</sup> 2019;

**BE IT FURTHER RESOLVED**, that as a condition of this approval the applicant has provided the Borough Clerk with a certificate of insurance coverage naming the Borough of Highlands as an additional insured, subject to the Borough Administrator's review and approval.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 19-087

### Resolution Authorizing Disposal of Surplus Property Of Highlands Borough

**WHEREAS**, the Highlands Borough is the owner of certain surplus property which it no longer needs for public use: and

**WHEREAS**, the Highlands Borough is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

**NOW THEREFORE BE IT RESOLVED** by the Highlands Borough as follows:

- (1) The sale of the surplus property shall be conducted through the State Contract with Sourcewell (#041316-IPI) Contract accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovPlanet is available online at govplanet.com and also available from the Highlands Borough.
- (2) The sale will be conducted online and the address of the auction site is [www.govplanet.com](http://www.govplanet.com)
- (3) The items of surplus property to be sold is as follows:

	Year	Make	Model	Vin
1	2001	Chevy	Suburban	1GNFK16T21J218682
2	2010	Ford	Crown Vic	2FABP7BV1AX100204
3	1996	GMC	Wagon	1GDJK34F9TE531604
4	1998	International	Single Axle Dump	1HTSCAALOWH561908
5	2004	Dodge	Dakota	1D7GG16K945630673
6	2008	Ford	F-350	1FDWF37528ED70193
7	1999	Toro	Z-Master 153	200000430
8	2008	Ford	Crown Vic	2FAFP71V48X16997
9	2005	Ford	Crown	2FAFP71W66X118717

- (4) The surplus property shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (5) The Highlands Borough reserves the right to accept or reject any bid submitted.





BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 19-088**

### **RESOLUTION APPROVING FIRE DEPARTMENT MEMBERSHIP APPLICATION**

**WHEREAS**, Joseph Walling of Highlands, has submitted a Membership Application to the Highlands Fire Department; and

**WHEREAS**, Joseph Blewett, Chief of the Fire Department has approved the membership application; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that by the Governing Body of the Borough of Highlands that the Fire Department Membership Application of Joseph Walling is hereby approved.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 19-089

### AUTHORIZING AMENDMENT TO THE 2019 TEMPORARY BUDGET

**WHEREAS**, the Revised Statutes of New Jersey 40A:4-20 provides for the adoption of emergency temporary appropriations in addition to temporary appropriations necessary for the period between the beginning of the current fiscal year and the date of the adoption of the Local Budget for the Year 2019;

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Highlands, that the following amendments to the temporary appropriations be made in the amounts and for the purposes herein set forth for the period between January 1st, 2019 and the adoption of the Local Budget for the Borough of Highlands, County of Monmouth and State of New Jersey for the fiscal Year 2019:

<u>A/C #</u>	<u>CURRENT FUND</u>	<u>Salaries</u>	<u>Other Expenses</u>
25-251	911 Telecommunications		\$3,600.00
			0.00
	TOTALS	\$ 0.00	\$3,600.00

**BE IT FURTHER RESOLVED**, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Borough Chief Financial Officer.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 19-090**

### **MUNICIPAL BUDGET FOR THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH FOR THE YEAR 2019**

**BE IT RESOLVED**, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2019 and the Governing Body of the Borough of Highlands does hereby approve the following, as the Budget for the year 2019; and,

**BE IT FURTHER RESOLVED**, that said Budget be published in the Two River Times in the issue of March 21, 2019 and a Public Hearing be held at the Robert D. Wilson Community Center, 22 Snug Harbor Ave., Highlands, NJ on April 3, 2019 at 8:00pm at which time objections, to said Budget and Tax Resolution for the year 2019, may be presented by taxpayers or other interested parties.

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Borough of Highlands, County of Monmouth for the Fiscal Year 2019

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2019

Be it Further Resolved, that said Budget be published in the Two River Times

in the issue of March 21, 2019

The Governing Body of the Borough of Highlands does hereby approve the following as the Budget for the year 2019.

RECORDED VOTE  
(INSERT LAST NAME)

Ayes

Nays

Abstained

Absent

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Highlands, County of Monmouth, on March 6, 2019, at a Hearing on the Budget and Tax Resolution will be held at Robert D. Wilson Memorial Community Center, 22 Snug Harbor Ave, Highlands, NJ, on April 3, 2019, at 8:00 o'clock (P.M.) at which time and place objections to said Budget and Tax Resolution for the year 2019 may be presented by taxpayers or other interested persons.

# EXPLANATORY STATEMENT

## SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET

			YEAR 2019
General Appropriations For: (Reference to item and sheet number should be omitted in advertised budget)			xxxxxxxxxxxxxxxxxxxxxxxxxx
1. Appropriations within "CAPS"-			xxxxxxxxxxxxxxxxxxxxxxxxxx
(a) Municipal Purposes {(item H-1, Sheet 19)(N.J.S. 40A:4-45.2)}			8,118,896.00
2. Appropriations excluded from "CAPS"			xxxxxxxxxxxxxxxxxxxxxxxxxx
(a) Municipal Purposes {item H-2, Sheet 28}(N.J.S. 40A:4-45.3 as amended)}			1,960,287.60
(b) Local District School Purposes in Municipal Budget(item K, Sheet 29)			
Total General Appropriations excluded from "CAPS"(item O, sheet 29)			1,960,287.60
3. Reserve for Uncollected Taxes (item M, Sheet 29) Based on Estimator 93.79% Percent of Tax Collections Building Aid Allowance for Schools-State Aid			1,100,000.00
4 Total General Appropriations (item 9, Sheet 29)			11,179,183.60
5. Less: Anticipated Revenues Other Than Current Property Tax (item 5, Sheet 11) (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)			3,249,885.72
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows)			xxxxxxxxxxxxxxxxxxxxxxxxxx
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes (item 6(a), Sheet 11)			7,929,297.88
(b) Addition to Local District School Tax (item 6(b), Sheet 11)			
(c) Minimum Library Tax			



