

Highlands Borough Mayor & Council Meeting Agenda
Community Center
22 Snug Harbor Avenue, Highlands
Wednesday, December 5th 2018, 6:30 p.m.

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

Call to Order
Meeting Statement
Roll Call

WORKSHOP: 6:30PM

Parking when Flooding is Expected
Fee Schedule

EXECUTIVE SESSION: 7:00PM

Attorney-Client Privilege:	Form Based Code Captain's Cove Feasibility Study COAH HBP
Litigation:	Good Neighbors, LLC. Hilltop at Linden 278 Bayside Drive

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Approval of Minutes

June 11th 2018
November 7th 2018

Public Hearing & Resolution

R-18-181 Regarding the 2018 Mercantile License for Captain's Cove

Consent Agenda

R-18-233	Approve Payment of the Bills
R-18-234	Renewal of Liquor License for the 2018/2019 Term
R-18-235	Authorize Award of Non-Fair & Open Contract for Professional Services to CME for CDBG Improvements to Shore Drive, 2 nd Street & Cedar Street
R-18-236	Authorize Refund of Tax Overpayment
R-18-237	Provide for the Transfer of Surplus Funds
R-18-238	Property Tax Cancellation & Refund

Resolutions

R-18-239	Setting Forth Reasons for Adopting O-18-21 Notwithstanding the LUB Report
R-18-240	Setting Forth Reasons for Adopting O-18-22 in Light of LUB Report
R-18-241	Authorize Shared Service Agreement with Middletown for Building Department Services

- R-18-242 Award of a Fair & Open Contract for Professional Reassessment Services
R-18-243 Authorize Execution of Memorandum of Agreement with CWA Local 1032

Ordinance: Introduction & First Reading

- O-18-24 Amend Chapter 10 of Borough Ordinances that Established Fees for the Department of Buildings & Housing
O-18-25 Amend Chapter 17 Which Established a Business Improvement District
O-18-26 Adopt Redevelopment Plan for Captain's Cove Marina, B84 L2.01
O-18-27 Adopt Redevelopment Plan for Shadowlawn Mobile Home Park, B105.107 L1.1

Ordinance: Second Reading, Public Hearing & Possible Adoption

- 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
O-18-23 Bond Ordinance Providing for the Replacement of Storm Water & Sanitary Sewer Mains, Appropriating \$5,050,000 & Authorizing the Issuance of \$5,050,000 of Bonds & Notes

Other Business

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 18-233

AUTHORIZING BILLS LIST

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated November 30, 2018, which totals as follows:

Current Fund	\$ 896,387.39
Sewer Account	\$ 91,568.06
Capital Fund	\$ 29,369.93
Trust-Other	\$ 50,232.42
Federal/State Grants	\$ 179.00
Total	\$1,067,736.80

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$1,067,736.80** 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 18-234

RENEWAL OF LIQUOR LICENSE FOR FOR THE 2018-2019 TERM

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (ABC) has implemented a new electronic, web based licensing called POSSE ABC; and,

WHEREAS, renewal applications have been filed or submitted through the POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal applications have been accepted via POSSE ABC, the Municipal fees have been paid and a Tax Clearance Certificate has been received for the following licensee[s]; 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,

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 2018-2019 term from July 1st 2018 to June 30th 2019, is hereby authorized:

License Number	Licensee	Establishment
- Plenary Retail Consumption Licenses Who Received a Special 12:39 Ruling by the ABC -		
1317-33-004-013	123 Bay Ave Associates LLC	NA



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-235

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES TO CME ASSOCIATES FOR CDBG IMPROVEMENTS TO SHORE DRIVE, 2ND STREET & CEDAR STREET

WHEREAS, the Borough of Highlands has a need for professional Engineering Services associated with the CDBG Improvements to Shore Drive, 2nd Street & Cedar Street, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, CME Associates has developed and submitted an application on behalf of the Borough to Monmouth County for CDBG funding to assist in upgrading curb ramps and pavement surface on these roads; and

WHEREAS, Monmouth County has awarded the Borough funding in the amount of \$130,926.00 in order to complete this work; and

WHEREAS, CME has presented a fee estimate for the professional land surveying and engineering services associated with the CDBG improvements to Shore Drive, 2nd Street & Cedar Street; and

WHEREAS, the work CME Associates will perform will consist of the preparation of construction plans, quantities, and a cost estimate, all of which services are set forth in a letter dated October 26, 2018 from CME Associates consisting of their proposal; and

WHEREAS, CME Associates will perform the aforesaid scope of work associated with this project for a fee not to exceed \$17,200.00 consisting of the following:

A. Design Phase Services	-	\$11,600.00
B. Preparation of Bid Documents	-	\$ 2,400.00
C. Bid Phase Services	-	\$ 3,200.00

Total Estimated Fee for Services: \$17,200.00

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

WHEREAS, this contract is to be awarded for an amount not to exceed \$17,200.00 for Professional Engineering Services as stated in the CME Associates proposal dated October 26, 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, a certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows:

Patrick DeBlasio, Chief Financial Officer

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bidding must be publicly advertised.

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

1. CME Associates is hereby retained to provide professional engineering services as described above and in their proposal dated October 26, 2018 for an amount not to exceed \$17,200.00.
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 18-236

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>
109	7	2018	\$208.87	Kanarkowski, Lillian



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-237

RESOLUTION PROVIDING FOR THE TRANSFER OF SURPLUS FUNDS

WHEREAS, N.J.S.A. 40:4-58 provides for the transfer of surplus fund from one account to other during the last two months of the calendar year.

NOW, THEREFORE IT BE RESOLVED by the Council of the Borough of Highlands that transfers be made in the Borough's 2018 budget appropriations in accordance with the following schedule.

BE IT FUTHER RESOLVED that this Resolution shall take effect immediately.

