

**Highlands Borough Mayor & Council Meeting Agenda**  
**Community Center**  
**22 Snug Harbor Avenue, Highlands**  
**Wednesday, April 4<sup>th</sup> 2018, 6:00 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

**WORKSHOP: 6:00PM**

Borough Projects to Date  
NJ FRAMES  
Offshore Drilling Presentation  
Paint the Town Pink

Executive Session Resolution

**EXECUTIVE SESSION: 7:00PM**

**Litigation:** NJNG  
**Contract Negotiations:** Shared Service Middletown  
Middletown Shared Services Feasibility  
**Attorney-Client Privilege:** Rental of Community Center

**REGULAR MEETING: 8:00PM**

Call to Order  
Pledge of Allegiance  
Roll Call

**Public Comment on Resolutions**

**Consent Agenda**

R-18-082 Authorize Payment of the Bills  
R-18-083 Opting Back into the County Demonstration Program  
R-18-084 Renewal of 2017/2018 Liquor License for Waz Two, LLC  
R-18-085 Appoint Part-Time Building Maintenance Worker  
R-18-086 Appoint Full-Time Account Clerk

**Resolutions**

R-18-087 Reject Bid for Lease of Municipal Property and Authorize Re-Advertisement of Solicitation of Sealed Bids  
R-18-088 Authorize Shared Service with Sea Bright for Life Guard Services  
R-18-089 Authorize Award of Non-Fair & Open Contract for Engineering Services to CME Assoc.  
R-18-090 Rescind R-17-083 which Declined to Issue a Letter of Support to the Army Corp of Engineers & Rejected the Coastal Storm Risk Management Project  
R-18-091 Authorize Award of Non-Fair & Open Contract for Storm Sewer Installation on Shore Drive  
R-18-092 Authorize Advertisement for RFP for Licensed Planner for B 105.107 L1.1

- R-18-093 Authorize Award of Non-Fair & Open Contract for a Licensed Planner to Prepare a Redevelopment Plan for B84 L2.01
- R-18-094 Authorize Advertisement and Solicitation of Bids for Sanitary Sewer Rehabilitation

**Ordinances: Introduction & First Reading**

- O-18-08 Add Chapters 4-14 AND 4-15 Concerning Short Term Rentals & Bonds for Damage
- O-18-09 Amend Section 7-3.5 to Restrict Parking Near Municipal Buildings on Shore Drive
- O-18-10 Amend Schedule A of the 2018 Salary Ordinance

**Ordinances: Public Hearing & Possible Adoption**

- O-18-07 Exceed the Municipal Budget Appropriation Limits & Establish a CAP Bank for 2018

**Other Business:**

- Administrator's Report
- Police Chief's Report

**Public Comments:**

**Adjourn**



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-082

### AUTHORIZING BILLS LIST

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated March 28, 2018, which totals as follows:

Current Fund	\$635,926.87
Sewer Account	\$ 1,580.39
Capital Fund	\$
Trust-Other	\$122,276.96
Federal/State Grants	\$ 354.00
Total	<b>\$760,138.22</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$760,138.22** 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 18-083

### **Resolution Opting Back into the Monmouth County Assessment Demonstration Program**

WHEREAS, P.L. 2013, Chapter 15 was signed into law in 2013 and is known as the Assessment Demonstration Program, and

WHEREAS, Monmouth County elected to participate in this program; and

WHEREAS, the Borough of Highlands participated in the Monmouth County Assessment Program as mandated by law; and

WHEREAS, subsequent to the Borough's participation in the Monmouth County Assessment Program, municipalities were permitted to opt out of the Monmouth County Assessment Demonstration Program; and

WHEREAS, by way of Resolution 16-126, duly adopted on May 18, 2016, the Borough of Highlands opted out of the Monmouth County Assessment Demonstration Program; and

WHEREAS, the governing body of the Borough of Highlands believes that it is in the best interest of the taxpayers of the Borough of Highlands to opt back into the Monmouth County Assessment Demonstration Program.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands, that the Borough of Highlands hereby returns to the Monmouth County Board of Taxation Assessment Demonstration Program, effective immediately.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Monmouth County Board of Taxation.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-084

### RENEWAL OF LIQUOR LICENSE FOR WAZ TWO, LLC FOR THE 2017-2018 TERM

WHEREAS, an application for a new license has been filed with the New Jersey Division of Alcoholic Beverage Control (ABC) and the Municipal Clerk; and,

WHEREAS, the submitted application has been accepted, the Municipal fees have been paid and a Tax Clearance Certificate has been received for the following licensee; and,

WHEREAS, the applicants are qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and,

WHEREAS, the required Special Ruling, to permit consideration of a renewal for inactive licenses, pursuant to N.J.S.A. 33:1-12.39 has been granted by the Director of the ABC and received by the Borough; and

WHEREAS, the required Special Ruling, to permit the issuance of a new license upon the failure to timely renew, pursuant to N.J.S.A. 33:1-12.18 has been granted by the Director of the ABC, received by the Borough, and the applicant has satisfied all the rulings requirements; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the renewal of the following Liquor License[s] for the 2017-2018 terms, is hereby authorized:

Plenary Retail Consumption License:

License Number	Licensee	Establishment
1317-33-024-013	WAZ Two, LLC	N/A – Pocket License



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-085

### RESOLUTION APPOINTING PART-TIME BUILDING MAINTENANCE WORKER

WHEREAS, by way of Resolution 16-158 Russell Card was appointed to serve as a Temporary Seasonal Laborer with the DPW and has served in the said capacity since that time; and

WHEREAS, the Mayor and Council of the Borough of Highlands have determined that there is a need for a Part-Time Building Maintenance worker and they wish to appoint Russell Card to the said position.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands, that Russell Card be and is hereby appointed Part-Time Building Maintenance Worker, effective April 9, 2018, with the first ninety (90) days being a probationary period.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-086

### RESOLUTION APPOINTING PERMANENT FULL-TIME ACCOUNT CLERK

WHEREAS, by way of Resolution 06-059 Jorgi Craig was appointed to serve as Cashier/Sewer Clerk and has served in the said capacity since that time; and

WHEREAS, the Mayor and Council of the Borough of Highlands have determined that there is a need for a permanent Full-Time Account Clerk and they wish to appoint Jorgi Craig to the said position by and through effectuating a transfer.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands, that Jorgi Craig be and is hereby transferred from serving in the position of Cashier/Sewer Clerk and is hereby appointed Permanent Full-Time Account Clerk effective May 2, 2018.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-087

### RESOLUTION REJECTING BID FOR LEASE OF MUNICIPAL PROPERTY AND AUTHORIZING RE-ADVERTISEMENT FOR AND SOLICITATION OF SEALED BIDS

