

BOROUGH OF HIGHLANDS, N. J.

INCORPORATED 1900

171 BAY AVENUE
07732
COUNTY OF MONMOUTH
PHONE: 732-872-1224
FAX: 732-872-0670
WWW.HIGHLANDSNJ.US



FRANK L. NOLAN
MAYOR
TIM HILL
ADMINISTRATOR
CAROLYN M. CUMMINS
BOROUGH CLERK

**MAYOR AND COUNCIL
REGULAR MEETING
WEDNESDAY, December 7, 2016
7:00 P.M.**

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

Call to Order
Meeting Statement
Roll Call
Executive Session Resolution

EXECUTIVE SESSION: 7:00PM

**Litigation: Valley Avenue Pipe Repairs
171 Bay Avenue
Housing Element and Fair Share Plan [COAH]**

Contract Negotiations: Block 47, Lot 10 and Block 56, Lot 8

Attorney Client Communications: Citizen Leadership Form

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Approval of Minutes: - October 18, 2016 – Regular Meeting

PUBLIC PORTION- Resolutions

NEW BUSINESS:

CONSENT AGENDA:

- R-16-222 - Property Tax Cancellation on 40 West North Street, Borough Owned Property
- R-16-223 - Authorizing Refund of Tax Overpayment
- R-16-224 - Special Item of Revenue – Chapter 159 – Drunk Driving Enforcement
- R-16-225 - Providing for the Transfer of Surplus Funds
- R-16-226 - Resolution Insertion of Revenue Item - Municipal Alliance
- R-16-227 - Cancellation of Capital Improvement Appropriation Balances
- R-16-229 - Acceptance of the Resignation of Skorka
- R-16-230 - Authorizing Refund of Tax Overpayment
- R-16-231 - Renewal of Shared Services Agreement with Atlantic Highlands
- R-16-233 - Payment of Bills
- R-16-234 - Authorizing Contracts with Certain Approved State Contract Vendors
- R-16-235 - Extending Shared Services Agreement for Municipal Court Services
- R-16-236 - Authorizing Contracts with Certain Approved State Contract Vendors

Other Resolutions:

- R-16-228 - Authorizing the Land Use Board to undertake a Preliminary Investigation

Ordinances: Introduction

- O-16-25 - Amending Borough Code - Chapter 3-13 Permitted Parking at Public Parks
- O-16-26 - Amending Borough Code - Chapter 3 - Motor Vehicle Towing & Storage Services
- O-16-27- Amending Borough Code - Chapter 6-3.4 License Fees for the Sale or Distribution of Alcoholic Beverages
- O-16-28- Authorization of a New Lease Agreement for Borough Owned Property to the Baymen's Protective Association, Inc. for a Public Purpose

Ordinances: [Public Hearing/Possible Adoption - December 21, 2016]

- O-16-24- Amending Borough Code – Chapter 2 – Creating Section Police Chaplains

Council/Committee Reports:

Council Member Broullon

Council Member Card

Council Member D' Arrigo

Council Member Wells

Recreation Committee Accomplishments 2016

Recreation Committee Meetings ~ 2017

Mayor Nolan

Others

Public Comments:

Adjourn:



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-222

PROPERTY TAX CANCELLATION

WHEREAS, The Borough of Highlands currently owns Block 40.01, Lot 21.01, known as 40 West North Street, and

WHEREAS, taxes were erroneously assessed for the 2015 tax year and the tax Collector is recommending that they be cancelled.

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 on Block 40.01, Lot 21.01 for the 2015 tax year in the amount of \$7,364.83.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-223

AUTHORIZING REFUND OF TAX OVERPAYMENT

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

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

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

BLOCK LOT YEAR AMOUNT NAME

60	7.02	2014	\$534.10	HARDING, JAMES & SUSAN
115	9.121	2013	\$1857.31	WEISSER, ROBERT & JUDITH
		2014	\$1931.77	
		2015	\$1537.25	



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-224

SPECIAL ITEM OF REVENUE – CHAPTER 159 DRUNK DRIVING ENFORCEMENT

WHEREAS, N.J.S.A. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any Special Item of Revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Highlands in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2016 in the sum of \$10,124.98 appropriated under the caption of;

General Appropriations:

(a) Operations Excluded from “CAPS”

Drunk Driving Enforcement Fund - \$10,124.98

BE IT FURTHER RESOLVED, that the Chief Financial Officer records this resolution with the Director of Local Government Services.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-225

PROVIDING FOR THE TRANSFER OF SURPLUS FUNDS

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Highlands that transfers be made in the Boroughs' 2016 budget appropriations in accordance with the following schedule:

BE IT FURTHER RESOLVED that this Resolution shall take immediately:

<u>A/C #</u>	<u>FROM</u>	<u>TO</u>
25-240-010 Police-S&W	\$ 107,000.00	
20-120-010 Clerk-S&W		\$ 5,000.00
26-300-020 Mechanic-Garage-OE		2,000.00
26-310-020 Building & Grounds-OE		15,000.00
36-472-000 Social Security		5,000.00
45-920-299 Bond Principal		20,000.00
28-375-020 Parks-OE		60,000.00
vet park electric/tilt-up		
Totals	<u>\$107,000.00</u>	<u>\$107,000.00</u>



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-226

**REQUESTING APPROVAL OF THE INSERTION OF \$28,525.00
AS AN ITEM OF REVENUE IN THE 2016 BUDGET AVAILABLE
FROM THE MUNICIPAL ALLIANCE PROGRAM GRANT**

WHEREAS, N.J.S.A 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$28,525.00 which item is now available as revenue from the Municipal Alliance Program Grant.

BE IT FURTHER RESOLVED that a like sum of \$28,525.00 be and the same is hereby appropriated under the caption of Municipal Alliance Program Grant, and

BE IT FURTHER RESOLVED that the sum of \$7,131.25 representing the amount required for the borough's share of the aforementioned undertaking or improvement appears in the budget of the year 2016 under the caption of Matching Funds for Grants and is hereby appropriated under the caption of Municipal Alliance Program Grant-Matching Funds. (Sheet 25)



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-227

CANCEL CAPITAL IMPROVEMENT APPROPRIATION BALANCES

WHEREAS, certain general capital improvement appropriation balances remain dedicated to projects that are now completed due to the conclusion of the 2008 Refunding Bond Issue, and

WHEREAS, it is necessary to formally cancel said balances so that the unused debt authorizations may be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, County of Monmouth, State of New Jersey that the following unexpended and dedicated balances of general capital appropriations be cancelled:

<u>ORD</u> <u>NO.</u>	<u>DATE</u> <u>AUTH.</u>	<u>PROJECT</u> <u>DESCRIPTION</u>	<u>AMOUNT CANCELLED</u> <u>UNFUNDED</u>
15-12	04/15/15	Refunding 2008 Bond Ord.	\$645,000.00



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-228

RESOLUTION AUTHORIZING THE LAND USE BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER BLOCK 105.107, LOT 1.1 AND BLOCK 84, LOT 2.01, QUALIFY FOR DESIGNATION AS AREAS IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-1 ET. SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, the governing body of the Borough of Highlands desires to explore whether the real property located at Block 105.107, Lot 1.1, commonly referred to as the Shadow Lawn Mobile Home Park site as well as the real property located at Block 84, Lot 2.01, commonly referred to as Captains Cove Marina (the “Study Areas”), may be appropriate areas for consideration for the program of redevelopment; and

WHEREAS, the governing body of the Borough of Highlands considers it to be in the best interest of the Borough to have the Land Use Board conduct such an investigation for the properties located at Block 105.107, Lot. 1.1, commonly referred to as the Shadow Lawn Mobile Home Park site, as well as the real property located at Block 84, Lot 2.01, commonly referred to as Captains Cove Marina; and

WHEREAS, the governing body of the Borough of Highlands believes the subject parcels are potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the Borough; and

WHEREAS, the Local Redevelopment and Housing Law sets forth a specific procedure for establishing areas in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 49A:12A-6, prior to the governing body of the Borough of Highlands making a determination as to whether the Study Areas qualify as areas in need of redevelopment, the governing body must authorize the Land Use Board, by resolution, to undertake a preliminary investigation to determine whether the Study Areas meet the criteria for designation as areas in need of redevelopment as set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the governing body of the Borough of Highlands wishes to direct the Land Use Board to undertake such preliminary investigation to determine whether the Study Areas meet the criteria for designation as areas in

need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and in accordance with the investigation and hearing process set forth in N.J.S.A. 40A:12A-1 et. seq.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Highlands hereby directs the Borough of Highlands Land Use Board to conduct the necessary investigation and to hold a public hearing to determine whether the Study areas defined hereinabove qualify for designation as areas in need of redevelopment under the criteria and pursuant to the public hearing process set forth in N.J.S.A. 40A:12A-1, et. seq.

BE IT FURTHER RESOLVED, that the redevelopment area determination shall further authorize the municipality to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, other than the use of eminent domain (hereinafter referred to as a “Non-Condernation Redevelopment Area”).

