

Highlands Borough Mayor & Council Meeting Agenda
Community Center
22 Snug Harbor Avenue, Highlands
Wednesday, October 17th 2018, 7 p.m.

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

Call to Order
Meeting Statement
Roll Call

EXECUTIVE SESSION: 7:00PM

Attorney-Client Privilege: Captain's Cove Marina
Highlands Business Partnership

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Approval of Minutes

May 2, 2018
September 5, 2018

Consent Agenda

R-18-216 Approve Payment of the Bills
R-18-217 Authorize Refund of Taxes
R-18-218 Authorize Electronic Tax Sale

Resolutions

R-18-181 Regarding the 2018 Mercantile License for Captain's Cove Marina
R-18-219 Authorize Execution of Memorandum of Agreement with the US Coast Guard
R-18-220 Authorize Execution of Radio Frequency Use Agreement with Gateway NRA
R-18-221 Approve Submittal & Execution of Grant Contract with NJDOT for 2018 Road Improvement Project
R-18-222 Approve Advertisement for Receipt of Joint Bids for Solid Waste, Recycling & Bulk Collection with Sea Bright

Ordinance: Introduction & First Reading

O-18-21 Amend Chapter 21 of Borough Code Concerning Expiration of Variances
O-18-22 Amend Chapter 21 of Borough Code Concerning an Updated Zoning Map

Other Business:

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

Public Comments:

Adjourn



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-181

RESOLUTION REGARDING 2018 MERCANTILE LICENSE FOR CAPTAIN'S COVE MARINA

WHEREAS, in accordance with Borough Code, Chapter 4-9.5(c), "the holder of a mercantile license shall avoid all prohibited, improper, unlawful or unnecessary practices or conditions which do or may adversely affect public health, morals or welfare"; and

WHEREAS, N.J.S.A. 40:52-2 sets forth that, "the governing body may...revoke any license for sufficient cause and after notice and hearing"; and

WHEREAS, in accordance with Resolution 17-103, duly adopted May 12, 2017, the Borough authorized execution of an Agreement with Captain's Cove Marina regarding, among other things, the repair of the bulkhead; and

WHEREAS, the aforesaid Agreement that was entered into by and between the Borough of Highlands and Captain's Cove Marina, asserts in part that, "the Mercantile License issued in conjunction with this Agreement shall be subject to revocation, in accordance with N.J.S.A. 40:52-2 et. seq., should Captain's Cove fail to comply with all of the requirements contained herein, including but not limited to, repairing the bulkhead at issue in accordance with the schedule which has been represented to the Borough. The Borough shall provide reasonable notice to Captain's Cove Marina of any such revocation of the Mercantile License granted herein"; and

WHEREAS, by way of correspondence dated August 16, 2018, the Borough Engineer's Office served correspondence on Captain's Cove Marina advising, in part, that the bulkhead required emergent repair and/or replacement in multiple areas; and

WHEREAS, by way of correspondence dated August 20, 2018, the Borough served correspondence on Captain's Cove Marina providing notice that a hearing would be scheduled to revoke their Mercantile License for the year 2018, before the governing body at the Mayor and Council Meeting scheduled to take place on September 5, 2018;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that after due consideration of the matter, the following determination has been made as to the 2018 Mercantile License for Captain's Cove Marina:

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



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-216

AUTHORIZING BILLS LIST

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated October 15, 2018, which totals as follows:

Current Fund	\$731,715.29
Sewer Account	\$ 70,144.90
Capital Fund	\$ 2,236.84
Trust-Other	\$ 41,269.41
Federal/State Grants	\$ 0.00
Total	\$845,366.44

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$845,366.44** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at www.highlandsborough.org and on file in the Municipal Clerk's office for reference.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-217

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>
72	16	2018	\$1,3070.78	Corelogic



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-218

AUTHORIZING AN ELECTRONIC TAX SALE

WHEREAS, NJSA 54:5-19.1 permits municipalities to conduct electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules thus promulgated requires a municipality to authorize said electronic tax sale by resolution of the governing body, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Highlands, New Jersey, does hereby authorize and direct the Tax Collector to conduct an electronic tax sale.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-219

RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES COAST GUARD AND THE BOROUGH OF HIGHLANDS

WHEREAS, the Revised General Ordinances of the Borough of Highlands, Chapter 2-11, establishes the Fire Department of the Borough of Highlands; and

WHEREAS, in accordance 14 U.S.C. § 141, the United States Coast Guard has requested that a Memorandum of Agreement be entered into with the Borough in order to provide fire protection and emergency services to designated vessels, located at 20 Crispin Road; and

WHEREAS, the aforesaid Memorandum of Agreement sets forth the terms and conditions under which the Borough of Highlands Fire Department will provide fire protection and emergency services to the United States Coast Guard.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands, that the Mayor, Borough Clerk and/or Borough Administrator be and are hereby authorized to execute a Memorandum of Agreement between the United States Coast Guard and the Borough of Highlands, which sets forth the terms and conditions under which the Borough of Highlands Fire Department will provide fire protection and emergency services to vessels designated by the United States Coast Guard, located at 20 Crispin Road, subject to the approval of the Borough Attorney.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-220

RESOLUTION AUTHORIZING EXECUTION OF A RADIO FREQUENCY USE AGREEMENT BETWEEN THE GATEWAY NATIONAL RECREATION AREA AND THE BOROUGH OF HIGHLANDS

WHEREAS, the Gateway National Recreation Area requires radio communications access to the Borough of Highlands' radio system on certain frequencies; and

WHEREAS, such communications are essential for joint operations or mutual aid;
and

WHEREAS, use of the authorized frequencies will be restricted to intercommunications between the Gateway National Recreation Area and the Borough for the purpose of public safety and mutual aid communications; and