WHEREAS, the Borough owns the property designated as Block 56, Lot 13 on the Tax Map of the Borough of Highlands; 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, by way of Resolution R-18-038, duly adopted on January 17, 2018, the Borough authorized the advertisement for and solicitation of sealed bids for the lease of the property designated as Block 56, Lot 13 on the Tax Map of the Borough of Highlands for the purpose of operating a parking lot on a non-exclusive basis, in accordance with the requirements of N.J.S.A. 40A:12-14(a); and

WHEREAS, by way of Resolution 18-038, the governing body of the Borough of Highlands fixed a minimum rental; and

WHEREAS, by way of Resolution R-18-038, the Borough reserved the right to reject all bids where the highest bid was not accepted; and

WHEREAS, in response to the aforesaid advertisement for and solicitation of sealed bids by and through a Notice to Bidders, the Borough received one (1) sealed bid; and

WHEREAS, the Borough wishes to reject the one (1) sealed bid that was received and re-advertise for and solicit bids for the aforesaid lease of Borough property.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands, that the one (1) sealed bid that was received in response to the aforesaid Notice to Bidders be and is hereby rejected.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands, that the Clerk be and is hereby directed to re-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 for the purpose of operating a parking lot 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 18-088

### RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE BOROUGH OF SEA BRIGHT FOR THE PROVISION OF LIFEGUARD OPERATIONS FROM THE BOROUGH OF SEA BRIGHT

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in this agreement is empowered to provide or receive within its own jurisdiction, including services incidental to primary purposes of any of the participating local units; and

WHEREAS, the Borough of Highlands and the Borough of Sea Bright wish to encourage inter-municipal cooperation; and

WHEREAS, the Borough of Sea Bright has the staffing and personnel to provide Lifeguard Operations to the Borough of Highlands at two (2) beaches, commonly referred to as Snug Harbor and Miller Street, for the period of June 16, 2018 through and including September 3, 2018; and

WHEREAS, the Borough of Sea Bright has the necessary staffing and certifications to provide Lifeguard Operations by and through Sea Bright Ocean Rescue which is a nationally certified ocean rescue agency; and

WHEREAS, the Borough of Highlands and the Borough of Sea Bright have reached an agreement for which the cost to provide such services to the Borough of Highlands will equate to \$36,000; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Mayor is hereby authorized to execute a Shared Services Agreement with the Borough of Sea Bright for the provision of Life Guard Services for the period between June 16, 2018 through September 3, 2018, wherein the costs for the said services will equate to \$36,000.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Chief Financial Officer, the Borough of Highlands Administrator and the Borough of Sea Bright Administrator.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-089

### RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO CME ASSOCIATES

WHEREAS, the Borough of Highlands has a need for professional Surveying and Engineering Services for drainage repairs to the intersection of Cedar Street and Fifth Street, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the existing storm sewer system at this location requires replacement along with associated restoration work; and

WHEREAS, **in order to achieve the Borough's objectives, CME Associates will** commence work to advance this project towards construction; and

WHEREAS, the scope of services includes Survey and Base Map Services, Design Phase Services, Preparation of Bid Documents, Bid Phase Services and Construction Phase Services; and

WHEREAS, CME Associates will perform the aforesaid scope of work associated with the drainage repairs to the intersection of Cedar Street and Fifth Street for a fee not to exceed \$24,450; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of CME Associates, 1460 Route 9 South, Howell, NJ 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 \$24,450 for Professional Engineering Services as stated on the CME Associates proposal dated March 21, 2018; and

WHEREAS, CME Associates has completed and submitted a Business Entity Disclosure Certification which certifies that CME Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit CME Associates from making any reportable contributions through the term of the contract; and

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

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

I hereby certify that funds are available as follows:

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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. CME Associates are hereby retained to provide professional engineering services as described above and in their proposal dated March 21, 2018 for an amount not to exceed \$24,450.00.
2. In accordance with the aforesaid professional engineering services, CME Associates will provide the necessary bid packages (plans & specifications) **and the Borough Officials, including the Borough's Qualified Purchasing Agent**, be and are hereby authorized to advertise for bids for construction of the said project.
3. 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.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
5. The Borough Clerk is hereby directed to publish notice of this award as required by law.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-090

### RESOLUTION RESCINDING RESOLUTION 17-083 WHICH DECLINED TO ISSUE A LETTER OF SUPPORT TO THE U.S. ARMY CORPS OF ENGINEERS AND REJECTED THE COASTAL STORM RISK MANAGEMENT PROJECT

WHEREAS, on April 6<sup>th</sup> 2017 the Mayor and Council of the Borough of Highlands approved Resolution 17-083 declining to issue a Letter of Support to the U.S. Army Corps of Engineers and rejected the Coastal Storm Risk Management Project; and

WHEREAS, subsequent to approving Resolution 17-083, Congressman Pallone **along with the U.S. Army Corp of Engineers (“USACE”), met with Borough Officials and** presented the USACE New Jersey Coastal Storm Risk Management Feasibility Study in order to discuss completing this study; and

WHEREAS, in accordance with the representations made by the State of New Jersey, Department of Environmental Protection by way of correspondence dated February 27, 2018, rescinding Resolution 17-083 will not result in a financial obligation from the Borough, as this study is being 100% federally funded in accordance with PL113-2, the “Sandy Bill”; and

WHEREAS, the State of New Jersey, Department of Environmental Protection, advised that the USACE requires a letter of support from their agency as the non-federal sponsor, in order to complete the aforesaid Coastal Storm Risk Management Feasibility Study, however in order to submit such a letter of support, the Borough would need to rescind Resolution 17-083 as well as submit a letter setting forth that it does support completion of the aforesaid Feasibility Study; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough to rescind Resolution 17-083, which declined to issue a Letter of Support to the U.S. Army Corp of Engineers and rejected the Coastal Storm Risk Management Project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that Resolution 17-083 be and is hereby rescinded and the governing body hereby authorizes the issuance of a letter of support setting forth that the Borough of Highlands supports completion of the USACE New Jersey Coastal Storm Risk Management Feasibility Study as set forth above.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-091

### RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR STORM SEWER INSTALLATION ON SHORE DRIVE, BLOCK 40, LOT 11.02

WHEREAS, the Borough of Highlands has a need to award a contract for the **installation of 30" PVC drainage** pipe on Block 40, Lot 11.02 in the Borough of Highlands connecting to the existing drainage structure located within the public right of way of Shore Drive, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Engineer has deemed this work necessary due to the **complete deterioration of the existing 36" corrugated metal pipe that is currently in place**; and

WHEREAS, the anticipated term of this contract is less than one (1) year; and

WHEREAS, three (3) quotes were solicited for the aforesaid project involving the storm sewer installation on Shore Drive, Block 40, Lot 11.02 in the Borough of Highlands; and

WHEREAS, **Branin's Contracting Co., L.L.C. appears to be the lowest responsible bidder** for the aforesaid proposal, wherein their bid price equates to \$17,832.00; and

WHEREAS, **Branin's Contracting Co., L.L.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Branin's Contracting Co., L.L.C. 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 Branin's Contracting Co., L.L.C. from making any reportable contributions through the term of the contract**; and

WHEREAS, the **Borough Engineer, has made the recommendation that Branin's Contracting Co., L.L.C. be awarded the contract subject to certification of the availability of funds by the Chief Financial Officer of the Borough of Highlands**; and

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

Account: C 04 12 120 000 555

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Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the Contract for the Storm Sewer Installation on Shore Drive, Block 40, **Lot 11.02, is hereby awarded to Branin's Contracting Co., L.L.C. for the aforesaid** proposal, in the amount of \$17,832.00.