<u>Current Fund</u>			
AC #		<u>FROM</u>	<u>TO:</u>
22-201-200 Code Substandard Housing		\$23,000.00	
20-150-200 Tax Assessor-OE			\$10,000.00
31-460-192 Fuel			\$5,000.00
45-910-103 Bond Interest			\$8,000.00
			-
	Totals	\$23,000.00	\$23,000.00
<u>Sewer Utility</u>			
55-502-118 Sewer-OE		\$6,000.00	
55-501-011 Sewer-S&W			\$5,000.00
55-502-286 Sewer Principal			\$1,000.00
			-
	Totals	\$6,000	\$6,000.00



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-238

PROPERTY TAX CANCELLATION AND REFUND

WHEREAS, Block 11.08, lot 2 applied for a tax exemption under the provisions for a total disabled veteran status in accordance with N.J.S.A. 54:4-3.30et seq, and

WHEREAS, the Tax Assessor has reviewed and approved the application, and

WHEREAS, the Tax Collector is recommending that the following taxes be cancelled accordingly:

2017	\$4,405.47
2018	\$5,267.76

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, that the Tax Collector cancel taxes as set forth above and refund the overpayment in the amount of \$9,673.23.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-239

RESOLUTION SETTING FORTH REASONS FOR ADOPTING ORDINANCE NUMBER O-18-21 NOTWITHSTANDING THE LAND USE BOARD'S REPORT OF INCONSISTENCY WITH THE MASTER PLAN

WHEREAS, the Borough of Highlands adopted on first reading Ordinance O-18-21 ("the Ordinance") which set forth an expiration for variances unless certain conditions were met; and

WHEREAS, the provisions contained in Ordinance O-18-21 were previously contained in Borough Code Section 21-53, and are in fact identical to those which were contained in Borough Code Section 21-53, which was eliminated as a result of the adoption of Ordinance O-16-1, which combined the functions of the Zoning Board of Adjustment and Planning Board into the Land Use Board; and

WHEREAS, the Ordinance was referred to the Borough of Highlands Land Use Board pursuant to N.J.S.A. 40:55D-26(a) for a Consistency Report; and

WHEREAS, notwithstanding the fact that the Ordinance which was referred to the Land Use Board was identical to Borough Code Section 21-53, the Land Use Board issued a consistency report indicating that the proposed Development Regulation is inconsistent with the Master Plan of the Municipality; and

WHEREAS, as a result of the Consistency Report which was issued by the Borough's Land Use Board on November 1, 2018, the Board determined that the inconsistent provisions were as follows:

- The Board has concerns with the number of years, the validity of any variance approval expiring and the level of activity on the property affecting loss of the approval.
- The Board recommends adjusting limitations for commercial and residential properties; and

WHEREAS, the governing body of the Borough of Highlands in considering the adoption of Ordinance O-18-21, reviewed the report of the Land Use Board, dated November 1, 2018, and disapproves of the said report and rejects the recommendations contained therein.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough Highlands that it is of the opinion that Ordinance O-18-21 should be adopted, insofar as the Consistency Report fails to provide detailed guidance with respect to the purported

inconsistencies with the Master Plan of the Municipality, and due to the fact that the said Ordinance is identical to the terms that were contained in Borough Code Section 21-53 which was eliminated as a result of the adoption of Ordinance O-16-01, which combined the functions of the Zoning Board of Adjustment and Planning Board into the Land Use Board.

BE IT FURTHER RESOLVED, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Monmouth County Planning Board when filing a copy of Ordinance No. O-18-21.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-240

RESOLUTION SETTING FORTH REASONS FOR ADOPTING ORDINANCE NUMBER O-18-22 IN LIGHT OF REPORT OF THE LAND USE BOARD DETERMINING THAT THE SAID ORDINANCE IS CONSISTENT WITH THE BOROUGH'S MASTER PLAN

WHEREAS, the Borough of Highlands adopted on first reading Ordinance O-18-22 ("the Ordinance") which updates the Borough's Zoning Map; and

WHEREAS, the Ordinance was referred to the Borough of Highlands Land Use Board pursuant to N.J.S.A. 40:55D-26(a) for a Consistency Report; and

WHEREAS, as a result of the Consistency Report which was issued by the Borough's Land Use Board on November 1, 2018, the Board determined that the proposed Development Regulation revision or amendment was consistent with the Master Plan of the Municipality; and

WHEREAS, the governing body of the Borough of Highlands in considering the adoption of Ordinance O-18-22, reviewed the report of the Land Use Board, dated November 1, 2018.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough Highlands that it is of the opinion that Ordinance O-18-22 should be adopted, insofar as the Consistency Report of the Land Use Board sets forth that the proposed Development Regulation revision or amendment is consistent with the Master Plan of the Municipality.

BE IT FURTHER RESOLVED, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Monmouth County Planning Board when filing a copy of Ordinance No. O-18-22.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-241

RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE TOWNSHIP OF MIDDLETOWN FOR BUILDING DEPARTMENT SERVICES

WHEREAS, in accordance with Resolution 18-213, duly adopted on October 3, 2018, the Borough Administrator was authorized to submit a Layoff Plan to the Civil Service Commission with respect to the Building Department; and

WHEREAS, by way of correspondence, dated November 9, 2018, the Civil Service Commission approved the aforesaid Layoff Plan; and

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 Township of Middletown wish to encourage inter-municipal cooperation; and

WHEREAS, the Township of Middletown has the staffing and personnel to provide Building Department Services to the Borough of Highlands for a five (5) year period, consisting of a four (4) year term commencing January 1, 2019 with a one (1) year renewal option; and

WHEREAS, in accordance with the terms of the Shared Services Agreement, Middletown will be providing the following building department services to the Highlands: (a) Construction official; (b) Building subcode official; (c) Fire subcode Official; (d) Electrical subcode official; (e) Plumbing subcode official; (f) Zoning Officer; (g) Floodplain Manager; (h) Inspectors for each subcode and certificates of occupancy; and (i) Related clerical and technical support staff; and

WHEREAS, in accordance with the terms of the Shared Services Agreement, Highlands will provide part-time Code Enforcement services for the Leonardo and Monmouth Hills sections of Middletown; and

WHEREAS, the Borough of Highlands and the Township of Middletown have reached agreement wherein the fee for such services to be provided by Middletown shall be \$192,500 per year, to be billed and paid on a quarterly basis in increments of \$48,125 per quarter, wherein should the one (1) year renewal option be exercised, the rate shall increase three percent (3%) for the renewal year.