WHEREAS, the Gateway National Recreation Area has requested that the Borough enter into a Radio Frequency Use Agreement which sets forth the terms and conditions under which the Gateway National Recreation Area may have access to the Borough of Highlands' radio system.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands, that the Mayor, Borough Clerk and/or Borough Administrator be and are hereby authorized to execute a Radio Frequency Use Agreement between the Gateway National Recreation Area and the Borough of Highlands, subject to the approval of the Borough Attorney and the Chief of Police.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-221

APPROVAL TO SUBMIT A GRANT APPLICATION ON AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2018 ROAD IMPROVEMENT PROJECT

NOW, THEREFORE, BE IT RESOLVED that Council of Highlands formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-2018 Road Improvement Program 00557 to the New Jersey Department of Transportation on behalf of Highlands.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Highlands and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this 17th day of October, 2018

Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Clerk)

(Mayor)



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-222

RESOLUTION AUTHORIZING ADVERTISEMENT FOR THE RECEIPT OF JOINT BIDS FOR SOLID WASTE, RECYCLING AND BULK COLLECTION WITH THE BOROUGH OF SEA BRIGHT

WHEREAS, the Borough of Highlands' contract for solid waste and recyclable materials collection services expires February 28, 2019; and

WHEREAS, by way of Resolution 18-184 adopted September 5, 2018, the Borough of Highlands' Clerk, Borough Administrator and Purchasing Agent were authorized to advertise for the receipt of bids for solid waste, recyclable materials and bulk waste collection; and

WHEREAS, subsequent to the enactment of Resolution 18-184, the Borough of Sea Bright inquired of the Borough of Highlands as to the advertisement for the receipt of joint bids for solid waste, recyclable materials and bulk waste collection; and

WHEREAS, in accordance with the said joint bid, the Borough of Highlands would be responsible for the solid waste and recycling collection in the Borough of Highlands and the Borough of Sea Bright would be responsible for the solid waste and recycling collection in the Borough of Sea Bright; and

WHEREAS, the joint bid will set forth that separate invoices will be forwarded to the Borough of Highlands and the Borough of Sea Bright by the vendor awarded the contract; and

WHEREAS, it is in the best interest of the residents of the Borough of Highlands to advertise and solicit bids for the provision of solid waste, recycling material and bulk collection services with the Borough of Sea Bright by way of a joint bid.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands that the Borough Engineer and Purchasing Agent be and are hereby authorized to prepare specifications to solicit joint bids for solid waste, recyclable materials and bulk waste collection in conjunction with the Borough of Sea Bright.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands that the Borough Clerk, Borough Administrator and Purchasing Agent be and are hereby authorized to advertise for the receipt of joint bids with the Borough of Sea Bright for solid waste, recyclable materials and bulk waste collection.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the following:

Joseph Verruni, Borough Administrator, Borough of Sea Bright
Christine Pfeiffer, RMC, Municipal Clerk, Borough of Sea Bright



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-18-21

An Ordinance Amending Chapter 21 of the Borough Code Concerning the Expiration of Variances

WHEREAS, N.J.S.A. 40:55-D-1, et seq., authorizes local governmental units to adopt ordinances to regulate land use to promote the public health, safety, morals and general welfare; and

WHEREAS, the Borough regulates land use and zoning by and through Chapter 21 of the Borough Code; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Chapter 21 of the Borough Code to provide for the within changes; and

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

SECTION I.

Chapter 21, Section 17A.9 of the Borough Code entitled "EXPIRATION OF VARIANCES" shall be added to provide as follows:

21-17A.9 EXPIRATION OF VARIANCES.

A variance granted by the Land Use Board shall expire in one (1) year unless an extension of the time period is granted or the variance is exercised by either the erection or alteration of structures, the commencement of use, the submission of required subdivision or site plan application, or the specific terms of the original variance. Any appeal to the governing body or court of competent jurisdiction shall suspend the running time for the period of the appeal.

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 upon adoption and publication according to law and filing with the Monmouth County Planning Board.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-18-22

An Ordinance Amending Chapter 21 of the Borough Code Concerning an Updated Zoning Map

WHEREAS, N.J.S.A. 40:55-D-1, et seq., authorizes local governmental units to adopt ordinances to regulate land use to promote the public health, safety, morals and general welfare; and

WHEREAS, the Borough regulates land use and zoning by and through Chapter 21 of the Borough Code; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Chapter 21 of the Borough Code to provide for the within changes; and

WHEREAS, the updated Zoning Map in question does not substantively affect any properties, but deletes and clarifies a boundary line within the WC-1 zone; and

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

SECTION I.

Chapter 21, Section 70 of the Borough Code entitled "ZONING MAP AND SCHEDULE" shall be 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 Article XIV that will remain unchanged are omitted below.)

21-70 ZONING MAP AND SCHEDULE.

A. The boundaries of the zone districts are hereby established as shown on the map entitled "Zoning Map, Highlands Borough, New Jersey" dated ~~**November, 2017**~~ **July, 2018**, which map accompanies and is hereby declared to be a part of this chapter.

B. Interpretation of Zoning Boundaries. Where uncertainty exists as to any of said boundaries as shown on said map, the following rules shall apply:

1. Zone boundary lines are intended to follow the centerline of the streets, railroads, rights-of-way, streams and lot or property lines as they exist on plats of record at the time of the passage of this chapter, where practicable, unless such zone boundary lines are fixed by dimensions as shown on the Zoning Map.

2. Where such boundaries are not fixed by dimensions and where they approximately follow lot lines, and where they do not scale more than ten (10) feet

distance therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

3. In unsubdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.

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 upon adoption and publication according to law and filing with the Monmouth County Planning Board.