BE IT FURTHER RESOLVED, that a copy of this Resolution as well as the approved Contract shall be placed on file with the Borough Clerk of the Borough of Highlands and that the Borough Clerk shall publish notice as required by law.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-092

### RESOLUTION AUTHORIZING ADVERTISEMENT FOR REQUEST FOR PROPOSALS FOR A LICENSED PLANNER TO PREPARE A REDEVELOPMENT PLAN FOR BLOCK 105.107, LOT 1.1 COMMONLY REFERRED TO AS THE SHADOW LAWN MOBILE HOME PARK

WHEREAS, by way of Resolution 18-069, the Borough of Highlands designated Block 105.107, Lot 1.1 commonly referred to as the Shadow Lawn Mobile Home Park as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 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 Resolution 18-069 and the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, the Mayor and Council determined that it will embark upon the preparation of a 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 Redevelopment Plan for the aforesaid property; and

WHEREAS, **in order to achieve the Borough's objectives, the Mayor and Council have determined that it is in the Borough's best interest to advertise for the solicitation of** request for proposals for a licensed planner to prepare the Redevelopment Plan for the aforesaid property.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough **of Highlands that the Borough Officials, including the Borough's Qualified Purchasing Agent**, be and are hereby authorized to advertise for request for proposals for a licensed planner to prepare a Redevelopment Plan for Block 105.107, Lot 1.1 commonly referred to as the Shadow Lawn Mobile Home Park Site.





BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-093

### RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES FOR A LICENSED PLANNER TO PREPARE THE 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 Resolution 18-070 and 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 the 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 Redevelopment Plan; and

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

WHEREAS, Heyer, Gruel & Associates will prepare the Redevelopment Plan for the aforesaid property for a fee not to exceed \$7,200 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 \$7,200 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 \$7,200.00.
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 18-094

### RESOLUTION AUTHORIZING ADVERTISEMENT AND SOLICITATION OF BIDS FOR SANITARY SEWER REHABILITATION PROJECT

WHEREAS, the Borough of Highlands had a need for professional Engineering Services associated with the Sanitary Sewer Pipe Rehabilitation Project along various roads within the Borough; and

WHEREAS, an internal sanitary sewer inspection noted various deficiencies along the following roads: Bay Avenue, Shore Drive, Huddy Avenue, Washington Avenue, Sea Drift Avenue, Barberie Avenue and Atlantic Street; and

WHEREAS, the Borough authorized an award of a non-fair and open contract, in accordance with N.J.S.A. 19:44A-20.5, for professional engineering services to T&M Associates by Resolution 18-068, and

WHEREAS, the scope of services for the aforesaid contract included Bidding Services, Contract Award Recommendation as well as Construction Administration and Inspection; and

WHEREAS, **in order to achieve the Borough's** objectives, T&M Associates determined the proper method of rehabilitation and engaged in the preparation of maps and specifications for public bidding; and

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 Sanitary Sewer Pipe Rehabilitation Project.

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, T&M Associates, be and are hereby authorized to prepare the necessary bid specifications for the aforesaid Sanitary Sewer Pipe Rehabilitation Project along the following roads: Bay Avenue, Shore Drive, Huddy Avenue, Washington Avenue, Sea Drift Avenue, Barberie Avenue and Atlantic Street; and to advertise and place the same out to bid.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## ORDINANCE 0-18-08

### AN ORDINANCE ADDING CHAPTERS 4-14 AND 4-15 OF BOROUGH CODE CONCERNING SHORT TERM RENTALS AND BONDS FOR DAMAGE CAUSED BY CERTAIN RENTAL PROPERTIES

WHEREAS, the governing body of the Borough of Highlands has determined that no regulation currently exists for the rental of residential property on a short-term basis, and if left unregulated, could adversely affect the health, safety, and general welfare of the citizens of the Borough;

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 short-term rental of residential properties and to require bonds to cover damage caused by the rental of certain residential properties.

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

#### SECTION I.

The following Section of Chapter 4, Section 4-14 **entitled "SHORT-TERM RENTALS" of the Borough Code shall be added to provide as follows:**

#### 4-14 SHORT-TERM RENTALS.

##### 4-14.1 Purpose and scope.

This Section aims to regulate the increasingly widespread practice of renting or leasing various types of dwellings, or segments thereof, located primarily in residential neighborhoods, on a short-term basis to transient guests. This practice has been popularized and facilitated by various websites that advertise and broker these rentals. Left unregulated, this practice could adversely affect the health, safety, and general welfare of the citizens of the Borough. This Section seeks to balance the rights of the owners of residential dwelling units and the needs of the community at large.

This Section does not apply to lawfully established and operating hotels, motels, rooming houses, boardinghouses, and bed-and-breakfast establishments.

##### 4-14.2 Definitions.

As used in this Section (4-14), the following terms shall have the meanings indicated below:

**Owner** shall mean an individual or entity holding title to a property proposed for short-term rental, by way of a legally recorded Deed.

**Owner-Occupied** shall mean the owner of the property resides in the short term rental property (also referenced as “STRP”), or in the principal residential unit with which the STRP is associated on the same lot, and identifies same as his or her principal residence as that term is defined in this Section (4-14). For purposes of this Section (4-14), if the owner of the property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must reside in the STRP, or in the principal residential unit with which the STRP is associated on the same lot, and identify same as his or her principal residence as that term is defined in this Section (4-14).

**Principal Residence** shall mean the address: (1) where at least one of the property owners spends the majority of his or her non-working time, and (2) which is most clearly the center of his or her domestic life, and (3) which is identified on his or her driver’s license or State Identification Card as being his or her legal address. All the above requirements must be met in order for an address to constitute being a principal residence for purposes of this Section (4-14).

**Property** shall mean a parcel of real property located within the boundaries of the Borough of Highlands.

**Responsible Party** shall mean both the short-term rental property owner and a person (or property manager) designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property.