NOW THEREFORE BE IT RESOLVED. by the governing body of the Borough of Highlands, that the Mayor be and is hereby authorized to execute a Shared Services Agreement with the Township of Middletown for Building Department Services for a five (5) year period commencing January 1, 2019, consisting of a four (4) year term with a one (1) year renewal option, as annexed hereto as Exhibit 'A' or in substantially similar form to that which is annexed hereto.

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



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-242

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR PROFESSIONAL REASSESSMENT SERVICES

WHEREAS, by way of Resolution 18-083, the Borough of Highlands opted back into the Monmouth County Assessment Demonstration Program.; and

WHEREAS, by way of Resolution 18-115, the Borough authorized the advertisement for request for proposals for Professional Reassessment Services; and

WHEREAS, the following two (2) Proposals were received:

- Realty Data Systems, LLC.;
- Tyler Technologies, Inc.

WHEREAS, the Borough has reviewed all proposals received and it was determined that Realty Data Systems, LLC satisfies the requisites contained in the request for proposals to be considered for professional reassessment services; and

WHEREAS, the governing body of the Borough of Highlands has made the determination that it is in the best interest of the Borough to award a contract for Professional Reassessment Services; and

WHEREAS, the contract is to be awarded for an amount not to exceed \$63,038 for professional reassessment services for real property data collection and verification services, in accordance with the Monmouth County Assessment Demonstration Program, for the period of January 1, 2019 through December 31, 2021 as stated in the proposal submitted by Realty Data Systems, LLC. dated November 7, 2018; and

WHEREAS, a certification of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows:

Patrick DeBlasio, Chief Financial Officer

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

1. Realty Data Systems, LLC. be and are hereby retained to provide professional reassessment services as described above and in their proposal dated November 7, 2018 for an amount not to exceed \$63,038 for the period of January 1, 2019 through December 31, 2021.
2. The contract is awarded through a Fair and Open Process as Professional Services, in accordance with 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.
3. A copy of this Resolution as well as the contract/proposal shall be placed on file with the 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 18-243

RESOLUTION AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT, TO BE INCORPORATED INTO THE COLLECTIVE NEGOTIATIONS AGREEMENT, WITH CWA LOCAL 1032 WITH AN EFFECTIVE DATE OF JANUARY 1, 2019 THROUGH DECEMBER 31, 2022

WHEREAS, the Borough of Highlands has reached an agreement with the CWA Local 1032, setting forth the terms of a Collective Negotiations Agreement ("CNA") for the years 2019, 2020, 2021 and 2022; and

WHEREAS, it is necessary to set forth the terms and conditions of the settlement in a duly authorized Memorandum of Agreement which will be incorporated into a CNA; and

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Mayor and Borough Administrator be and are hereby authorized to execute a proper agreement for the years 2019, 2020, 2021 and 2022 between the Borough of Highlands and CWA Local 1032.

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



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-18-24

An Ordinance Amending Chapter 21 of the Revised General Ordinances of the Borough of Highlands that Established Fees for the Department of Building and Housing within the Borough of Highlands

WHEREAS, the Borough of Highlands had established fees for the Department of Buildings and Housing, which were codified in Section 10-2 of the Code of the Borough of Highlands; and

WHEREAS, the Borough of Highlands will be entering into a shared services agreement with the Township of Middletown for building department services; and

WHEREAS, N.J.A.C. 5:23-4.17(e) requires that when municipalities enter into a shared services agreement to administer and enforce the Uniform Construction Code, those municipalities must utilize a uniform fee schedule; and

WHEREAS, the Governing Body of the Borough of Highlands wishes to amend and update the Borough Code to incorporate the fee schedule of the Township of Middletown effective January 1, 2019 for ease of administration and enforcement and in order to comply with N.J.A.C. 5:23-4.17(e).

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

SECTION I.

Chapter 10 (Buildings and Housing), Section 2 (Fees), of the Code of the Borough of Highlands is hereby repealed in its entirety.

SECTION II.

Chapter 10 (Buildings and Housing), Section 2 of the Code of the Borough of Highlands entitled "Fees" is hereby added to provide as follows:

10-2 FEES.

10-2.1. Uniform Construction Code Fees.

- a. State of N.J. Training Fees. This fee shall be in the amount of \$0.00334 per cubic foot of volume for new buildings and additions. Volume shall be computed in accordance with N.J.A.C. 5:23-4.19(a)(b)1-6.

- (1) No training fee shall be collected for pre-engineered systems of commercial farm buildings.
 - (2) No training fee shall be collected for permits to perform asbestos or lead abatement.
- b. General fees.
- (1) The fee for plan review shall be twenty percent (20%) of the amount charged for a construction permit.
 - (2) The fee to be charged for a construction permit will be the sum of the basic construction fee plus all applicable special fees. This fee shall be paid before a permit is issued.
 - (3) The fee to be charged for a certificate of occupancy shall be paid before a certificate is issued. This fee shall be in addition to the construction permit.
 - (4) All fees shall be rounded to the nearest dollar.
 - (5) All fees shall be paid in cash, check or money order payable to the Borough of Highlands.
- c. Fee schedule. The basic construction permit fee shall be the sum of the parts computed on the basis of volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and rating of electrical devices, the number of sprinklers, standpipes and detectors (smoke and heat) at the unit rates and/or the applicable flat fees as provided herein plus any special fees. The minimum fee for a basic construction permit covering any and all of the technical sub codes shall be seventy-five dollars (\$75).