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 19-091**

### **RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES FOR A LICENSED PLANNER TO PREPARE AN AMENDED REDEVELOPMENT PLAN FOR BLOCK 84, LOT 2.01**

**WHEREAS**, by way of Resolution 18-070, the Borough of Highlands designated Block 84, Lot 2.01 commonly referred to as Captains Cove Marina as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq.; and

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq. provides for procedures to establish a Redevelopment Plan for the municipality; and

**WHEREAS**, in accordance with Ordinance O-18-26, lawfully adopted on December 19, 2018, the Captains Cove Redevelopment Plan dated November 20, 2018, as applicable to Block 84, Lot 2.01 in the Borough of Highlands was adopted; and

**WHEREAS**, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, the Mayor and Council have determined that it will embark upon the preparation of an Amended Redevelopment Plan for the aforesaid property which was designated as an area in need of redevelopment; and

**WHEREAS**, the Borough is in need of Professional Planning Services from a licensed Professional in order to prepare the aforesaid Amended Redevelopment Plan; and

**WHEREAS**, in order to achieve the Borough's objectives, Heyer, Gruel & Associates will prepare the Amended Redevelopment Plan for Block 84, Lot 2.01 commonly referred to as Captains Cove Marina; and

**WHEREAS**, Heyer, Gruel & Associates will prepare the Amended Redevelopment Plan for the aforesaid property for a fee not to exceed \$6,500.00 billed at their hourly rates; 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 \$6,500.00 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**, 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:

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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. Heyer, Gruel & Associates are hereby retained to provide professional planning services as described above for an amount not to exceed \$6,500.00.
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 19-092

### CERTIFYING AND APPROVING THE 2018 FIRST AID SQUAD LOSAP CONTRIBUTIONS

**WHEREAS**, the Length of Service Award Program (LOSAP) has been implemented in accordance with Chapter 388 of the Laws of 1997 (*N.J.S.A 40A: 14-183 et seq.*), to reward members of the Columbia Hose and Star Hook and Ladder Company and the Highlands First Aid Squad for their loyal, diligent and devoted services to the residents of the Borough of Highlands; and,

**WHEREAS**, LOSAP shall provide for annual contributions, by the Borough of Highlands, to a deferred income account, for each eligible member that meets the criteria as outlined in Ordinance 04-09; and,

**WHEREAS**, the following First Aid members have met all criteria required to receive a LOSAP contribution in the amount set opposite their name.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the LOSAP annual contributions, from the Borough of Highlands, to a deferred income account for each volunteer member listed below, having met the criteria, be made in accordance with the plan established by the Borough of Highlands pursuant to P.L. 1997, c. 388.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be returned to each emergency service organization, where it shall be posted for no less than 30-days, as well as in the office of the Municipal Clerk.

Dept.	Name	Points	Amount
First Aid	Bronwyn Link	168	\$1,150.00
	Warren J. Terwilliger	200	\$1,150.00
	Jacob Link	130	\$1,150.00
	Melanie Robinson	182	\$1,150.00
	Billy Mount	188	\$1,150.00
	Marcie Mount	152	\$1,150.00
	Katie Mason	164	\$1,150.00
	Ed Cetron	148	\$1,150.00
	Bryan Foeri	109	\$1,150.00
	Chris DosSantos	103	\$1,150.00
	James Davis	212	\$1,150.00
<b>TOTAL</b>			<b>\$12,650.00</b>





BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 19-093**

### **APPROVING SALARY INCREASE FOR SENIOR ACCOUNT CLERK**

**WHEREAS** the Borough has an employment agreement in place with Kim Gonzales for the position of Senior Account Clerk; and

**WHEREAS**, consistent with the salary increases provided for other Borough employees, the Borough seeks to provide an increase of 2.5% to the salary of Senior Account Clerk;

**NOW THEREFORE BE IT RESOLVED** that the salary for the position of Senior Account Clerk shall be increased by 2.5% for 2019, retroactive to January 1, 2019; and

**BE IT FURTHER RESOLVED** that the Mayor is herewith authorized to execute an addendum to the employment agreement to reflect the salary increase as set forth herein.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 19-094

### **RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES TO CME ASSOCIATES FOR THE VALLEY STREET IMPROVEMENTS – CONSTRUCTION ADMINISTRATION**

**WHEREAS**, the Borough of Highlands has a need for professional Engineering Services associated with the Valley Street Improvements, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, in October, 2017 the Borough awarded a contract to CME wherein the scope of the work included simple mill and overlay of Hillside Avenue, Portland Street and Valley Street, with replacement-in-kind of the stormwater pipe at Valley and Hillside and part-time inspection; and

**WHEREAS**, in order to expedite performance of the work and preserve NJDOT funding, Valley Street was separated out as a stand-alone project; and

**WHEREAS**, the original scope of work for Valley Street further called for replacement-in-kind of the existing stormwater conveyance system; however in order to correct large-scale drainage issues in the area, additional revised work needed to be performed including upgraded stormwater pipe and structures throughout the project limits; and

**WHEREAS**, the project calls for existing 36" reinforced concrete pipe to be generally replaced with 38"x60" horizontal elliptical reinforced concrete pipe which requires wider trenching, new non-standard structures, adjustments to water, sewer, and gas service; and

**WHEREAS**, in addition to the expanded drainage work, the revised project scope also includes the replacement of the existing sanitary sewer main and services along Valley Street.; and

**WHEREAS**, the above revisions represent a significant increase from the project as originally bid and significantly affect the magnitude, complexity and schedule of the work and further require additional field observation and office support time by CME to efficiently and effectively manage the construction of the project; and

**WHEREAS**, CME Associates will perform the following engineering services in connection with the revised additional work associated with this project for a fee not to exceed \$75,700 consisting of the following:

- A. Attend preconstruction meeting;
- B. Provide assistance with interpretation of contract documents;

- C. Review shop drawings for site-related items;
- D. Provide construction observation services;
- E. Prepare contractor punch lists;
- F. Review and approve monthly progress pay estimates; and
- G. Coordinate project closeout, testing, and coordination with the NJDOT Local Aid Office

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

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$75,700 for Professional Engineering Services as stated in the CME Associates proposal dated February 21, 2019; 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**, a certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows:

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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 bidding must be publicly advertised.