**Short-Term Rental (also referenced as “STR”)** shall mean the accessory use of a dwelling unit for occupancy by someone other than the unit’s owner or permanent resident for a period of thirty (30) or less consecutive days, but for not less than three consecutive days, up to a cumulative total period of not to exceed ninety (90) days in a calendar year, which dwelling unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants, as that term is defined in this Section (4-14).

**Short-Term Rental Property (also referenced as “STRP”)** shall mean a dwelling unit as defined in Section 10-3.1 of the Code of the Borough of Highlands, that is used and/or advertised for rent as a short-term rental by transient occupants as guests, as those terms are defined in this Section (4-14). Dwelling units rented to the same occupant for more than thirty (30) continuous days, licensed Bed and Breakfast establishments, licensed rooming or boarding houses, hotels, and motels shall not be considered Short-Term Rental Property.

**Transient Occupant** shall mean any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: (1) registered as a short-term rental property, or (2)

satisfies the definition of a short-term rental property, as such term is defined in this Section (4-14). It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term rental is a transient occupant.

#### 4-14.3 Regulations Pertaining to Short-Term Rentals.

a. It shall be unlawful for any owner of any property within the geographic bounds of the Borough of Highlands, to rent or operate a short-term rental contrary to the procedures and regulations established in this Section (4-14) or applicable State statute.

b. Short-term rentals shall be permitted to be conducted in the following classifications of property in the Borough of Highlands:

1. Condominium units, where the Condominium Association By-Laws and Master Deed do not prohibit a short-term rental, and where the owner of the unit legally identifies the address as his or her principal residence;

2. Individually or collectively owned single-family residences, which one of the owners legally identifies as the address of his or her principal residence, as that term is defined herein;

3. One unit within a two-family residential dwelling, where the other unit is occupied by the owner and identified by the owner as his or her principal residence, as that term is defined herein;

4. Not more than one unit in any multi-family residential dwelling, where one other unit in the same dwelling is occupied by the owner and identified by the owner as his or her principal residence, as that term is defined herein; and

5. Not more than one room within a single-family residential dwelling unit, where the room shares common kitchen and bathroom facilities with the occupant of the dwelling unit, and the remainder of the single-family dwelling unit is occupied by the owner and identified by the owner as his or her principal residence, as that term is defined herein.

c. Notwithstanding the provisions of sub-paragraph (b) above, short-term rentals shall not be permitted in boarding or rooming houses, dormitories, foster homes, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, or nursing homes. Further, short term rental of the following properties is prohibited:

1. Condominiums or townhomes, where the Condominium Association By-Laws or Master Deed, or Condominium Rules and Regulations, do not permit such short-term rental of condominium units in the development;

2. An individually or collectively owned single-family residential dwelling unit, which address none of the owners legally identifies as his or her principal residence;

3. A unit in a two-family residential dwelling, where the other unit is not occupied by the owner nor legally identified by the owner as his or her principal residence;
4. Two or more units in a multi-family residential dwelling, and where one of the other units is not occupied by the owner nor legally identified by the owner as his or her principal residence;
5. A room within a single-family, two-family or multi-family residential dwelling unit, where the room shares common kitchen and bathroom facilities with the occupant(s) of the dwelling unit in which it is located, which occupant(s) is neither the owner of the dwelling unit nor identifies the remainder of the dwelling unit in the single-family, two-family or multi-family residence as his or her principal residence.
6. Two or more individual rooms within a single-family, two-family or multi-family residential dwelling unit, where the rooms share common kitchen and bathroom facilities with the occupant(s) of the dwelling unit(s) in which they are located, which occupant(s) is neither the owner of the dwelling unit nor identifies the remainder of the dwelling unit in the single-family, two-family or multi-family residence as his or her principal residence.

d. The provisions of this Section (4-14) shall apply to short-term rentals as defined in Subsection 4-14.3 above. The following do not qualify as a privately-owned residential dwelling unit, as that term is used herein, and therefore do not need to obtain a short-term rental permit pursuant to this Section (4-14): any hotel, motel, studio hotel, rooming house, dormitory, public or private club, bed and breakfast inn, convalescent home, rest home, home for aged people, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families; any housing operated or used exclusively for religious, charitable or educational purposes; or any housing owned by a governmental agency and used to house its employees or for governmental purposes.

#### 4-14.4 Short-Term Rental Permit, Permit Registration Fee/Application, and Certificate of Occupancy.

a. In addition to any land use requirement(s) set forth by the Zoning and Land Use Regulations of the Borough of Highlands, the owner/operator of a short-term rental property shall obtain a short-term rental permit from the Borough of Highlands Municipal Clerk, before renting or advertising for rent any short-term rental.

b. No person or entity shall operate a STRP, or advertise a residential property for use as a STRP, without the owner/operator of the property first having obtained a STR permit issued by the Borough of Highlands Municipal Clerk. The failure to obtain a valid STR permit prior to advertising the short-term rental property in any print, digital, or internet advertisement or web-based platform, **and/or in the MLS or any realtor's property listing** shall be a violation of this Ordinance. No STR permit issued under this Section (4-14) may be transferred or assigned or used by any person or entity, other than the owner to

whom it is issued, or at any property location or dwelling unit other than the property for which it is issued.

c. An owner of property intended to serve as a short-term rental property, as defined herein, or any agent acting on behalf of the owner, shall submit to the Borough of Highlands Municipal Clerk, a short-term rental permit application provided by the Borough, along with an annual application/registration fee as follows:

1. \$400.00 annually for short-term rental property to be rented to separate Transient Occupants not more than five (5) times per month; or
2. \$500.00 annually for short-term rental property to be rented to separate Transient Occupants six (6) or more times per month.

Any owner who submits a short-term rental permit application for the rental to separate Transient Occupants not more than five (5) times per month and thereafter rents the STRP six (6) or more times in a single month shall immediately owe the difference in permit application/registration fees of \$100.00 to the Borough within ten (10) days of the sixth rental. Failure to pay within that time frame shall constitute a violation of this Section 4-14.

The annual application/registration fee shall be non-refundable, including in the event that the application is denied. The fee shall also constitute the required fee for the rental Certificate of Occupancy application, referenced below.

d. The short-term rental permit, if granted, shall be valid for a period of one year from the date of issuance.

e. The owner of a short-term rental property, as defined herein, or any agent acting on behalf of the owner, who intends to rent all of the property, or any permitted part thereof as a short-term rental, shall also make application to the Municipal Clerk, in conjunction with the short-term rental permit application, for the issuance of a rental Certificate of Occupancy for the short-term rental property, on such forms as required by that Department.

f. A short-term rental permit and rental Certificate of Occupancy shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the Municipal Clerk, a short-term rental permit application and rental Certificate of Occupancy application and a registration fee as set forth in subsection 4-14.4(c).

g. The short-term rental permit shall expire automatically when the short-term rental property changes ownership, and a new initial application and first-time registration fee will be required in the event that the new owner intends to use the property as a short-term rental property. A new application and registration fee shall also be required for any short-term rental that had its short term rental permit revoked or suspended.