For the purpose of determining estimated cost for renovations, alterations, repairs, and the external utility connection for pre-manufactured construction the applicant shall submit to the department such cost data as may be available and produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bona fide contractor's bid, or contract if available, shall be submitted. The Construction Official and/or sub code official shall make the final decision regarding the estimated cost.

The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be two hundred fifty dollars (\$250.). The fee for resubmission of an application for a variation shall be one hundred twenty-five dollars (\$125.).

The fee to reinstate lapsed, suspended or revoked permits noted in N.J.A.C. 5:23-216(b) or N.J.A.C. 5:23-2.16(f) or otherwise shall be fifty dollars (\$50.) per outstanding sub code.

Any fee not specifically contained within this fee schedule shall be based upon the State of New Jersey Department of Community Affairs Fee Schedule.

(1) Building Subcode Fees.

Minimum building subcode fee	\$75.00
New construction or addition	.030 per cubic foot
Alterations/renovations of existing building or structure	\$30.00 per thousand dollars of estimated cost of work

Swimming pools (above ground)	\$75.00
Swimming pools (inground)	\$150.00
Storage sheds (greater than 100 s.f.)	\$75.00
Fence installation for pool enclosure	\$75.00
Demolition of dwelling (1 & 2 family)	\$150.00
Demolition of all other use groups	\$350.00
Demolition of accessory structure	\$75.00
Tank abandonment/removal	\$100.00
Tank installation	\$50.00
Radon abatement	\$75.00 per unit
Asbestos/removal	\$100.00
Lead hazard abatement	\$100.00
Signs (No permit required for signs installed in accordance with N.J.A.C. 5:23-2.14(b)6.)	\$75.00
Solar panel racking system	\$30.00 per thousand dollars of estimated cost of work
Tents, tension membraned structures and canopies regulated by building subcode	\$150.00
Temporary structure (greater than 120 s.f.)	\$75.00
Retaining walls	\$30.00 per thousand dollars of estimated cost of work
U.C.C. certificate of occupancy	\$125.00
Extension of temporary certificate of occupancy	\$75.00

(2) Electric Subcode Fees.

Fixture/Equipment	Fee
Minimum subcode fee	\$75.00
Electrical fixtures and devices: 1-50	\$75.00
Receptacles, fixtures and devices to be counted for these parts are lighting fixtures, wall switches, convenience receptacles, sensors, dimmers, alarm	

devices, smoke and heat detectors, communications outlets, light standards 8 feet or less in height including luminaries, emergency lights, electric signs, exit lights or similar electric fixtures and devices rated 20 amps or less including motors or equipment rated less than 1 hp or 1 kw.	
Every additional 25 or fraction of:	\$50.00
Alarm Panels (fire or security)	\$50.00
Service Panels	
100 amps or less	\$100.00
101-200 amps	\$150.00
201-300 amps	\$200.00
301-400 amps	\$250.00
Every 100 amp increase over 400 amps	\$75.00
Devices over 1 hp/kw, to 10kw/hp	\$50.00
Devices over 10 hp/10 kw to 50 kw/hp	\$100.00
Devices over 50 kw/hp to 100 kw/hp	\$150.00
Devices over 100 kw/hp to 150 kw/hp	\$300.00
Increasing \$75.00 for every 50 kw/hp over 150b kw/hp	
Above ground pools/spas/ hot tubs/fountains	\$100.00
Inground pool	\$150.00
shall include any "required" bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles and heaters, etc., excepting panelboards and underwater lighting fixtures	
Area lighting, 1 to 5 standards (greater than 8 feet)	\$100.00
Area lighting, over 5 standards	\$25.00 each
Electric appliances, oven, dishwasher, microwave, air conditioner, heaters, water heaters, dryer, range, furnace, exhaust fan (over 1 kw), radon, lawn sprinklers	\$50.00
Annual inspection for commercial swimming pools	\$125.00
Transformer/generators: [Amended 6-3-2013 by Ord. No. 2013-3090]	
1kw up to and including 45kw	\$150.00
Greater than 45kw up to and including 112.5kw	\$250.00

Greater than 122.5kw	\$475
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(3) Fire Protection Subcode Fees.

Minimum subcode fees	\$75.00
Storage tank installations for flammable and combustible liquids:	
Tanks up to 500 gallons	\$100.00
501-1000 gallons	\$150.00
1001-2000 gallons	\$200.00
2001-5000 gallons	\$350.00
5000-10,000 gallons	\$500.00
10,001-19,999 gallons	\$750.00
Underground fire water mains-standpipe and sprinkler systems:	
Underground fire water mains (each building)	\$300.00
Standpipe systems	\$300.00
Additional standpipe risers	\$150.00
Sprinklers (other than R-5):	
1-10	\$150.00
11-25	\$250.00
For each additional 25 heads or part thereof the fee shall be increased by:	\$75.00
Fire hydrants on private property	\$200.00
Residential sprinklers in new single family	\$200.00
Preaction/Dry pipe valve (incl. compressor)	\$250.00
Fire pumps	
Fire pumps	\$300.00
Jockey/booster pumps	\$250.00
Smoke, heat and duct detectors and fire alarm panels:	
Detectors (R-5 use group):	
1-12	\$50.00
13-25	\$100.00
For each additional 25 detectors or part thereof, the fee shall be:	\$75.00
Carbon Monoxide Detectors:	
1-5	\$25.00
5-10	\$50.00
10 +	\$5.00 each
Fire Alarm panels (R-5 use	