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

1. CME Associates is hereby retained to provide professional engineering services as described above and in their proposal dated February 21, 2019 for an amount not to exceed \$75,700.

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

## ORDINANCE 19-03

### AN ORDINANCE AMENDING CHAPTER 8-5 OF BOROUGH CODE CONCERNING SNOW AND ICE REMOVAL

**WHEREAS**, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to prevent obstruction of Borough roads during snow removal efforts.

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

#### SECTION I.

The following Sections of Chapter 8, Section 5 entitled "Snow and Ice Removal" of the Borough Code shall be amended as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~***strikeovers in bold italics.***~~)

#### 8-5 SNOW AND ICE REMOVAL.

##### 8-5.1 Removal Required.

- a.** The owner or tenant of land abutting upon the sidewalk of any street or avenue shall remove all snow and ice from the sidewalk within twelve (12) daylight hours after same shall have formed or fallen thereon.
- b. No person shall place any snow or ice from his or her property or abutting sidewalk in any Borough road.**
- c. No person shall place any snow or ice from his or her property or abutting sidewalk in any gutters along Borough roads resulting in any stoppage of drainage along said roads.**

##### 8-5.2 Treatment of Ice.

The owner or tenant of land abutting or bounding upon the sidewalks of any street or avenue shall, when such sidewalks may become icy or otherwise slippery, place thereon ashes, sand, cinders, sawdust or other material designed to prevent pedestrians from slipping and falling and shall at all times keep such sidewalks in a safe and passable condition. **No person shall obstruct or damage any Borough roads or gutters by spilling or throwing ashes, sand, cinders, sawdust or other material onto a Borough road or gutter.**

##### 8-5.3 Certain Persons Exempt from Requirements.

Any owner or tenant of land abutting upon the sidewalk of any street or avenue who is unable to remove snow and ice and/or provide for the treatment of ice due to a physical or medical disability or due to age or infirmness, shall contact the Code Enforcement Officer and/or his designee, within twelve (12) daylight hours after snow and ice has formed or fallen. Such owner or tenant with a physical or medical disability or inability to remove and/or treat snow and ice due to age or infirmness, will not be subject to the violations and penalties delineated in subsection 8-5.4, subject to the discretion of the Code Enforcement Officer.

#### **8-5.4        Violations and Penalties.**

Violations are punishable by fine, imprisonment, or community service in the discretion of the Judge in accordance with N.J.S.A. 40:49-5.

**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 after final passage.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **ORDINANCE 0-19-05**

### **AN ORDINANCE AMENDING CHAPTER 11 OF BOROUGH CODE CONCERNING THE UNIFORM FIRE CODE**

**WHEREAS**, the Uniform Fire Code of the Borough of Highlands contains references to outdated provisions of the New Jersey Administrative Code, as well as outdated fees for inspections.

**WHEREAS**, certain sections of the Borough Code related to the Uniform Fire Code are currently located within the Police Regulations and should be updated and relocated.

**WHEREAS**, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to update and consolidate provisions of the Uniform Fire Code of the Borough of Highlands.

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

#### **SECTION I.**

Article II of Chapter 11 (Section 11-16) is hereby deleted in its entirety.

#### **SECTION II.**

Section 3-5 of the Borough Code entitled "Storage of Explosives" is hereby deleted in its entirety. Such provisions were superseded by New Jersey's Uniform Fire Code.

#### **SECTION III.**

Section 3-19 of the Borough Code entitled "Fire Zones A/K/A Fire Lanes" is hereby deleted in its entirety. This section is being relocated to Chapter XI, Section 11 as set forth below.

#### **SECTION IV.**

Section 3-4 of the Borough Code entitled "Elimination of Fire Hazards" is hereby deleted in its entirety. This section is being relocated to Chapter XI, Section 12 as set forth below.

#### **SECTION V.**

Section 3-6 of the Borough Code entitled "Storage of Boats" is hereby deleted in its entirety. This section is being relocated to Chapter XI, Section 12.5 as set forth below.

## **SECTION VI.**

The following Sections of Chapter 11 entitled "Uniform Fire Code" of the Borough Code shall be amended as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~**strikeovers in bold italics.**~~)

### **11-1 LOCAL ENFORCEMENT.**

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the Borough of Highlands.

### **11-2 AGENCY DESIGNATION.**

The Highlands Fire Department through its Bureau of Fire Prevention shall hereinafter be known as the local enforcing agency.

### **11-3 DUTIES.**

a. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Borough of Highlands other than one and two unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by Federal government, interstate agencies or the State.

b. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

### **11-4 ORGANIZATION.**

a. The Bureau of Fire Prevention established by section 11-2 of this chapter shall be under the direct supervision and control of a fire official who shall report to the chief of the fire department.

b. The bureau of fire prevention shall have at least one paid inspector.