#### 4-14.5 Application Process for Short-Term Rental Permit and Inspections.

a. Applicants for a short-term rental permit shall submit, on an annual basis, an application for a short-term rental permit to the Borough of Highlands Municipal Clerk. The application shall be furnished, under oath, on a form specified by the Borough Administrator,



accompanied by the non-refundable application fee as set forth in in subsection 4-14.4 above. Such application shall include:

1. The name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including address and telephone numbers for each of them;

2. The address of the unit to be used as a short-term rental;

**3. A copy of the driver's license or State Identification Card of the owner of the short-term rental property, confirming, as set forth in this Section (4-14), that the property is the principal residence, as that term is defined herein, of the owner making application for the STR permit;**

**4. The owner's sworn acknowledgement that they comply with the requirement that the short-term rental property constitutes the owner's principal residence, as defined in subsection 4-14.2 above;**

5. The name, address, telephone number and email address of the short-term rental property responsible party, which shall constitute his or her 7 day a week, 24-hour a day contact information;

6. The owner's sworn acknowledgement that he or she has received a copy of this Ordinance, has reviewed it, understands its requirements and certifies, under oath, as to the accuracy of all information provided in the permit application;

7. The number and location of all parking spaces available to the premises, which shall include the number of legal off-street parking spaces and on-street parking spaces directly adjacent to the premises. The owner shall certify that every effort will be made to avoid and/or mitigate issues with on-street parking in the neighborhood in which the short-term rental is located, resulting from excessive vehicles generated by the short-term rental of the property, in order to avoid a shortage of parking for residents in the surrounding neighborhood;

**8. The owner's agreement that all renters of the short-term rental property shall be limited to one (1) vehicle per four occupants in the short-term rental property;**

9. The owner's agreement to use his or her best efforts to assure that use of the premises by all Transient Occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and

10. Any other information that this Chapter requires a property owner to provide to the Borough in connection with an application for a rental certificate of occupancy. The Borough Administrator his or her designee shall have the authority to obtain additional information from the STRP owner/applicant or amend the permit application to require additional information, as necessary, to achieve the objectives of this Chapter.

b. Every application for a short-term rental permit shall require inspections every three months **for the STRP's compliance with the Borough's fire safety regulations and property maintenance code. In addition, each application is subject to review to verify the STRP's** eligibility for use as a short-term rental and compliance with the regulations in this Section (4-14).

c. For a condominium short-term rental permit application, a letter of approval by the condominium association must be submitted with the application.

d. A Zoning Compliance Certificate, which states that the premises are not being occupied or used in violation of the Zoning and Land Use Regulations of the Borough of Highlands, shall be required.

e. A sworn statement shall be required that there have been no prior revocations or suspensions of this or a similar license, in which event a license shall not be issued, which denial may be appealed as provided hereinafter.

f. Attached to and concurrent with submission of the permit application described in this Section (4-14), the owner shall provide:

1. Proof of the owner's current ownership of the short-term rental unit;
2. Proof of general liability insurance in a minimum amount of \$1,000,000.00; and
3. Written certification from the responsible party that they agree to perform all of the respective duties specified in this Section (4-14).

g. The STRP owner/permit holder shall publish the short-term rental permit number issued by the Borough in every print, digital, or internet advertisement, and/or in the **Multiple Listing Service (hereinafter "MLS") or other real estate listing of a real estate** agent licensed by the NJ State Real Estate Commission, in which the short-term rental property is advertised for rent on a short term basis.

h. Each and every time there is a change of occupancy by Transient Occupants during the year when the permit is active, the STRP owner, their agent, or the responsible party must provide the Borough with information as to the identity of all Transient Occupants who will be occupying the STRP, on a form to be made available by the Municipal Clerk or in electronic format on the Borough website. The intent is that the Borough shall have basic identifying information of all occupants of the STRP at all times, just as required by the Borough in conjunction with any standard rental Certificate of Occupancy application, **which information shall include the occupant's or occupants' names** and ages, and the dates of the commencement and expiration of the term of each short-term rental period of the respective occupant(s).

i. In no event shall a short-term rental property be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all short-term rentals executing the agreement between the owner and the occupant must be over the age of twenty-one (21), and must be the party who will actually occupy the property during the term of the short-term rental. The primary occupant may have guests under the age of twenty-one (21) who will share and occupy the property with them. Both the primary occupant executing

the short-term rental agreement and the STRP owner shall be responsible for compliance with this provision, and shall both be liable for a violation, where the property is not occupied by at least one adult over the age of twenty-one, during the term of the short term rental;

#### 4-14.6 Issuance of Permit and Appeal Procedure.

a. Once an application is submitted, complete with all required information and documentation and fees, the Municipal Clerk, following any necessary investigation for compliance with this Section (4-14), shall either issue the short-term rental permit and Certificate of Occupancy, or issue a written denial of the permit application (with the reasons for such denial being stated therein), within ten (10) business days.

b. If denied, the applicant shall have ten (10) business days to appeal in writing to the Borough Administrator, by filing the appeal **with the Borough Administrator's Office**.

c. Within thirty (30) days thereafter, the Borough Administrator or his or her designee shall hear and decide the appeal.

#### 4-14.7 Short-Term Rental Operational Requirements.

a. All short-term rentals must comply with all applicable rules, regulations and ordinances of the Borough of Highlands and all applicable rules, regulations and statutes of the State of New Jersey, including regulations governing such lodging uses, as applicable. The STRP owner shall ensure that the short-term rental is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a short term rental.

b. A dwelling unit shall be limited to a single short-term rental contract at a time.

c. The owner of a STRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a short-term rental property.

d. Transient Occupants of the STRP shall comply with all ordinances of the Borough of Highlands including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of Transient Occupants to comply shall subject the Transient Occupants, the owner of the STRP and the Responsible Party listed in the short-term rental permit application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of the STRP permit.

e. The owner of a STRP shall post the following information in a prominent location within the short term rental:

1. Owner name; if owner is an entity, the name of a principal in the entity, and phone number for the owner (individual);
2. The name and phone number for the Responsible Party (as defined in this Section (4-14));

3. The phone numbers for the Highlands Police Department, the Highlands Fire Department, the Borough of Highlands Department of Code Enforcement and the Borough of Highlands Building Department;

4. The maximum number of parking spaces available onsite;

5. Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling;