BE IT FURTHER RESOLVED, that the Land Use Board shall submit its findings and recommendations to the governing body of the Borough of Highlands in the form of a Resolution with supportive documentation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Acting Borough Clerk, Chief Financial Officer, Borough Land Use Board and Land Use Board Secretary.

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT
BROULLON							
CARD							
D'ARRIGO							
WELLS							
NOLAN							
ON CONSENT AGENDA ___YES ___NO							



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-229

RESOLUTION ACCEPTING RESIGNATION OF MEMBER OF THE OPEN SPACE COMMITTEE AND FINANCE COMMITTEE

WHEREAS, by way of Resolution R-14-18, Kimberly Skorka was appointed to serve on the Open Space Committee for a three (3) year term set to expire on December 31, 2016; and

WHEREAS, Kimberly Skorka also served on the Finance Committee for a one (1) year term set to expire on December 31, 2016; and

WHEREAS, by way of correspondence dated November 4, 2016, Kimberly Skorka submitted a letter of resignation from both the Finance Committee and the Open Space Committee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands that the Borough hereby accepts the resignation of Kimberly Skorka from both the Finance Committee and the Open Space Committee and thanks her for her service to the Community.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON						
CARD						
D'ARRIGO						
WELLS						
NOLAN						
ON CONSENT AGENDA			YES			NO



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-230

AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain banks 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>
101	20	2016	\$503.73	BOROUGH OF HIGHLANDS
		2017	\$692.14	BOROUGH OF HIGHLANDS



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-231

RESOLUTION RENEWING SHARED SERVICES AGREEMENT WITH THE BOROUGH OF ATLANTIC HIGHLANDS TO PROVIDE THE SERVICES OF THE ACTING MUNICIPAL CLERK/REGISTRAR AND ACTING DEPUTY REGISTRAR AND EXTENDING THE TERMS OF THE SAID AGREEMENT FOR A PERIOD OF NINETY (90) DAYS

WHEREAS, by way of Resolution R-16-149, Dwayne M. Harris, RMC, CMR, RPPO and QPA was appointed to serve in the position of acting Municipal Borough Clerk in accordance with the terms of a Shared Services Agreement which has a right to renew; and

WHEREAS, by way of Resolution R-16-149, Elizabeth Merkel was appointed to serve in the position of acting Deputy Registrar in accordance with the terms of a Shared Services Agreement which has a right to renew; and

WHEREAS, the aforesaid appointments were made due to medical disabilities of the Borough Clerk and Deputy Borough Clerk and Registrar, wherein the said individuals were out with medical disabilities for an indeterminate amount of time; and

WHEREAS, the Borough Clerk remains out with a medical disability for an indeterminate amount of time; and

WHEREAS, the Deputy Borough Clerk and Registrar also remains out with a medical disability for an indeterminate amount of time; and

WHEREAS, in accordance with Resolution R-16-149, the Borough executed a Shared Services Agreement with the Borough of Atlantic Highlands to provide the services of Acting Municipal Clerk/Registrar and Acting Deputy Registrar in accordance with the applicable statutes of the State of New Jersey; and

WHEREAS, in accordance with the terms of the aforesaid Shared Services Agreement and as set forth in Resolution R-16-149, the aforementioned appointments to Acting Municipal Borough Clerk and Acting Deputy Registrar were effective through December 31, 2016 with the right to renew the said Shared Services Agreement upon the terms and conditions set forth therein; and

WHEREAS, the Borough of Highlands has notified the Borough of Atlantic Highlands of its intention to renew the Shared Services Agreement and extend the same for a period of ninety (90) days, through March 31, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Highlands that the appointment of Dwayne M. Harris, RMC, CMR, and

RPPO and QPA to serve in the position of Acting Municipal Borough Clerk is hereby extended for a period of ninety (90) days, through March 31, 2017 and the appointment of Elizabeth Merkel to serve as Acting Deputy Registrar, is hereby extended for a period of ninety (90) days, through March 31, 2017, in accordance with the terms of the aforesaid Shared Services Agreement which has a right to renew.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to the Chief Financial Officer and the Borough of Highlands Administrator as well as the Borough of Atlantic Highlands Administrator and Municipal Clerk for the Borough of Atlantic Highlands.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON						
CARD						
D'ARRIGO						
WELLS						
NOLAN						
ON CONSENT AGENDA ___ YES ___ NO						



**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

RESOLUTION 16-233

RESOLUTION AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated December 02, 2016, which totals as follows:

Current Fund	\$339,798.42
Sewer Account	\$107,622.23
Capital Fund	\$160,457.09
Trust-Other	\$83,649.69
Federal/State Grants	\$1,537.68