### **11-5 APPOINTMENTS, QUALIFICATIONS, TERM OF OFFICE, REMOVAL.**

#### **11-5.1 Appointment and Qualifications of the Fire Official.**

The fire official shall be certified by the State and appointed by the governing body from a list of three names submitted by the chief of the fire department.

#### **11-5.2 Appointment and Qualifications of Inspectors and Other Employees.**

Inspectors and other employees of the enforcing agency shall be appointed by the governing body upon recommendation of the fire official. All life hazard use inspectors shall be certified by the State.



### 11-5.3 Appointment of Legal Counsel.

The governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code.

### 11-5.4 Term of Office.

The fire official shall serve ~~for a term of a minimum of one year. Any vacancy shall be filled for the unexpired term under the rules that govern the Civil Service for public employment in New Jersey, set forth in the Administrative Code at Title 4A.~~

### 11-5.5 Removal from Office.

The fire official, inspectors and other employees of the agency shall be subject to removal by the governing body for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by the same.

## 11-6 LIFE HAZARD USES.

a. The bureau of fire prevention established by section 11-2 of this chapter shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on Behalf of the Commissioner of the New Jersey Department of Community Affairs.

b. Life hazard use fees established by the New Jersey Uniform Fire Code, as established in N.J.A.C. 5:70-29(a) shall be followed.

## 11-7 NON LIFE HAZARD USES.

In addition to the registrations required by the Uniform Fire Code, the following non life hazard uses shall register with the bureau of fire prevention. These uses shall be inspected once per year and pay an annual fee. (The following is a recommended fee schedule for non life hazard use in the local enforcing agency's jurisdiction, and shall be included in Sub-Chapter 2 of the Uniform Fire Code, amended by local ordinance, the fee schedule amount for each non life hazard use may be amended to fit the needs of the local enforcing agency. The fee is not to be used for life hazard uses as defined in the Uniform Fire Code.)

### a. Assembly.

A-1	Eating establishment under 50.....	<del>\$ 35.00</del> <b><u>\$45.00</u></b>
A-2	Take-out food service (no seating).....	<del>\$ 35.00</del> <b><u>\$45.00</u></b>
A-3	Church or synagogue.....	<del>\$ 35.00</del> <b><u>\$45.00</u></b>
A-4	Recreation centers, multi-purpose rooms, etc. fewer than 100.....	<del>\$ 50.00</del> <b><u>\$65.00</u></b>
A-5	Court rooms, libraries, fraternal organizations condominium centers fewer than 100.....	<del>\$ 50.00</del> <b><u>\$65.00</u></b>
A-6	Senior citizen centers fewer than 200.....	<del>\$ 50.00</del> <b><u>\$65.00</u></b>

b. *Business/Professional.*

B-1	Professional use 1 & 2 story less than 5,000 sq. ft. per floor.....	<del>\$ 35.00</del>	<u>\$45.00</u>
B-2	1 & 2 story more than 5,000 sq. ft. less than 10,000 sq. ft. per floor.....	<del>\$ 50.00</del>	<u>\$65.00</u>
B-3	1 & 2 story more than 10,000 sq. ft.....	<del>\$ 75.00</del>	<u>\$90.00</u>
B-4	3 to 5 story less than 5,000 sq. ft. per floor.....	<del>\$100.00</del>	<u>\$130.00</u>
B-5	3 to 5 story more than 5,000 sq. ft. less than 10,000 sq. ft. per floor.....	<del>\$150.00</del>	<u>\$195.00</u>
B-6	3 to 5 story over 10,000 sq. ft. per floor.....	<del>\$200.00</del>	<u>\$260.00</u>

c. *Retail (Mercantile).*

M-1	1 & 2 story less than 5,000 sq. ft. per floor.....	<del>\$125.00</del>	<u>\$160.00</u>
M-2	1 & 2 story more than 5,000 sq. ft. less than 10,000.....	<del>\$150.00</del>	<u>\$195.00</u>
M-3	1 & 2 story more than 10,000 sq. ft. per floor.....	<del>\$175.00</del>	<u>\$225.00</u>
M-4	3 to 5 story less than 5,000 sq. ft. per floor.....	<del>\$200.00</del>	<u>\$260.00</u>
M-5	3 to 5 story more than 5,000 sq. ft. less than 10,000 sq. ft..	<del>\$225.00</del>	<u>\$290.00</u>
M-6	3 to 5 story over 10,000 sq. ft.....	<del>\$250.00</del>	<u>\$325.00</u>

M with the exception of hardware store 3,000 sq. ft., retail store over 12,000 sq. ft. are life hazard uses.

d. *Manufacturing (Factory).*

F-1	1 & 2 story less than 5,000 sq. ft. per floor.....	<del>\$ 75.00</del>	<u>\$90.00</u>
F-2	1 & 2 story more than 5,000 sq. ft. less than 10,000 sq. ft. per floor.....	<del>\$100.00</del>	<u>\$130.00</u>
F-3	1 & 2 story more than 10,000 sq. ft.....	<del>\$150.00</del>	<u>\$195.00</u>
F-4	3 to 5 story less than 5,000 sq. ft. per floor.....	<del>\$175.00</del>	<u>\$225.00</u>
F-5	3 to 5 story more than 5,000 sq. ft. less than 10,000 sq. ft..	<del>\$200.00</del>	<u>\$260.00</u>
F-6	3 to 5 story over 10,000 sq. ft.....	<del>\$250.00</del>	<u>\$325.00</u>

F exception life hazard uses.

e. *Storage S-1 (Moderate hazard S-1, low hazard S-2).*

S-1	1 & 2 story less than 5,000 sq. ft. per floor.....	<del>\$ 50.00</del>	<u>\$65.00</u>
S-2	1 & 2 story more than 5,000 sq. ft. less than 10,000 sq. ft. per floor.....	<del>\$100.00</del>	<u>\$130.00</u>
S-3	1 & 2 story more than 10,000 sq. ft.....	<del>\$150.00</del>	<u>\$195.00</u>
S-4	3 to 5 story less than 5,000 sq. ft. per floor.....	<del>\$175.00</del>	<u>\$225.00</u>

S-5 3 to 5 story more than 5,000 sq. ft. less than 10,000 sq. ft. ~~\$200.00~~ \$260.00

S-6 3 to 5 story over 10,000 sq. ft..... ~~\$250.00~~ \$325.00

S exception life hazard uses.

f. Residential (LEA listed with multi-family BHI) and common areas in multi-family dwellings. Fee is for each building.