6. A copy of the this Ordinance;

7. A copy of Section 4-**15** "PROCEDURES TO REQUIRE AN OWNER OF RENTAL PROPERTY WHICH HAS BECOME SOURCE OF AT LEAST TWO (2) SUBSTANTIATED COMPLAINTS TO POST A BOND OR EQUIVALENT SECURITY TO COMPENSATE FOR ANY FUTURE DAMAGE OR EXPENSE SUFFERED FROM FUTURE REPETITION OF DISORDERLY, INDECENT, **TUMULTUOUS OR RIOTOUS CONDUCT**"; and

8. Notification that a guest, Transient Occupant, the Responsible Party or STRP owner may be cited or fined by the Borough of Highlands Police Department, Code Enforcement, or the Borough of Highlands Building Department, for violations of, and in accordance with any applicable Ordinance(s) of the Borough of Highlands;

f. In the event any complaints are received by the Highlands Police Department, Code Enforcement, or the Building Department regarding the short-term rental and/or the Transient Occupants in the STRP, and the owner of the STRP is unreachable or unresponsive, the Responsible Party listed in the short-term rental permit application shall have the responsibility to take any action required to properly resolve such complaints, and shall be authorized by the STRP owner to do so.

g. While a STRP is rented, the owner, the Responsible Party shall be available twenty-four hours per day, seven days per week for the purpose of responding within one (1) hour to complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, or conduct of the guests at the STRP, or nuisance complaints from the Highlands Police Department or neighbors, arising by virtue of the short-term rental of the property.

h. If the STRP is the subject of two (2) or more substantiated civil and/or criminal complaints, the Borough Administrator or his designee may revoke the short-term rental permit issued for the property, in which case, the STRP may not be the subject of a new STRP permit application for one (1) year following the date of revocation of the permit.

i. Failure to make application for, and to obtain the issuance of, a short-term rental permit prior to advertising the STRP in print publications or newspapers, on any internet-based booking platforms, or online, and/or in the MLS or other real estate listing of a real estate agent licensed by the NJ State Real Estate Commission, shall be equivalent to operation of the STRP without a permit, and shall constitute a violation of this Code, and will result in enforcement action and the issuance of a Summons, and shall subject the STRP owner and the Responsible Party to issuance of fines and/or penalties.

j. The person offering a dwelling unit for short-term rental use must be the owner of the dwelling unit. A tenant of a property may not apply for a short-term rental permit, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term basis, or operated as a STRP by the tenant. This STRP regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the property, or any portion of the property. Violation of this Section (4-14) will result in enforcement action against the tenant, the STRP owner, and the Responsible Party, and will subject all such parties to the issuance of a Summons and levying of fines and/or penalties.

k. In the event that the Borough receives three (3) substantiated complaints concerning excessive vehicles belonging to the transient occupants of a STRP, the short-term rental permit for the property is subject to revocation by the Borough Administrator or his designee.

l. The STRP owner must be current with all tax and sewer charges assessed to the property prior to the issuance of a short-term rental permit. In the event that any code violations have been issued by the Borough relating to the STRP, a short-term rental permit shall not be issued until such time as such violations have been properly abated. The STRP owner must also close any open construction permits for the property prior to the issuance of a short-term rental permit.

m. All fines or penalties issued by the Municipal Court for the Borough of Highlands for any past code violations relating to the STRP, including penalties for failure to appear in Court, must be satisfied in full prior to the issuance of a short-term rental permit.

#### 4-14.8 Violations and Penalties.

A violation of any provision of the within Section (4-14) may subject the STRP owner, Transient Occupant(s), and the Responsible Party or their agents to fines assessed by the Court up to \$2,000.00 per violation, per day that the violation exists.

## SECTION II.

The following Section of Chapter 4, Section 4-**15** entitled "PROCEDURES TO REQUIRE AN OWNER OF RENTAL PROPERTY WHICH HAS BECOME SOURCE OF AT LEAST TWO (2) SUBSTANTIATED COMPLAINTS TO POST A BOND OR EQUIVALENT SECURITY TO COMPENSATE FOR ANY FUTURE DAMAGE OR EXPENSE SUFFERED FROM FUTURE REPETITION OF DISORDERLY, INDECENT, TUMULTUOUS OR RIOTOUS CONDUCT" **of the Borough Code shall be added to** provide as follows:

4-15 PROCEDURES TO REQUIRE AN OWNER OF RENTAL PROPERTY WHICH HAS BECOME SOURCE OF AT LEAST TWO (2) SUBSTANTIATED COMPLAINTS TO POST A BOND OR EQUIVALENT SECURITY TO COMPENSATE FOR ANY FUTURE DAMAGE OR EXPENSE SUFFERED FROM FUTURE REPETITION OF DISORDERLY, INDECENT, TUMULTUOUS OR RIOTOUS CONDUCT.

#### 4-15.1 Legislative Findings.

The Borough Council finds, determines and declares that:

- a. Highlands is a resort community and its citizens have experienced disturbances, damage and public expense resulting from carelessly granted and inadequately supervised rentals to irresponsible vacationers by inept or indifferent landlords.
- b. This section is enacted to preserve the peace and tranquility of the community for its permanent residents, and to maintain the municipality as a viable vacation resort for all persons and families availing themselves of the facilities in the community.
- c. The enactment of this section is necessary and desirable to provide a means to curb and discourage those occasional excesses arising from irresponsible rentals.
- d. The Legislature of the State of New Jersey enacted N.J.S.A. 40:48-2.12(n) et seq. to enable certain communities to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords offering rentals be held to sufficient standards of responsibility.

#### 4-15.2 Definitions.

For the purpose of this section, the following meanings shall apply:

**Hearing Officer** shall mean a licensed attorney of the State of New Jersey appointed by the Mayor, subject to the advice and consent of the Borough Council. The hearing officer shall not own or lease any real property within the Borough of Highlands, nor hold any interest in the assets of or profits arising from the ownership of such property.

**Landlord** shall mean the person or persons who own or purport to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, including but not limited to any building subject to the "Hotel and Multiple Dwelling Law," P.L. 1967, c.76 (N.J.S.A. 55:13A-1 et seq.), owner-occupied two-unit premises, and short-term rentals pursuant to Section 4-14.

**Rental** shall mean any rental of residential accommodations.

**Substantiated complaint** shall mean an act of disorderly, indecent, tumultuous or riotous conduct, including by way of example but not limited to, simple assault, terroristic threats, harassment, urinating in public, lewdness, criminal mischief, or excessive noise, upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises which have been substantiated by prosecution and conviction in any court of competent jurisdiction.