group):	
1-12 devices	\$25.00
13-25 devices	\$50.00
For each additional 25 detectors or part thereof, the fee shall be:	\$75.00
Detectors (all other use groups):	
1-12	\$150.00
13-25	\$200.00
Each additional 25 devices or part thereof:	\$75.00
Fire Alarm Panels (all other use groups):	
1-12	\$150.00
13-25	\$200.00
Each additional 25 devices or part thereof:	\$75.00
Manual fire alarm systems	
Pull Stations:	
1-10	\$100.00
11-25	\$250.00
For each additional 10 pull stations or part thereof, the fee shall be:	\$25.00
Emergency light/exit signs	
1-5	\$50.00
6-10	\$100.00
11-15	\$150.00
16-20	\$200.00
21-25	\$250.00
For each additional emergency light or exit sign the fee shall be:	\$10.00
Independent pre-engineered suppression system (including dry chemical, wet chemical, halon, carbon dioxide, etc.):	
Pre-engineered suppression system	\$175.00
Kitchen exhaust hoods and flammable/combustible liquid exhaust hoods:	
Kitchen exhaust hoods	\$150.00
Flammable/combustible liquids exhaust hood	\$300.00
Incinerators and crematoriums	\$500.00
Gas, masonry and wood burning fireplaces, wood burning and	

other nonconventional heating devices:	
Fireplaces, stoves and other heating devices	\$75.00
Chimney liner	\$35.00
Gas or oil fired furnaces:	
Furnace	\$75.00
Chimney liner	\$35.00
Elevator/smoke detectors recall systems:	
Elevator recall systems	\$150.00
Smoke removal systems:	
Smoke removal systems	\$300.00
Gasoline station tanks and pumps:	
New gasoline station tank installation up to 10,000 gallons and up to six (6) pumps	\$750.00
Each additional gasoline tank up to 10,000 gallons, (installed at the same time as new installation)	\$200.00
Additional gasoline pumps-new or replacement	\$200.00
Replacement gasoline tanks	See tank installation #1
Fire department lock box/knox box:	
Lock box	\$25.00

(4) Plumbing Subcode Fees.

Minimum fee	\$75.00
Water closet	\$25.00
Urinal/bidet	\$25.00
Bath tub	\$25.00
Lavatory	\$25.00
Shower	\$25.00
Floor drain	\$25.00
Sink	\$25.00
Dishwasher	\$25.00
Drinking fountain	\$25.00
Washing machine	\$25.00
Hose bib	\$25.00

Other plumbing fixtures	\$25.00
Gas piping	\$75.00
Fuel oil piping	\$75.00
Steam boiler/furnace	\$75.00
A/C or refrigeration unit	\$75.00
Water heater	\$75.00
Other gas appliances (stove/range/pool htr/fireplace)	\$75.00
Generator	\$75.00
Sewer pump	\$75.00
Interceptor/separator	\$75.00
Water powered sump (incl. backflow prevention device)	\$130.00
Sump Pump	\$75.00
Grease trap	\$75.00
Sewer connection (per 100 feet)	\$75.00
Backflow prevention device (no charge for device used on boilers)	\$85.00
Water service connection (per 100 feet)	\$75.00
Active solar system	\$75.00
Special device	\$75.00
High pressure gas regulators	\$65.00
LPG tanks above ground	
Up to 500 gal.	\$95.00
501-2000 gal.	\$125.00
LPG tanks under ground	
Up to 2000 gal.	\$125.00
Septic tank abandonment	\$75.00
Swimming pool drains/vacuum release device	\$75.00
Lawn sprinkler (incl. backflow preventer)	\$95.00
Yard hydrants (does not incl. related piping)	\$75.00

10-2.2. Housing standards.

Pursuant to Chapter 10, Section 5, of the Revised General Ordinances of the Borough of Highlands, the following fees are hereby established:

- A. Certificate of occupancy for rental with one (1) inspection: one hundred dollars (\$100.).
- B. Certificate of occupancy for resale with one (1) inspection: one hundred dollars (\$100.).

- C. Added reinspection for certificate of occupancy: fifty dollars (\$50.).
- D. Housing certificates of occupancy that require electrical inspection are not charged a fee for initial inspection. Any violations cited by the Electrical Subcode Inspector must have an electrical application with fee paid before the certificate of occupancy is issued

SECTION III.

Chapter 10 (Buildings and Housing), Section 5.7 of the Code of the Borough of Highlands entitled "Fees" 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 Chapter 16, Section 3 that will remain unchanged are shown in normal type.):

10-5.7 Fees.

The fees for the certificate of occupancy inspection and issuance of the certificate are set forth in Chapter X, subsection ~~10-1.2~~ **10-2.3** above.

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

SECTION VI. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2019.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-18-25

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

WHEREAS, the Borough of Highlands, by Ordinance O-11-9 and codified in Chapter XVII of the Code of the Borough of Highlands, established a business improvement district, which Ordinance has been extended until its current expiration date of December 31, 2020; and

WHEREAS, the Borough of Highlands finds that it is in its best interest to amend Chapter 17 of the Borough Code to address additional procedural requirements for the business improvement district.

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

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

CHAPTER XVII BUSINESS IMPROVEMENT DISTRICT

17-1 DEFINITIONS.

[NO CHANGE]

17-2 FINDINGS.

The Mayor and Council find and declare:

a. That the area within the Borough of Highlands, as described by lot and block number, and by street addresses as set forth in Schedule A of this chapter, will benefit from being designated as a Business Improvement District.

b. The rental apartments containing five (5) or more units on the attached Schedule A as Class 4C are hereby included within the Special Improvement District as established by this chapter, provided, however, that no assessment shall be collected from Shore Landings, L.L.C. unless the decision of the Superior court, Law Division in Shore Landings v. Borough of Highlands is modified or reversed by appeal or agreement.

~~**All the properties included on Schedule A as Class 4 income producing properties hereto are hereby deemed to be included within the Special Improvement District as established by this chapter.**~~

c. That a District Management Corporation would provide administrative and other services to benefit the businesses, employees, residents and consumers in the Business Improvement District. These services shall be over and above the services already provided to the District by the Borough.

d. That a special assessment shall be imposed and collected by the Borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments shall be transferred to the District Management Corporation to effectuate the purposes of this chapter and to exercise the powers given to it by this chapter.

e. That it is in the best interests of the municipality and the public to create a Business Improvement District and to designate a District Management Corporation.

f. That the business community should be encouraged to provide self-help and self-financing programs to meet local business needs, goals and objectives.