R-1 1 to 6 units..... ~~\$ 35.00~~ \$45.00

R-2 7 to 12 units..... ~~\$ 50.00~~ \$65.00

R-3 13 to 20 units..... ~~\$ 75.00~~ \$90.00

R-4 21 to 50 units..... ~~\$125.00~~ \$160.00

R-5 For each additional unit..... ~~\$ 3.00~~ \$5.00

#### 11-8 SMOKE DETECTOR INSPECTION FEES.

CSDC-1 More than 10 business days with a scheduled appointment..... ~~\$ 35.00~~ \$45.00

CSDC-2 4 to 9 business days with a scheduled appointment..... ~~\$ 50.00~~ \$90.00

CSDC-3 Less than 4 business days with a scheduled appointment..... ~~\$ 75.00~~ \$161.00

CSDC-4 If a scheduled appointment is not met by the owner/ appointee and/or there is a failure to have properly installed or have operating smoke detectors in accordance with the Uniform Fire Code, a fee will be added for each reinspection..... ~~\$ 15.00~~ \$25.00

#### 11-9 PERMIT FEE.

a. The permit fees established by the New Jersey Uniform Fire Code, as established in N.J.A.C. 5:70-2.9 shall be followed. Permits shall be obtained from the **fire marshal fire official** for any activities listed in N.J.A.C. 5:70-2.7. For issuance of such permits and on-site inspection(s), the following fees shall be paid by the owner or applicant.

PF-1 TYPE-1 ~~Thirty-five~~ Forty-five dollars..... ~~\$ 35.00~~ \$45.00

PF-2 TYPE-2 ~~One hundred thirty-eight~~ Two hundred fourteen dollars..... ~~\$138.00~~ \$214.00

PF-3 TYPE-3 ~~Two hundred seventy-six~~ Four hundred twenty-seven dollars..... ~~\$276.00~~ \$427.00

PF-4 TYPE-4 ~~Four hundred fourteen~~ Six hundred

forty-one dollars..... ~~\$414.00~~ \$641.00

b. The ~~fire marshal~~ fire official is empowered to issue special permits for activities of a nonrecurring nature not covered in the permit sections of this chapter. However, no such permit shall be granted without maximized assurance of the safety of the public. The fees for such permits shall be neither less than ~~thirty-five (\$35.00)~~ forty-five (\$45.00) dollars nor more than ~~four hundred fourteen (\$414.00)~~ six hundred forty-one (\$641.00) dollars as deemed appropriate by the fire marshal.

#### **11-10 COPY OF DOCUMENT FEES. TECHNICAL AMENDMENTS.**

~~a. Fire Report. Nine (\$9.00) dollars per copy.~~

~~b. Other Documents. Copies of all other documents, including, but not limited to, reports, photographs, statements, etc. eight (\$8.00) dollars for the first page or photographs and three (\$3.00) dollars for each additional copy of page or photographs of the same report.~~

a. Smoke Detectors: In addition to those requirements mandated by the Uniform Fire Code, the following are required within the Borough of Highlands:

1. Mixed Uses: Any mixed use occupancy with apartments above or attached shall have operating, hard-wired smoke detectors in all common areas and hallways. These detectors shall all sound simultaneously when any one detector is activated.

2. New Construction: All new structures erected within the Borough of Highlands shall comply with the smoke detector requirement of the Uniform Construction Code or this article.

3. Renovation of Existing Structures: Any existing structure renovated or reconditioned in a dollar value in excess of 50 percent of its assessed valuation (excluding land) shall comply with the installation requirements for smoke detectors.

4. One and Two Family Dwellings: Residential one and two family dwellings shall not be sold or rented unless hard-wired smoke detection devices are installed. Each dwelling unit shall have a minimum of one detector for each level of occupancy and one placed at a distance not greater than 15 feet from the main heating plant. In dwellings where the heating plant is in a confined space a fixed temperature detector (heat) shall be utilized.

5. Installation Requirements: The installation requirements for smoke detectors shall conform to the standards of NFPA 72 and shall be approved by the Fire Sub-Code Official of the municipality.

6. Tampering: It shall be unlawful to tamper with, disconnect, interrupt, or remove from service any smoke detection device or smoke detection alarm system without prior notice to, and approval of the authority having jurisdiction.

7. Penalties: The penalty for any violation shall be two hundred fifty (\$250.00) dollars for the first offense, seven hundred fifty (\$750.00) dollars for the second offense, and one thousand five hundred (\$1,500.00) dollars for each offense thereafter.