#### 4-15.3 Hearing, Penalty.

- a. If, in any twelve (12) month period, two (2) complaints, as defined in subsection 4-15.2 hereof, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct, including by way of example, but not limited to, simple assault, assault, terroristic threats, harassment, lewdness, urinating in public, criminal mischief, or excessive noise, upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Borough Council or any officer or employee of the Borough so designated by the Borough Council for this purpose, may institute proceedings to require the landlord of the rental premises to post a bond against the consequences of future incidents of the same character.

- b. The Borough Council or any officer or employee of the municipality designated by the Borough Council shall cause to be served upon the landlord, in person or by registered mail, to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together with particulars of the substantiated complaint upon which those proceedings are based, and of the time and place at which the hearing will be held in the matter, which shall be in the Municipal Building, Municipal Court or such other public place as designated by the Borough Council, and which shall be no sooner than thirty (30) days from the date upon which the notice is served or mailed.
- c. At the hearing convened pursuant to paragraph b. above, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented or offering such evidence, may present. At the conclusion of the hearing, the officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this ordinance.
- d. Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:
  - 1. Damages likely to be caused to public or private property consequent upon disruption of affected residents' rights of fair use and quiet enjoyment of their premises; and
  - 2. Securing the payment of fines and penalties likely to be levied for such offenses; and
  - 3. Compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; provided, however, no such bond shall be in an amount less than five hundred (\$500.00) dollars nor more than five thousand (\$5,000.00) dollars. The municipality may enforce a bond thus requiring an action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.
- e. Any bond or other security deposited in compliance with paragraph d, 3. above shall remain in force for a period of four (4) years. Upon the lapse of the four (4) year period, the landlord shall be entitled to the discharge of the bond, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under subsection 4-15.4 below, in which case the security shall be renewed in an amount and for a period that shall be specified by the hearing officer. A transfer of ownership or control of the property shall not void a requirement of security imposed under this section. The person or persons to whom ownership or control is transferred shall maintain that security, and shall be subject to injunctive proceedings as authorized by paragraph d. above in the same manner as the landlord upon which the requirement was originally imposed; provided however, the Borough Council may by Resolution shorten the period for which security is required to not less than one (1) year from the date of the transfer of ownership or control, if during that year no substantiated complaints are recorded with respect to the property in question.

#### 4-15.4 Bond Forfeiture, Extension.

- a. If during the period for which a landlord is required to give security pursuant to subsection 4-15.3 above, a substantiated complaint is recorded against the property in question, the Borough Council or its designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in subsection 4-15.3e. above, of the period for which the security is required, or for increase in the amount of security required, or for any or all of those purposes.
- b. Any forfeiture or partial forfeiture of security shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in subsection 4-15.3d. above. Any decision by the hearing officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in subsection 4-15.3d. above, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this action indicated the appropriateness of such change in order to effectually carry out the purposes of this ordinance. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided in subsection 4-15.3d. above.

#### 4-15.5 Hearing Officer, Qualifications.

The hearing officer shall be a licensed attorney of the State of New Jersey appointed by the Mayor, subject to the advice and consent of the Borough Council. A hearing officer shall not own or lease any real property within the Borough of Highlands, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

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

SECTION V. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.





BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## ORDINANCE 0-18-09

### AN ORDINANCE AMENDING SECTION 7-3.5 OF BOROUGH CODE TO RESTRICT PARKING NEAR MUNICIPAL BUILDINGS ON SHORE DRIVE

WHEREAS, pursuant to N.J.S.A. 39:4-197, the Borough has the authority to pass an Ordinance, without the approval of the Commissioner of the Department of Transportation, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, relating to the regulation of parking on streets and portions thereof; and

WHEREAS, the governing body of the Borough of Highlands has determined that additional parking is necessary at its municipal facilities to accommodate both municipal employees and residents doing business at the Borough offices; and

WHEREAS, the governing body of the Borough of Highlands has determined that it is necessary for the functionality of its municipal departments to amend Section 7-3.5 to restrict public parking during business hours along the North side of Shore Drive between Miller Street and the entrance of the Recycling Yard, thereby allowing street parking for municipal employees so residents are assured parking when doing business at the borough offices;

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

#### SECTION I.

Borough Code Section 7-3.5 "Regulate Public Parking on Lots 5, 6 and 10 in Block 59" shall be amended as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as **strikeovers in bold italics**.)

#### 7-3.5 **Regulate Public Parking on Lots 5, 6 and 10 in Block 59 Regulation of Municipal Parking**.

All that portion of lots 5, 6 and 10 in Block 59 on the tax map of the borough not required for parking of municipal vehicles and marked for public parking are hereby opened for public parking subject to the rules and regulations herein.

a. No person shall be permitted, when posted, to park or permit any motor vehicle to remain parked in the parking area continuously for more than 30 minutes within the parking stalls so designated accessible from Bay Avenue. No person shall be permitted, when posted, to park or permit any motor vehicle to remain parked in the parking area continuously for more than eight hours in the rear of the municipal building on lots 5, 6 and 10 in Block 59 accessible from Miller Street and from Second Street. In no event shall

any person be permitted to park or permit any motor vehicle to remain parked in said parking area continuously for more than the period of times posted for any designated public parking space.

b. All vehicles shall park within the white lines designated for each separate parking space, and any person parking a vehicle over any dividing line, or parking any vehicle beyond the end of such parking lines, shall be guilty of a violation of this subsection.

c. Public parking is prohibited at the times and locations specified:

<i><b>Name of Street</b></i>	<i><b>Side</b></i>	<i><b>Hours</b></i>	<i><b>Locations</b></i>
Municipal Parking Lot at easterly terminus of Second Street	North	At all times	Parking area to the rear of the Borough Hall
Municipal Parking Lot at easterly terminus of Second Street	South	8:00 a.m. to 6:00 p.m. Mon.—Fri. (except holidays)	Parking area to the rear of the Borough Hall
<b><u>Shore Drive</u></b>	<b><u>North</u></b>	<b><u>7:30 a.m. to 5:30 p.m. Mon. ---Fri. (except holidays)</u></b>	<b><u>From Miller Street eastward to the entrance of the Recycling Yard except that there shall be no parking adjacent to the Fire Department at any time.</u></b>

d. As to the parking area on the north side of Second Street, the governing body is empowered to reserve spaces by resolution for specific borough employees, officials or departments as specified by posted signs or markings on the pavement, and the prohibitions and restrictions set forth in this chapter prior to this amendment do not apply to those borough employees, officials or departments.