17-3 CREATION OF DISTRICT.

[NO CHANGE]

17-4 APPEAL OF PROPERTY OWNER FROM INCLUSION IN THE DISTRICT.

[NO CHANGE]

17-5 ASSESSMENTS.

[NO CHANGE]

17-6 DESIGNATED DISTRICT MANAGEMENT CORPORATION.

[NO CHANGE]

17-7 POWERS AND DUTIES OF THE DESIGNATED DISTRICT MANAGEMENT CORPORATION.

The District Management Corporation, in addition to acting as an advisory board to the Mayor and Council, shall have all powers and responsibilities necessary and requisite to effectuate the purposes of this chapter and the District, including, but not limited to:

a. Adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties; the bylaws and other corporate documents shall provide that the corporation shall conduct its business in accordance with the Open Public Meeting Law; shall conduct regular meetings no less than quarterly and that the Board of Directors shall consist of **no less than fourteen (14) and no more than** twenty-one (21) members. As to the membership of the Board of Directors it shall include (1) a member of the Governing Body selected by the Governing Body; (2) a member of the Borough Planning Board selected by the Governing Body; (3) one (1) resident of the Borough who shall not be an owner or occupant of commercial property within the District. All of these appointments shall serve at the pleasure of the appointing authority.

~~**Additionally the Board of Directors shall consist of one (1) nonvoting member appointed from bodies such as:**~~

- ~~1. **Northern Monmouth Area Chamber of Commerce**~~
- ~~2. **Gateway National Park**~~
- ~~3. **Twin Lights Historic State Park**~~
- ~~4. **Not named**~~

b. ~~**The members appointed by these bodies shall serve at the pleasure of the appointing body.**~~ The remaining ~~**fourteen (14)**~~ members of the Board of Directors shall consist of owners or occupants of commercial property located within the District. The Mayor and Council will designate the BID Steering Committee members to carry on the duties of the nonprofit corporation, to include securing corporate and nonprofit status and creation of bylaws, form a nominating and election committee, utilize technical assistance of the League of Women Voters. The BID Committee shall not expend or commit any District Management Corporation funds without a simple majority vote of BID Committee members. The bylaws shall provide for an election to create the Board of Directors by owners and/or occupants of commercial property included within the District, which election shall be held on or before the third month anniversary from the date of the adoption of the chapter (this chapter was adopted May 5, 1999 by Ordinance No. O-99-06). Said elections will be for a term of three (3) years, except, however, at the first election five (5) members shall be elected for one (1) year; four (4) members shall be elected for two (2) years and five (5) members shall be elected for three (3) years. Any vacancies with regard to these elected members shall be filled by a majority vote of the Board members for the balance of the term. **The Board of Directors shall also elect a President, Vice President, and Treasurer to two (2) year terms. There shall be no limit to the overall number of terms served, however the President, Vice President, and Treasurer shall not serve more than two (2) consecutive terms.**

c. The Designated District Management Corporation shall also:

1. Employ such persons as may be required, and fix and pay their compensation from funds available to the corporation.

2. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money.

3. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity.

4. Administer and manage its own funds and accounts and pay its own obligations.

5. Borrow money from private lenders for periods not to exceed one hundred eighty (180) days and from governmental entities for that or longer periods.

6. Fund the improvement for the exterior appearance of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.

7. Fund the rehabilitation of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.

8. Accept, purchase, rehabilitate, sell, lease or manage property in the District.

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

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

11. Undertake improvements designated to increase the safety or attractiveness of the District to businesses, which may wish to locate there or to visitors to the District including, but not limited to, litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the Borough of Highlands.

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

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

14. Organize special events in the District.

15. Provide special parking arrangements for the District.

16. Provide temporary decorative lighting in the District.

17. Solicit at least two (2) price quotations for any expenditure over \$5,000.

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

19. Comply with government standards accounting.

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

17-8 ANNUAL BUDGET, HEARING AND ASSESSMENTS.

[NO CHANGE]

17-9 ANNUAL AUDIT OF DISTRICT MANAGEMENT CORPORATION.

The District Management Corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Mayor and Council and for that purpose the corporation shall employ a certified public accountant of New Jersey. **The annual audit shall be in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards.** The annual audit **and an accompanying management report** shall be completed and filed with the Governing Body within four (4) months after the close of the fiscal year of the corporations, and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five (5) days of filing of the audit with the Mayor and Council. **The District Management Corporation shall report out on the annual audit to the Highlands governing body no later than the second public meeting in May.**

17-10 ANNUAL AND QUARTERLY REPORTS TO MUNICIPALITY.

a. The district management corporation shall, within thirty (30) days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Mayor and Clerk of the Borough.

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

17-11 MUNICIPAL POWERS RETAINED.

[NO CHANGE]

17-12 SEVERABILITY.

[NO CHANGE]

17-13 EFFECTIVE DATE.

[NO CHANGE]

17-14 DOWNTOWN BUSINESS IMPROVEMENT ZONE (D-B12).