**b. Blocking or Obstructing of Fire Hydrants or Fire Department Connections: It shall be unlawful to obscure from view, damage, deface, obstruct, or restrict access to, any fire hydrant or fire department connection used for the pressurization of fire department suppression systems. Any person who shall at any time park a vehicle or in any other manner obstruct a fire hydrant or fire department connection shall be fined one hundred twenty-five (\$125.00) dollars.**

## **11-11 FIRE ZONES A/K/A FIRE LANES.**

### **11-11.1 Findings.**

**Various approvals issued by the planning board and/or board of adjustment of the Borough of Highlands have required certain areas to be set aside as fire zones a/k/a fire lanes, which are used interchangeably herein.**

**Certain structures and uses have not heretofore had areas designated as fire lanes, and it is desirable for the protection of life and property for fire lanes to be established where practicable.**

**N.J.A.C. 5:70 et seq. empowers the municipal fire official to create fire zones, and sets forth procedures for creating the same, which the Borough of Highlands adopts herein by reference.**

### **11-11.2 Required.**

**a. The owner or owners of property are hereby required to establish and maintain fire lanes which may have heretofore been required or in the future which may be required by the planning board and/or the board of adjustment of the Borough of Highlands in connection with approval of use, improvement and/or development of property in the Borough of Highlands.**

**b. With respect to any shopping centers, commercial structure, place of public assembly, multiple dwelling structures and groups, individual parks, office buildings, hotels, motels, schools, condominiums, cooperative housing, nursing homes, homes for the physically or mentally impaired, or any property and structure used for the purposes similar to the aforesaid, the owner or owners of such property or properties upon which any of the aforesaid activities take place for which fire lanes have not heretofore been required and where practicable shall designate areas as fire lanes where such fire lanes shall be required by the bureau of fire prevention for the Borough of Highlands within which such property or activity is located.**

### **11-11.3 Authorization for Private Property.**

**The Highlands fire official is authorized to designate fire lanes on private property in accordance with N.J.A.C. 5:70 et seq.**

### **11-11.4 Definitions.**

**As used in this section:**

**The words "fire lanes" or "fire zones" shall mean a lane or zone no less than ten feet in width nor more than 50 feet in length which runs from public streets or**

rights-of-way to any improvement or structure and which may also run alongside or abut such improvement or structure. Where strict enforcement of this section may not be practicable, the bureau of fire prevention may allow deviation in the location and establishment of fire lanes.

- 11-11.5      Marking of Fire Lanes.

Fire lanes shall be striped in yellow letters on paved surfaces and bear the words "fire lane" or "fire zone" and in either event shall also bear the words "no parking or obstruction". Curbs on edges of fire zones shall be painted yellow. The bureau of fire prevention shall provide the owner with a sketch of the required markings and location of any required signs. The said bureau shall require where practicable metal signs setting forth the designation of "fire zones" so as to inform the public of location of fire zones. Said markings shall be legible at all times and shall be maintained by the owner or owners of such property.

- 11-11.6      Criteria for Establishing Fire Lanes.

In establishing and requiring fire lanes, the bureau of fire prevention shall take into consideration the size, type and location of the building or buildings on the premises regulated, the type of activity or activities, the number of parking spaces which may be required by law, traffic patterns, existing means of ingress and egress, the total area of the premises and area available for fire lanes and such other means of ingress to the structure or structures in the event of fire or other emergency.

- 11-11.7      Purpose.

The purpose of establishing fire lanes is to allow access to premises and structures in the event of a fire emergency for fire fighting and emergency vehicles and equipment.

- 11-11.8      Obstruction Prohibited.

No person shall at any time park a vehicle or in any other manner obstruct a driveway or any other area that has been designated as a "fire zone" or "fire lane".

- 11-11.9      Notice to Establish Fire Lane; Appeals.

a.    Upon notice from the bureau of fire prevention an owner or owners of property wherein a fire lane has not heretofore been required shall confer with the fire official or his agent of the bureau of fire prevention in order to establish a fire lane in accordance with this section. After such conference or in the event the owner does not so confer, the said fire official or his agent shall direct the establishment of the fire zone.

b.    The fire official or his agent shall give written notice to the owner or owners specifically setting forth the location or dimensions of the required fire zone. Such notice shall be by registered or certified mail, or by hand delivery. The owner or owners may appeal from the requirements of said notice by filing a notice of appeal with the clerk of the Monmouth County Board of Construction Appeals, and said clerk shall schedule a hearing thereon.

c. In the event no such appeal is filed within 14 calendar days of the date of said notice from the supervisor, the owner or owners shall establish the fire zone within 30 days of the date of said notice.

d. In the event an appeal is taken in accordance with the aforesaid to the Monmouth County Board of Construction Appeals and a decision is rendered requiring the establishment of a fire zone, the Monmouth County Board of Construction Appeals shall give written notice of its decision by mailing the same by certified mail/return receipt requested to the owner, and the owner shall, within 30 days of mailing of notice, establish a fire zone as required by the Monmouth County Board of Construction Appeals.

11-11.10 Violations and Penalties.

a. Obstruction of Fire Lane. Any person who shall at any time park a vehicle or in any other manner obstruct a fire zone or fire lane shall be fined one hundred twenty five (\$125.00) dollars. There shall be no court appearance required, unless the said individual wishes to plead not guilty. If the individual chooses to contest this fine, he/she may plead his case in the municipal court of the Borough of Highlands.

b. Failure to Comply. Any owner or owners of property who fail to comply with the terms of this section shall be subject to a fine of up to one hundred fifty (\$150.00) dollars a day, together with court costs, enforceable in the municipal court of the Borough of Highlands.

c. Fees and Expenses. In addition to the aforesaid, any owner or owners in violation of this section shall be subject to such legal and equitable relief as is allowed by law, in which case such owner or owners shall be responsible for the payment of reasonable attorney fees and court costs, together with all other expenses incurred to enforce the provisions of this section.

d. Fines. All remedies and fines provided in this section shall be cumulative and not in exclusion of each other and shall be deposited in the bureau of fire prevention of the Borough of Highlands account.

11-11.11 Enforcement.

The bureau of fire prevention and the police department of the Borough of Highlands are hereby authorized to enforce this section.

11-11.12 Towing of Violations.