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 0-18-10

## AN ORDINANCE AMENDING SCHEDULE A OF THE BOROUGH OF HIGHLANDS 2018 SALARY ORDINANCE

WHEREAS the Governing Body has determined that it is necessary to amend Ordinance O-17-26 which established Salaries and fixed Compensation of certain Borough Employees for the year 2018 and beyond unless amended;

NOW, THEREFORE, BE IT ORDAINED, by the by the Mayor and Borough Council of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

### SECTION I.

Schedule A of O-17-26 Establishing Salaries and Fixing Compensation of Certain Borough Employees of the Borough of Highlands for 2018 is hereby amended to provide as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as **strikeovers in bold italics**. Sections of Articles XIV and XVII that will remain unchanged are omitted below.)

### SCHEDULE A

#### 1. POSITIONS OUTSIDE COLLECTIVE BARGAINING UNITS

DEPARTMENT OF ADMINISTRATION		Minimum	Maximum
Deputy Clerk		\$4,000	\$4,416
Deputy Registrar		\$500	\$552
Land Use Board Secretary		<b><u>\$6,000</u></b> <del><b><u>\$5,500</u></b></del>	<b><u>\$7,000</u></b> <del><b><u>\$6,072</u></b></del>
Municipal Clerk		\$40,000	\$74,539
Municipal Administrator		\$24,000	\$100,000
Municipal Alliance	Hourly	\$8.00	\$17.00
Emergency Management Coordinator		\$3,650	\$4,030
Secretary to Administrator		<b><u>\$2,000</u></b> <del><b><u>\$1,000</u></b></del>	<b><u>\$6,000</u></b> <del><b><u>\$1,104</u></b></del>
BUILDING AND HOUSING			
Clerical Office Help	Hourly	Minimum Wage	<b><u>\$25.00</u></b> <del><b><u>\$19.00</u></b></del>
Fire Official		\$18,000	\$27,602
DEPARTMENT OF FINANCE			
Assessment Searcher		\$3,000	\$3,312

Cashier/Typist	Hourly	\$10.00	<del>\$25.00</del> <del>\$22.00</del>
Chief Financial Officer		\$30,000	\$73,223
FEMA/NJOEM Coordinator	Hourly	\$25.00	\$33.00
Payroll Clerk		\$25,000	\$44,163
Qualified Purchasing Agent		\$7,000	<del>\$15,000</del> <del>\$12,000</del>
Deputy Tax Assessor	Part Time	\$3,000	\$6,000

#### MUNICIPAL COURT

Judge of Municipal Court Special Sessions (Per Session)		\$13,500	<del>\$20,000</del> <del>\$19,873</del>
Court Administrator		\$250	\$386
Deputy Court Administrator		\$150	\$331
Judge of Municipal Court		\$500	\$552
Municipal Prosecutor		\$350	\$386
Public Defender		\$350	\$386

#### POLICE

Chief		\$124,125	<del>\$140,000</del> <del>\$137,044</del>
Crossing Guard	Hourly	\$10.00	\$19.00
Dispatcher [Communications Operator]	Hourly	\$10.00	<del>\$25.00</del> <del>\$23.00</del>
Special Officer:			
Class I	Hourly	\$9.00	\$22.00
Class II	Hourly	\$15.00	\$28.00

#### RECREATION

Clerical Office Help	Hourly	Minimum Wage	\$20.00
Recreation Leader	Hourly	\$11.00	\$17.00
Summer Seasonal:			
Laborer	Hourly	\$10.00	\$14.00
Programmer	Hourly	\$13.00	\$18.00
Recreation Aide	Hourly	\$8.00	\$13.00
Supervisor	Hourly	\$17.00	\$21.00
Preparer	Hourly	Minimum Wage	\$11.00

## 2. UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCAL 56

#### BUILDING & HOUSING

Code Enforcement Officer		\$15,000	\$74,285
Construction Official		\$18,000	\$32,018
Fire Inspector	Hourly	\$10.00	\$22.00

Property Maintenance	Part Time Salary	\$15,000	\$25,394
Property Maintenance	Part Time Hourly	\$15.00	\$22.00
Zoning Officer		\$8,000	\$13,249

DEPARTMENT OF FINANCE

Tax Assessor	Part Time	\$20,000	\$27,602
Tax Collector	Part Time	\$20,000	\$32,915

DEPARTMENT OF PUBLIC WORKS

Supervisor of Public Works		\$35,000	\$88,326
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DEPARTMENT OF RECREATION

<b><u>Recreation Supervisor</u></b>		<b><u>\$34,500</u></b>	<b><u>\$50,000</u></b>
Recreation Director		\$35,000	\$88,326

3. COMMUNICATIONS WORKERS OF AMERICA (CWA) LOCAL 1032

BUILDING & HOUSING

Fire Sub Code Official	Part Time	\$8,000	\$13,249
Plumbing Sub Code Official	Part Time Hourly	\$25.00	\$44.00
Secretary, Licensing Clerk	Full Time	\$20,000	\$34,227
Secretary, Licensing Clerk	Part Time Hourly	Minimum Wage	<b><u>\$22.00</u></b> <del>\$20.00</del>

DEPARTMENT OF FINANCE

Cashier/Sewer Clerk		\$20,000	\$36,435
HR Coordinator		\$32,000	\$81,000
Senior Accounting Clerk		<b><u>\$25,000</u></b> <del>\$14,000</del>	<b><u>\$85,000</u></b> <del>\$60,000</del>
Tax Clerk		\$20,000	<b><u>\$40,000</u></b> <del>\$36,435</del>
Tax Clerk	Part Time Hourly	Minimum Wage	<b><u>\$20.00</u></b> <del>\$19.00</del>
<b><u>Account Clerk</u></b>		<b><u>\$29,000</u></b>	<b><u>\$55,000</u></b>

POLICE

Records Clerk		\$25,000	<b><u>\$50,000</u></b> <del>\$49,684</del>
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DEPARTMENT OF PUBLIC WORKS

Equipment Operator		\$45,000	\$69,557
Laborer	Hourly	\$15.00	<del>\$25.00</del> <del>\$22.00</del>
Recycling Yard Attendant	Part Time Hourly	\$10.00	\$17.00
Road Repairer		\$30,000	\$48,580
Senior Road Repairer		\$45,000	\$73,973
Sewer Operator		\$3,500	\$16,561
Sewer Repairer		\$30,000	\$48,580
Truck Driver		\$30,000	\$68,453

DEPARTMENT OF RECREATION

Recreation Aide	Hourly	\$8.00	\$13.00
Recreation Assistant	Hourly	\$15.00	\$22.00
<b><u>Recreation Coordinator</u></b>		<b><u>\$29,900</u></b>	<b><u>\$46,200</u></b>

SECTION II. SEVERABILITY.

If any section, subsection, sentence clause or phrase of the ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of the ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER.

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



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

# ORDINANCE O-18-07

## CALENDAR YEAR 2018 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 2018 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 \$74,370.50 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 2018 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 \$260,296.74, and that the CY 2018 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any 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.