[NO CHANGE]

SCHEDULE A
(Section 17-2)

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

38	3	4A	36 NAVESINK AVENUE
38	4	4A	30 NAVESINK AVENUE
38	5	4A	26 NAVESINK AVENUE
38	6	4A	22 NAVESINK AVENUE
38	8	4A	2 NAVESINK AVENUE
38.01	11.01	4A	1 BAY AVENUE
38.01	12	4A	15 BAY AVENUE
38.01	13	4A	19 BAY AVENUE
38.01	15.01	4A	23 BAY AVENUE
<u>38.01</u>	<u>16</u>	<u>1</u>	<u>49 BAY AVENUE</u>
39	7.01	4A	34 BAY AVENUE
39	8	4A	26 BAY AVENUE (DOCK)
39	9	4A	24 BAY AVENUE
39	10	4A	18 BAY AVENUE
39	12	4A	12 BAY AVENUE
39	14	4A	2 BAY AVENUE
39	15	4A	2 SOUTH BAY AVENUE
40	11.02	4A	EXTENSION OF FIRST ST
40	15.01	4A	116 NAVESINK AVENUE
40	18.19	4C	MILLER STREET
41	8	4A	75 BAY AVENUE
41	9	4A	BAY AVENUE
42	10	4A	88 BAY AVENUE
42	13	4A	78 BAY AVENUE
42	15	4A	68 BAY AVENUE
45	4.01	4A	102 BAY AVENUE
<u>45</u>	<u>6.01</u>	<u>1</u>	<u>98 BAY AVENUE</u>
45	7	1	92 BAY AVENUE - KAY STREE
46	1	4A	103-107 BAY AVENUE
46	2	4A	111 BAY AVENUE
46	3	4A	123 BAY AVENUE

46	7	4C	143 BAY AVENUE
47	6	4A	132 BAY AVENUE
47	7	4A	130 BAY AVENUE
47	8	4A	128 BAY AVENUE
47	9	4A	126 BAY AVENUE
47	11	4A	122 BAY AVENUE
47	12	4A	120 BAY AVENUE
48	1	4C	45 CENTER STREET
48	7	4A	30 JACKSON STREET
50	1	4A	52 SHREWSBURY AVENUE
50	2	4A	52 SHREWSBURY AVENUE
50	4	4A	56 SHREWSBURY AVENUE
51	2	4A	3 CORNWALL STREET
52	2	4A	140 BAY AVENUE
53	2	4C	65 MILLER STREET
53	8	4A	157 BAY AVENUE
53	9	4A	151 BAY AVENUE
54	1	4A	150 BAY AVENUE
54	3.01	4A 2	146-148 BAY AVE
54	4	4A	144 BAY AVENUE
54	24.01	4A	11-13 MILLER STREET
55	1	4A	70 SHREWSBURY AVENUE
55	4.01	4A	88 SHREWSBURY AVENUE
56	14	4C	18 FIFTH STREET
56	15	4C	22-24 FIFTH STREET
56	16	4C	26 FIFTH STREET
<u>58</u>	<u>1</u>	<u>4A</u>	<u>154 BAY AVENUE</u>
58	18	4A	190 BAY AVENUE
58	19	4A	188 BAY AVENUE
58	23.01	4A	182 BAY AVENUE
58	24	4A	170 BAY AVENUE

58	25	4A	168 BAY AVENUE
58	26	4A	164 BAY AVENUE
59	9	4A	165 BAY AVENUE
60	7.01	4A	SHORE DRIVE
63	5	2	197 BAY AVENUE
63	7	4A	205 BAY AVENUE
63	19.01	4A	231 BAY AVENUE
64	1	4A	196 BAY AVENUE
64	24	4A	214 BAY AVENUE
64	28.01	4A	208 BAY AVENUE
66	10	4C	58 FIFTH STREET
66	12	4A	62 FIFTH STREET
69	4.01	4A	242 BAY AVENUE
69	13	4A	ATLANTIC STREET
72	8	4A	FT OF ATLANTIC ST
72	9.012	4A	MARINA ON THE BAY
72	11.01	4A	270 BAY AVENUE
72	12	4A	272 BAY AVENUE
73	2	2	SEADRIFT AVENUE
74	9	4A	277 BAY AVENUE
75	1	4C	274-276 BAY AVENUE
81	10.01	4A	295 BAY AVENUE
82	1.01	4A	297-299 BAY AVENUE
82	5.01	4C	83 HUDDY AVENUE
83	1	4A	300 BAY AVENUE
84	2.01	4A	MARINE PLACE
88	1.01	4A	311 BAY AVENUE
88	3	4A	71 WATERWITCH AVENUE
88	4.01	4A	67-69 WATERWITCH AVENUE
88	5	4A	321 BAY AVENUE
89	1	4A	310 BAY AVENUE

96	3	4A	409 BAY AVENUE
100	27	4A	326 SHORE DRIVE
100	27.06	4C	SHORE LANDING APARTMENTS
101	12.01	1	348 SHORE DRIVE
101	14	4A	354 SHORE DRIVE
101	27.03	4A	WILLOW STREET
101	30	4A	LOCUST ST
105.107	1.1	4A	SHADOW LAWN TRAILER PARK
108	1.01	4A	440 NAVESINK AVENUE 450 STATE HIGHWAY 36, also known as 450 NAVESINK AVE.
108	2.04	4A	470 STATE HIGHWAY 36, also known as 470 NAVESINK AVE.
114	1.01	4A	301 SHORE DRIVE
114	1.02	4A	SHORE DRIVE
116	11	4A	404 NAVESINK AVE
116	13	4A	410 NAVESINK AVENUE
116	14	4A	426 NAVESINK AVENUE
120	8.04	4A	254 NAVESINK AVENUE

SECTION TWO. SEVERABILITY.

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

SECTION THREE. REPEALER.

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

SECTION FOUR. EFFECTIVE DATE.

This ordinance shall take effect on January 1, 2019.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-18-26

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR CAPTAIN'S COVE MARINA, BLOCK 84, LOT 2.01 IN THE BOROUGH OF HIGHLANDS, NEW JERSEY PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

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, pursuant to Resolution 18-093, Heyer, Gruel & Associates were contracted to prepare the redevelopment plan for Captains Cove Marina; and

WHEREAS, the Captain's Cove Redevelopment Plan was prepared by Heyer, Gruel & Associates, and pursuant to Resolution 18-191, was referred to the Highlands Land Use Board for review and recommendation in accordance with N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Land Use Board issued a Consistency Report dated October 4, 2018, which recommended two revisions to the Captain's Cove Redevelopment Plan: (1) that no boat maintenance would be performed on land areas, and (2) to eliminate the prohibition of parking along the bulkhead; and

WHEREAS, the Governing Body of the Borough of Highlands has considered the Land Use Board's recommendations and agreed with the Land Use Board's first recommendation, however Highlands' Fire Marshall advised that the prohibition on parking is necessary to allow access to that side of the street by the Fire Department and other emergency responders when responding to boat fires and water rescues in the area; and

WHEREAS, the recommendation regarding boat maintenance was incorporated into a revised Captain's Cove Redevelopment Plan dated November, 2018; and

WHEREAS, the Captain's Cove Redevelopment Plan dated November, 2018 will, upon introduction of this Ordinance, be available in its entirety on the Borough's

website, as well as available in the Borough Clerk's Office for public examination and/or acquisition during regular weekday working hours.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Highlands as follows:

SECTION I.