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$690,065.11** 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 on file in the Municipal Clerk's office for reference.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON						
CARD						
D'ARRIGO						
WELLS						
NOLAN						
ON CONSENT AGENDA	Yes					



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-234
RESOLUTION AUTHORIZING CONTRACTS WITH
CERTAIN APPROVED STATE CONTRACT VENDORS
FOR
CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-
12a

WHEREAS, the Borough of Highlands, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Highlands has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Borough of Highlands intends to enter into contracts with the attached Referenced State Contract Vendor[s] through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highlands authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Borough of Highlands pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED that the duration of the contracts between the Borough of Highlands and the Referenced State Contract Vendors shall be from December 07, 2016 – November 30, 2017.

Commodity/Service	Vendor	State Contract #
VEHICLES, TRUCKS, CLASS 2, PICKUP/ UTILITY, WITH SNOW PLOW OPTION	BEYER FORD LLC 170 RIDGEDALE AVE MORRISTOWN, NJ 07962 Purchase price \$37,760.	88727

Referenced State Contract Vendors



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-235

EXTENDING SHARED SERVICES AGREEMENT FOR MUNICIPAL COURT SERVICES

WHEREAS, the “Uniformed Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1, et seq. (the “Act”), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within several jurisdictions or any service which any party to the agreement is empowered to render within its own jurisdiction; and,

WHEREAS, N.J.S.A. 2B:12-1(c) allows two or more municipalities to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and to agree to appoint the same persons as certified court administrator without establishing a joint municipal court; and,

WHEREAS, Highlands and Atlantic Highlands have determined that it would be in the best interest of the Municipalities for Highlands to utilize the Atlantic Highlands Municipal Building’s courtroom, court offices, and to share employees, facilities, and equipment, under agreed upon terms and conditions; and,

WHEREAS, Resolution R-13-246 approved the Shared Service Agreement with the Borough of Atlantic Highlands which expired on November 30, 2016; and,

WHEREAS, the governing body has determined that it would be in the best interest for the Borough of Highlands to extend the Shared Service agreement with Atlantic Highlands for another two-year period commencing December 1, 2016 and terminating on December 31, 2018; and,

NOW THEREFORE BE RESOLVED by the governing body of the Borough of Highlands, in the County of Monmouth and State of New Jersey that the extension of the Shared Services agreement between the Boroughs of Highlands and Atlantic Highlands, with the amended consideration and mutual covenants contained therein for the stated period, is approved.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 16-236
RESOLUTION AUTHORIZING CONTRACTS WITH
CERTAIN APPROVED STATE CONTRACT VENDORS
FOR
CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-
12a

WHEREAS, the Borough of Highlands, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Highlands has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Borough of Highlands intends to enter into contracts with the attached Referenced State Contract Vendor[s] through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highlands authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Borough of Highlands pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED that the duration of the contracts between the Borough of Highlands and the Referenced State Contract Vendors shall be from December 07, 2016 – November 30, 2017.

Commodity/Service	Vendor	State Contract #
2-TON FALCON RME ASPHALT RECYCLING ACCT#6-05-502-000-296	MCGRATH MUNICIPAL EQUIPMENT, LLC SPRING FIELD, NJ 07081 Purchase Price \$19,129.	NJPA 11302 FRM

Referenced State Contract Vendors



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 16-24

AN ORDINANCE TO AMEND CHAPTER 2 SECTION 10 OF THE CODE OF THE BOROUGH OF HIGHLANDS BY THE ADDITION THERE TO OF A NEW SECTION ENTITLED POLICE CHAPLAIN

WHEREAS, N.J.S.A. 48:14-141 provides that the governing body of the Borough of Highlands by Ordinance may provide for the appointment of one or more Chaplains to the Police Department; and

WHEREAS, Police Chaplains serve an integral role in providing comfort to members of the Police Department as well as the public and aid in community policing; and

WHEREAS, the governing body finds that providing for the appointment of one or more Chaplains to the Police Department to be in the best interests of the Borough.

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

SECTION I:

The provisions of Chapter 2 Section 10 are hereby modified, and amended by the addition of a new section. Said Section, Chapter 2 Section 10.16 shall read as follows:

The position of Police Chaplain for the Borough of Highlands Police is hereby created in accordance with N.J.S.A. 40A:14-141. The position shall be a volunteer position. The position of Police Chaplain shall be subject to the Control of the Chief of Police.