The bureau of Fire Prevention and the police department of the Borough of Highlands are hereby authorized to tow and remove motor vehicles and all obstructions from any fire zone and/or fire lane. All such motor vehicles and/or obstructions which are so removed may be stored, and the cost of removal and storage shall be charged to the owner of the vehicle and/or other obstruction, and the charges shall be paid prior to the release of said vehicle or obstruction. Reasonable steps shall be taken to identify the owner of the vehicle or vehicles or obstruction or obstructions removed, and to give the owner notice as soon as conveniently may be done of the removal and storage of such vehicle or obstruction.

11-12 ELIMINATION OF FIRE HAZARDS.

- 11-12.1 Duty of Owner to Remove Hazards.

The owner or tenant of any lands lying within the Borough where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or elimination of fire hazards to remove from such lands or dwellings brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, and debris shall within ten (10) days after notice remove the same.

- 11-12.2 Removal by Borough.

If the owner or tenant refuses or neglects to remove the same within the time provided above, the borough shall provide for the removal of same.

- 11-12.3 Cost of Removal To Be Lien Against Premises.

If the same is removed by the Borough, such officer shall certify the cost thereof to the Mayor and Council who shall examine the certificate and if found correct shall cause the cost as shown thereon to be charged against the lands or dwellings and the amount so charged shall become a lien upon the lands or dwellings and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands or dwellings and to bear interest at the same rate as taxes and be collected and enforced by the same officers and in the same manner as taxes.

In addition to the provisions set forth above any person who shall violate the terms of this section shall, upon conviction thereof, be subject to punishment by a fine not to exceed five hundred (\$500.00) dollars, or by imprisonment not exceeding fifteen (15) days, or both, in the discretion of the court.

- 11-12.4 Duty of Monmouth County.

For the purpose of this section, the County of Monmouth through any designated official is hereby appointed as an officer of the borough empowered to carry out this section on all county roads and at all intersections with county roads.

11-12.5 Storage of Boats.

All boats which are stored within the borough, either privately or within a marina, are to be stored a minimum of five feet from adjoining property lines.

**SECTION VII. 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 VIII. REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION IX. EFFECTIVE DATE.** This Ordinance shall take effect immediately after final passage.







BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## ORDINANCE 0-19-06

### AN ORDINANCE AMENDING CHAPTER 17 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS THAT ESTABLISHED A BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF HIGHLANDS

**WHEREAS**, the Borough of Highlands, by Ordinance O-11-9 and codified in Chapter XVII of the Code of the Borough of Highlands, established a business improvement district, which Ordinance had previously been extended, by Ordinance O-18-02, to the expiration date of December 31, 2020; and

**WHEREAS**, the Borough of Highlands wishes to amend the expiration date of Ordinance O-11-9 and its provisions codified in Chapter XVII of the Code of the Borough of Highlands to September 30, 2019.

**WHEREAS**, the Borough of Highlands finds that it is in its best interest to amend Chapter XVII of the Borough Code to address additional procedural requirements for the business improvement district.

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

**SECTION ONE:** Chapter XVII of the Revised Borough Code of the Borough of Highlands shall be amended as follows (underscores represent additions; strikethroughs represent deletions):

#### 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."~~ the Highlands Business Partnership, 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.

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.~~

c. 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.

d. 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.

e. 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.

f. 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. 40:56-65, 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 AND DUTIES 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 **no less than fourteen (14) and no more than** 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~~**

b. **~~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. O-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. **The Board of Directors shall also elect a President, Vice President, and Treasurer to two (2) year terms. There shall be no limit to the overall number of terms served, however the President, Vice President, and Treasurer shall not serve more than two (2) consecutive terms. Upon completion of a second term, any individual serving as President, Vice President, and Treasurer shall not serve as either President, Vice President, or Treasurer until one full two-year term has elapsed since the conclusion of their service.**

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.

9. Enforce the conditions of any loan, grant, sale or lease made by the corporation.

10. Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality.

11. 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.

12. Publicize the District and the businesses included within the District boundaries.

13. Recruit new businesses to fill vacancies in, and to balance the business mix of, the District.

14. Organize special events in the District.

15. Provide special parking arrangements for the District.

16. Provide temporary decorative lighting in the District.

**17. Solicit at least two (2) price quotations for any single expenditure over \$2,500, or for any recurring payment to a person or entity that exceeds \$2,500 per year.**

**18. Advertise for bids for any expenditure over \$15,000. Such advertisement process shall comply with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. Any such expenditure shall be awarded to the lowest responsible bidder unless otherwise required by statute.**

**19. Comply with government standards accounting.**

**20. Appear annually at a public meeting before the governing body to answer any questions from the governing body and from the public. This meeting shall be held in May upon publication of notice in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.**

## **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 1<sup>st</sup> 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. **The Mayor and Council may, in their discretion, withhold payment of funds due to the District Management Corporation's failure to comply with the provisions of this Chapter.**

## **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 in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards as they pertain to non-profit entities.** The annual audit **and an accompanying management report** 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. **The District Management Corporation shall report out on the annual audit to the Highlands governing body no later than the second public meeting in May.**

#### **17-10 ANNUAL AND QUARTERLY REPORTS TO MUNICIPALITY.**

**a.** 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.

**b.** **The district management corporation shall make quarterly reports of its activities for the preceding quarter to the Mayor and Clerk of the Borough. The quarterly report shall set forth all actual expenditures incurred by the district management corporation. The quarterly reports must also summarize how the district management corporation has met the elements of its duties as provided in Section 17-7(c) and the purposes as set forth in Section 17-14.1. Quarterly reports shall be due to the Mayor and Clerk of the Borough on April 1, July 1, October 1, and January 1 of each year.**