The Captain's Cove Redevelopment Plan dated November, 2018 in its entirety is hereby adopted, and incorporated by reference herein, shall be applicable to the Captain's Cove Property identified above, as Block 84, Lot 2.01 in the Borough of Highlands, and shall supersede all provisions of Chapter XXI of the Revised General Ordinances of the Borough of Highlands (the Zoning and Land Use Regulations of the Borough of Highlands) as to the Captain's Cove Property; however, in all situations where land use issues are not specifically addressed in the Captain's Cove Redevelopment Plan, then, in that case, remaining provisions of Chapter XXI of the Revised General Ordinances of the Borough of Highlands to address such issues shall remain in full force and effect.

Pursuant to N.J.S.A. 40A:12A-7c, the Highlands Borough Zoning Map is hereby amended to identify the redevelopment area in the manner depicted in the Captain's Cove Redevelopment Plan.

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 0-18-27

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE SHADOW LAWN MOBILE HOME PARK, BLOCK 105.107, LOT 1.1 IN THE BOROUGH OF HIGHLANDS, NEW JERSEY PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

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: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, pursuant to Resolution 18-121, CME Associates was contracted to prepare the Redevelopment Plan for the Shadow Lawn Mobile Home Park; and

WHEREAS, the Shadow Lawn Mobile Home Park Redevelopment Plan was prepared by CME Associates, and pursuant to Resolution 18-223, was referred to the Highlands Land Use Board for review and recommendation in accordance with N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Land Use Board issued a Consistency Report dated November 1, 2018, which recommended four revisions to the Shadow Lawn Mobile Home Park Redevelopment Plan: (1) removal of the word “affordable” with regard to statutory requirements within the Redevelopment Plan, (2) to eliminate affordable housing on the site, (3) increasing multi-family residential units’ minimum size, and (4) clarifying the Developer’s obligation to bear the cost of any Geotechnical Engineering expert retained by the Land Use Board via applicant escrow; and

WHEREAS, the Governing Body of the Borough of Highlands has considered the Land Use Board’s recommendations and agreed with the Land Use Board’s fourth recommendation, however the first two recommendations fail to account for statutory affordable housing requirements, and the third recommendation is not specific as to the size of the particular multi-family residential units; and

WHEREAS, the recommendation regarding the Developer’s obligation to bear the cost of any Geotechnical Engineering expert was incorporated into a revised Shadow Lawn Mobile Home Park Redevelopment Plan prepared October 16, 2018 and revised on November 14, 2018; and

WHEREAS, a non-substantive revision to the building coverage for multi-family dwellings or mixed-use buildings which contain residential uses, increasing the coverage from 20 percent to 50 percent, was incorporated into the revised Shadow Lawn Mobile Home Park Redevelopment Plan prepared October 16, 2018 and revised on November 14, 2018; and

WHEREAS, the Shadow Lawn Mobile Home Park Redevelopment Plan prepared October 16, 2018 and revised on November 14, 2018 will, upon introduction of this Ordinance, be available in its entirety on the Borough's website, as well as available in the Borough Clerk's Office for public examination and/or acquisition during regular weekday working hours.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Highlands as follows:

SECTION I.

The Shadow Lawn Mobile Home Park Redevelopment Plan prepared October 16, 2018 and revised on November 14, 2018 in its entirety is hereby adopted, and incorporated by reference herein, shall be applicable to the Shadow Lawn Mobile Home Park Property identified above, as Block 105.107, Lot 1.1 in the Borough of Highlands, and shall supersede all provisions of Chapter XXI of the Revised General Ordinances of the Borough of Highlands (the Zoning and Land Use Regulations of the Borough of Highlands) as to the Shadow Lawn Mobile Home Park Property; however, in all situations where land use issues are not specifically addressed in the Shadow Lawn Mobile Home Park Redevelopment Plan, then, in that case, remaining provisions of Chapter XXI of the Revised General Ordinances of the Borough of Highlands to address such issues shall remain in full force and effect.

Pursuant to N.J.S.A. 40A:12A-7c, the Highlands Borough Zoning Map is hereby amended to identify the redevelopment area in the manner depicted in the Shadow Lawn Mobile Home Park Redevelopment Plan.

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 0-18-21

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.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-18-23

BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF STORM WATER AND SANITARY SEWER MAINS, APPROPRIATING \$5,050,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,050,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken in and by the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough"), as general capital improvements and Water/Sewer Utility improvements, respectively. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$5,050,000, said sum being inclusive of all appropriations heretofore made therefor. This bond ordinance authorizes projects intended to be funded through the New Jersey Infrastructure Bank Financing Program. Accordingly, no down payment is required or appropriated herein.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$5,050,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of the replacement of failing storm water and sanitary sewer mains at various locations within the Borough, including, but not limited to, Linden Avenue, Waterwitch Avenue, Bay Avenue, Ralph Street, William Street, Ocean Avenue, Central Avenue, Beach Boulevard, Snug Harbor Avenue, Huddy Avenue, Bedle Place, Recreation Place West, Marine Place West and Cheerful Place, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$5,050,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$5,050,000, which is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general capital improvements and Water/Sewer Utility improvements, respectively, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$5,050,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,135,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.