The Chief of Police shall recommend to the Borough Administrator, person(s) that he/she believes meets the qualifications of N.J.S.A. 40A:14-141 as well as the rules and regulations of the Borough of Highlands Police Department with reference to Chaplains, if any. All applicants for the position of Chaplain shall be reviewed by the Chief of Police and Borough Administrator to determine his/her qualifications are in accordance with this Ordinance and shall make recommendations to the Mayor and Council. The Mayor and Council shall appoint chaplains in accordance with this Ordinance and in accordance with N.J.S.A. 40A:14-141.

Any person appointed as Chaplain shall be an ordained clergyman in good standing in the religious body from which he/she is selected. The chaplain shall be a certified Police Chaplain credentialed in accordance with the rules and regulations of the Borough of Highlands Police Department and shall be qualified in accordance with N.J.S.A. 40A:14-141.

The duties of the Police chaplain shall include, but not be limited to, assisting the Borough of Highlands Police Department in any duties that may be assigned by the Chief of Police that pertain to the Police Chaplaincy.

Any person appointed as Chaplain shall serve in that capacity without Rank or Salary. The position will be a volunteer position.

A person appointed as Chaplain shall serve from the date of appointment and shall continue to serve in that capacity until he/she is terminated, resigns or retires from that position. The Chief of Police shall be notified and consulted should any of these options be exercised.

SECTION II.

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

SECTION III.

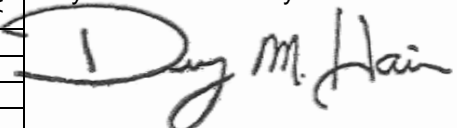
REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV.

EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Introduction – O-16-24	MOVED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON	X		X			
CARD			X			
D'ARRIGO			X			
WELLS		X	X			
NOLAN						X

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held November 02, 2016. WITNESS my hand this 3rd day of November 2016.



Dwayne M. Harris, RMC
Municipal Clerk

Second Reading and Public Hearing will be held on December 07, 2016.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 16-25

AN ORDINANCE AMENDING CHAPTER 3-13 OF THE BOROUGH CODE CONCERNING PERMITTED PARKING AT PUBLIC PARKS OF THE BOROUGH

WHEREAS, the Borough has made a determination to regulate parking within the public parks of the Borough; and

WHEREAS, in accordance with Chapter 3, Section 13 of the Borough Code, “It is necessary for the public interest, convenience, safety and proper enjoyment of the parks; for the proper maintenance and preservation of the parks; and for the general safety and welfare of the area surrounding the parks to make certain rules and regulations in connection with the use of same”; and

WHEREAS, in accordance with Chapter 3, Section 13.5 of the Borough Code, “All public beaches maintained and operated by the Borough of Highlands shall be considered public park areas within the meaning of this definition”; and

WHEREAS, the governing body has determined that certain changes should be made to the parking regulations within the public parks of the Borough and that these changes should be adopted for the general safety, health and welfare of the Borough.

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

SECTION I.

The following section of Chapter 3, Section 13.13 entitled “Leaving Vehicles within Park at Night” of the Borough Code 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 Chapter 3, Section 13.13 that will remain unchanged are shown in normal type).

3-13.13 ~~*Leaving Vehicles within Park at Night.*~~ ***Parking at Public Parks and Public Beaches***

~~*No person shall leave a vehicle standing or parked at night in established parking areas or elsewhere in the park areas.*~~

To the extent not otherwise regulated or prohibited by Chapter 7, Section 3 of the Borough Code, including Chapter 7, Section 3.4 Schedule I and Chapter 7, Section 3.6 Schedule IA, vehicles shall be permitted to park in the established or designated parking areas of the public parks and public beaches that are maintained and operated by the Borough between the hours of 5:00a.m. and 10:00p.m.

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

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

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 16-26

AN ORDINANCE AMENDING CHAPTER 3 OF THE BOROUGH CODE CONCERNING REGULATIONS PERTAINING TO MOTOR VEHICLE TOWING AND STORAGE SERVICES

WHEREAS, N.J.S.A. 40:48-2.49, et seq., authorizes municipalities to regulate, by ordinance, the removal of motor vehicles from private or public property by operators engaged in such practice, including, but not limited to, the fees charged for storage following removal, fees charged for such removal, notice requirements therefor, and the mercantile licensing of such operators; and

WHEREAS, the Borough sets forth General Police Regulations by and through Chapter 3 of the Borough Code; and

WHEREAS, the Governing Body has determined that in order to promote the health, safety, and welfare of the public, that it is in the best interests of the residents of the Borough to amend Chapter 3 of the Borough Code to provide standards, regulations and rates pursuant to N.J.S.A. 40:48-2.49 et seq. for law enforcement agency requested and non-preference motor vehicle towing and storage services requiring a response thereto by the licensees; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, that Chapter 3, Section 26 entitled "Regulations Pertaining to Motor Vehicle Towing and Storage Services" is hereby created as follows:

I. PROCEDURE

A. DEFINITIONS

1. Authorized storage facility
Any auto body repair shop or service station which has a temporary storage facility for disabled or abandoned vehicles in accordance with the Borough of Highlands or other municipality's Land Use Ordinance.
2. Applicant
An individual or legally formed business entity which seeks to obtain a license from the Chief of Police to furnish towing services within the municipality pursuant to this Chapter.
3. Chief of Police
The Chief of the Police Department of the Borough of Highlands or anyone designated by him/her.

4. Heavy Duty Vehicle
Any truck, omnibus or other vehicle, 26,001 pounds or greater, or any over-height or over-width vehicle.
5. Light-Duty Vehicle
Any passenger automobile, station wagon, pickup truck or panel truck up to 15,000 pounds, or any motorcycle, or all-terrain vehicle.
6. Medium-Duty Vehicle
Any truck, omnibus or other vehicle from 15,001 to 26,000 pounds.
7. Operator
The person, firm or corporation which owns or leases and operates or causes to be operated a tow truck and includes the word "owner" and "permittee."
8. Owner
Any person, firm or corporation who owns and/or operates a vehicle on the roads and highways which vehicle by reason of being disabled or being unlawfully upon said roads requires towing services.
9. Police Officer
Any regular police officer, Class I or Class II Special Police Officer and any State Police Officer and/or their designee.
10. Storage rate charges
Shall begin at 12:01a.m. of the next day, and each day shall end at 11:59 p.m. Storage fees are calculated based on full twenty-four hour periods that a vehicle is in the storage facility.
11. Towing Apparatus
A motor vehicle, including but not limited to a wrecker, tow truck or flatbed truck, employed for the purpose of towing, transporting, conveying and removing any vehicle without causing damage to the vehicle being towed or transported.
12. Vehicles
Includes but is not limited to automobiles, trucks, tractors, trailers, motorcycles, minibikes, mopeds, go-carts, trail bikes, buses, ski mobiles, farm equipment or any other mechanically powered conveyance which shall become disabled or required to be towed from the scene of an accident or in order to safeguard the public health, safety and welfare.
13. Wreckers
A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying or removing any and all kinds of vehicles, or parts of vehicles, which are unable to be operated under their own power for which a service charge or fee is exacted.

B. LICENSE REQUIRED; TRANSFERABILITY

1. No person, firm or corporation shall participate in the police towing of vehicles within the Borough without first having obtained a towing license as hereinafter provided.
2. A license issued under this chapter shall not be transferable.

C. APPLICATION; FEE

Applications for licenses issued under this regulation shall be made upon forms made available by the Chief of Police. An application fee of \$150.00 to cover administrative expenses must be paid in full at the time of the submission of the completed application. The application shall include the following information:

1. The full name and address of the applicant. If the applicant is made for a corporation, it shall state the names and addresses of the officers and directors thereof, its registered office and its registered agent.
2. The description, by make, model, license number, year, vehicle identification number and color, of all towing apparatus for which licenses are requested, together with the principal location at which the towing apparatus will be maintained.
3. The block and lot number and mailing address of the garage at which the applicant has space available for properly accommodating and providing for the security of all towed motor vehicles. The storage facility must be able to accommodate at least 10 motor vehicles. The location of the storage facility and the location where their wreckers are principally housed may not be more than five driven statute miles over roadways leading to and from the boundaries of the Borough of Highlands. In order to ensure the prompt clearing of Highlands' roadways and further ensure the safety of drivers and stranded motorists, priority will be given applicants who meet the above-referenced criteria and are closest in statute miles over roadways leading to and from the boundaries of the Borough of Highlands.
4. A letter from the Zoning Officer of the municipality in which the premises is located verifying that the storage of motor vehicles is a permitted use upon the premises where the garage is located. At no time shall there be more vehicles stored upon the premises where the garage is located than that permitted by the municipality where vehicles are stored.
5. The certificates of required insurance.
6. A fully executed employment nondiscrimination statement.
7. Certification that the applicant is in full compliance with all state and federal laws and regulations concerning wages, hours and terms of employment.
8. A copy of a mercantile license issued to the business if the municipality wherein the business is located requires such license.

9. All applicants, towing operators, agents of applicants, as well as officers and directors of a corporation must submit to a criminal history check.
10. No towing operator shall be directly involved with another applicant.