#### **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.

#### **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, ~~with an effective date of January 1, 2018.~~ This chapter shall expire ~~in three (3) years on September 30, 2019~~ unless reenacted by the Mayor and Council of the Borough of Highlands prior to ~~December 31, 2020~~ **September 30, 2019.** ~~Upon the third~~

~~anniversary of the Business Improvement District, the~~ This chapter will expire on September 30, 2019 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)~~ (D-BIZ).**

### **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)

<b>Block</b>	<b>Lot</b>	<b>Qual Class</b>	<b>Property Location</b>
<u><b>1</b></u>	<u><b>11</b></u>	<u><b>4C</b></u>	<u><b>88 PORTLAND ROAD</b></u>
<u><b>6</b></u>	<u><b>8</b></u>	<u><b>4C</b></u>	<u><b>47-49 SOUTH BAY AVENUE</b></u>
<b>7</b>	<b>1</b>	<b>4C</b>	<b>44 SOUTH BAY AVENUE</b>
<b>8</b>	<b>1</b>	<b>4A</b>	<b>42 SOUTH BAY AVENUE/RIPAR</b>
<b>9</b>	<b>5</b>	<b>4A</b>	<b>PORTLAND &amp; BRIDGE</b>
<u><b>9</b></u>	<u><b>6.01</b></u>	<u><b>1</b></u>	<u><b>MONUMENT PLACE</b></u>
<del><b>9</b></del>	<del><b>7</b></del>	<del><b>4</b></del>	<del><b>1 SOUTH BAY AVENUE</b></del>
<u><b>10</b></u>	<u><b>2</b></u>	<u><b>2</b></u>	<u><b>108 HILLSIDE AVENUE</b></u>
<b>11</b>	<b>18</b>	<b>4A</b>	<b>NEW RD &amp; GRAND TOUR</b>
<b>14</b>	<b>1.01</b>	<b>4A</b>	<b>PORTLAND ROAD</b>
<b>20</b>	<b>1</b>	<b>4A</b>	<b>1 NAVESINK AVENUE</b>
<b>34</b>	<b>8</b>	<b>4A</b>	<b>1 WOODLAND STREET</b>
<b>35</b>	<b>17</b>	<b>4C</b>	<b>82 VALLEY AVENUE</b>

<b><del>38</del></b>	<b><del>3</del></b>	<b><del>4A</del></b>	<b><del>36 NAVESINK AVENUE</del></b>
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
38.01	12	4A	15 BAY AVENUE
38.01	13	4A	19 BAY AVENUE
38.01	15.01	4A	23 BAY AVENUE
<b><u>38.01</u></b>	<b><u>16</u></b>	<b><u>1</u></b>	<b><u>49 BAY AVENUE</u></b>
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	4A	EXTENSION OF FIRST ST
40	15.01	4A	116 NAVESINK AVENUE
40	18.19	4C	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	4A	68 BAY AVENUE
45	4.01	4A	102 BAY AVENUE
<b><u>45</u></b>	<b><u>6.01</u></b>	<b><u>1</u></b>	<b><u>98 BAY AVENUE</u></b>
45	7	1	92 BAY AVENUE - KAY STREE
46	1	4A	103-107 BAY AVENUE
46	2	4A	111 BAY AVENUE
46	3	4A	123 BAY AVENUE

46	7	4C	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	<del>4A</del> 2	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	4C	22-24 FIFTH STREET
56	16	4C	26 FIFTH STREET
<b><u>58</u></b>	<b><u>1</u></b>	<b><u>4A</u></b>	<b><u>154 BAY AVENUE</u></b>
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	4A	164 BAY AVENUE
59	9	4A	165 BAY AVENUE
<del>60</del>	<del>7.01</del>	<del>4A</del>	<del>SHORE DRIVE</del>
<del>63</del>	<del>5</del>	<del>2</del>	<del>197 BAY AVENUE</del>
63	7	4A	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	10	4C	58 FIFTH STREET
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
<u>73</u>	<u>2</u>	<u>2</u>	<u>SEADRIFT AVENUE</u>
74	9	4A	277 BAY AVENUE
75	1	4C	274-276 BAY AVENUE
81	10.01	4A	295 BAY AVENUE
82	1.01	4A	297-299 BAY AVENUE
82	5.01	4C	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	4A	409 BAY AVENUE
100	27	4A	326 SHORE DRIVE
100	27.06	4C	SHORE LANDING APARTMENTS
101	12.01	1	348 SHORE DRIVE
101	14	4A	354 SHORE DRIVE
101	<u>27.03</u>	4A	WILLOW STREET
<del>101</del>	<del>30</del>	<del>4A</del>	<del>LOCUST ST</del>
105.107	1.1	4A	SHADOW LAWN TRAILER PARK
			<u><b>440 NAVESINK AVENUE</b></u>
108	1.01	4A	<del>450 STATE HIGHWAY 36, also known as 450 NAVESINK AVE.</del>
108	2.04	4A	470 STATE HIGHWAY 36, also known as 470 NAVESINK AVE.
114	1.01	4A	301 SHORE DRIVE
114	1.02	4A	SHORE DRIVE
116	11	4A	404 NAVESINK AVE
116	13	4A	410 NAVESINK AVENUE
116	14	4A	426 NAVESINK AVENUE
<del>120</del>	<del>8.04</del>	<del>4A</del>	<del>254 NAVESINK AVENUE</del>

## **SECTION TWO. 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 THREE. REPEALER.**

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

## **SECTION FOUR. EFFECTIVE DATE.**

This ordinance shall take effect immediately after final passage.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **ORDINANCE 19-07**

### **CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Borough Council of the Borough of Highlands, in the County of Monmouth, finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$77,654.87 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Mayor and Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$271,792.08, and that the CY 2019 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, \_ that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.