D. FILING DATE; ISSUANCE OF LICENSE

Upon this chapter becoming effective, applications shall be received by the Chief of Police during the thirty-day period immediately following and shall be acted upon in accordance with the provisions of this chapter. The Chief of Police shall recommend to the Mayor and Council the issuance of towing licenses for their consent and approval. All licenses issued under this chapter shall expire on the last day of December next succeeding the date of issuance. Prior to renewal of any license issued hereunder, the Chief of Police shall conduct a review of all license holders to assess their compliance with the terms and provisions of the within ordinance and any other regulatory statutes, if applicable.

E. INVESTIGATION; DECISION ON APPLICATION

Within 30 days after the receipt of an application, the Chief of Police shall cause an investigation to be made of the applicant and his or her proposed business operation and shall make or have made an inspection of the towing apparatus proposed to be used in connection therewith. All applicants and/or operators shall be fingerprinted, and a license shall not be issued to a person convicted of a crime of moral turpitude. The Chief of Police may delegate the inspection of the towing apparatus to a person or persons who shall make such an inspection and who shall report to the Chief of Police whether the towing apparatus is in a condition that will not interfere with the public health, safety and welfare and complies with the requirements and standards of this chapter. Upon completion of the investigation and inspection, the Chief of Police shall either refuse to approve the application or shall approve the application in accordance with the standards herein provided and shall inform the applicant of his decision.

F. CONDITION OF ISSUANCE OF LICENSE

The Chief of Police shall approve an application when he finds that the following requirements have been met by the applicant:

1. The insurance policies as required have been procured and supplied.
2. The applicant has at least one wrecker/tow truck in use and operation in order to assure the efficient and diligent dispatch of towing apparatus upon the request of the Police Department.
3. The requirements of this chapter and all other applicable laws, statutes and ordinances have been complied with.
4. All towing apparatus proposed to be used have been properly licensed and conform to the State Motor Vehicle Laws.

5. The towing apparatus to be approved meet the required minimum standards as set forth herein.
6. The towing contractor must be able to respond to all calls for service by the Highlands Police Department within a reasonable amount of time, preferably 10 minutes but not more than 30 minutes. Although it is stated in other sections of this chapter, failure to meet this time requirement will initially result in the Police Department calling the next wrecker in the rotation; however, any three failures to comply with the required response time could result in the offending wrecker service being dropped from the list and revocation of its license.
7. Payment of a \$150 licensing fee.
8. There shall be no charge for any towing of any municipally owned vehicle to a location within five driven miles of the boundaries of the Borough of Highlands.

G. MINIMUM STANDARDS FOR LICENSING

The following shall serve as a minimum standard licensing. A wrecker or tow truck or flatbed truck shall be capable of handling, removing and towing any vehicle as defined in this chapter and must have or be equipped with the following:

1. All wreckers and towers and flatbed trucks shall have a minimum weight of one ton, according to the manufacturer's specifications.
2. A power takeoff or an adequate electric-operated winch with a minimum cable thickness of three-eighths-inch steel.
3. A three-eighths-inch safety chain. The lift chair and the safety chain are not to be attached in any form or manner to the same part of the tow truck or wrecker or a flatbed truck.
4. Front and rear flashing hazard lights.
5. A 360° rotating amber beacon light mounted above the cab or an approved light bar. Proper permits are required for the amber light and proof of such permit shall be provided with the application for the towing license.
6. All lights shall be of such candlepower and intensity so as to be visible 1/4 of a mile away.
7. The company name, address and phone number permanently affixed on both sides of the wrecker or tow truck or flatbed truck. The letters and numbers shall be a minimum of three inches in height.
8. A proper motor vehicle car dolly for each wrecker.
9. Approved towing slings.

10. Clean-up equipment. All tow vehicles are responsible for the prompt and safe removal of the disabled vehicle(s) and for the prompt and complete removal of all litter, debris and spillage resulting from the accident and must carry a broom, rake, trash can and bags, shovel and speedy dry-type material to absorb, remove and properly dispose of any litter, debris and or spillage resulting from the accident, with the exception of hazardous materials, as set forth in N.J.S.A. 39:4-56.8.
11. Safety equipment. All towing apparatuses shall have: a universal towing sling; one snatch block for 3/8 to 1/2 inch cable, two high-test safety chains; auxiliary safety light kit on rear of towed vehicles; four-lamp or three-lamp revolving amber light or lamp bars of at least five hundred candle power pointed to the rear and mounted as to not be obstructed by the towed vehicle; at least three flares or other suitable warning devices visible for a distance of not less than one thousand feet from the disabled vehicles; toolbox with assortment of hand tools; rear working lights and rear marker lights; cab lights; body-clearing lights located to clear towed vehicle; blocking choke for wrecker; safety cones; steering wheel lock or tie-down; two-way radio communication system; and operational fire extinguisher designed for vehicular fires.
12. All towing apparatuses must be maintained and operated in accordance with all existing traffic regulations and in a safe and prudent manner.
13. Commercial motor vehicle plates.
14. One twenty-pound dry chemical fire extinguisher
15. Additionally, all towing operators and their drivers shall be fully trained and knowledgeable in the operation of all required equipment.
16. The applicant must own or lease an operational fax machine capable of transmitting correspondence via telephone lines.
17. Minimum Storage Standards
 - a. Outside storage facility, fenced and secured large enough to accommodate at least ten (10) passenger vehicles.
 - b. All storage facilities shall have proper sign identification.
 - c. Storage areas shall be lit from dusk through dawn.
 - d. Storage locations shall be in compliance with all applicable codes and municipal ordinances and shall be zoned for all the uses for which they are or will be dedicated.

The storage facility to which the vehicle is towed shall have a business office open to the public between 8:00 a.m. and 6:00 p.m., Monday through Friday, excluding holidays. To accommodate customers who cannot retrieve the vehicle within that timeframe on those days, the towing company shall allow the vehicle to be released on Saturday between 8:00 a.m. and 4:00 p.m. or shall make other reasonable arrangements to allow the vehicle to be released.

H. INSURANCE POLICIES AND INDEMNIFICATION AGREEMENT

1. Each licensee shall obtain and provide proof of coverage of the following policies of insurance naming the Borough, where applicable, as an additional named insured prior to the issuance of the towing license:
 - a. Automobile liability in an amount not less than \$1,000,000.00 combined single limit.
 - b. Garage keeper's policy covering fire, theft and explosion in the minimum amount of \$1,000,000.00 as well as collision coverage for vehicles in tow.
 - c. Garage liability in an amount not less than \$1,000,000.00 combined single limit.

Miscellaneous coverage to provide complete protection to the Borough against any and all risks of loss or liability, including comprehensive general liability in the amount of \$1,000,000.00, on hook insurance in the amount of \$100,000.00, cargo insurance in the amount of \$500,000.00 and workers compensation insurance for their employees.

2. Each insurance policy required herein must contain an endorsement providing 10 days' notice to the Borough in the event of cancellation, revision or modification. The aforesaid insurance policies must be in full force and effect for the entire time period the towing license is issued, and these insurance policies must be written by insurance companies authorized to conduct business in New Jersey and have a satisfactory rating from the Commissioner of Insurance.
3. Prior to the issuance of a towing license, the licensee must duly execute an indemnification agreement in which the licensee agrees to indemnify and hold the Borough harmless from any and all loss or damages, including but not limited to attorney's fees and costs of suit, arising from the conduct of the licensee in the course of towing or attempting to tow any vehicles pursuant to the terms of the license granted.

I. INSPECTION, ENFORCEMENT

The Chief of Police or his designee is hereby authorized to establish reasonable rules and regulations for the inspection and operation of towing apparatus and for the design, construction, maintenance and conditions for the safe conduct of a towing service business, in accordance with the standards provided in this chapter. All vehicles shall be maintained in good working order and meet minimum safety standards. If at any time the Chief of Police shall find the equipment inadequate or unsafe or not complying with the Motor Vehicle Laws of the State of New Jersey or in the event that the towing business operator shall fail to comply with the provisions of this chapter or the provisions of the Zoning Ordinances of the Borough of Highlands or the municipality in which it is situated, he shall have the power to demand immediate correction, and, if not

corrected, the Chief shall have the authority to revoke or suspend the license and schedule a hearing relative thereto. The Chief of Police is also hereby authorized and empowered to establish from time to time such additional rules and regulations, not inconsistent herewith, as may be reasonable and necessary in effectuating and carrying out the terms and provisions of this chapter.

J. APPEAL

An appeal of the Police Chiefs ruling shall be filed with the Borough Clerk within 10 calendar days of the Chiefs decision. A hearing before the governing body shall be held within 30 calendar days of the filing, with a ruling forthcoming from the governing body within 20 calendar days of the conclusion of the hearing or at the next regularly scheduled meeting.

K. RATES

A. Every licensed owner of towing apparatus shall give the owner of the vehicle a written receipt for the fee paid for the rendering of any towing service hereunder. Copies of receipts shall be maintained by the garage owner for three years and be made available for inspection by authorized Borough officials. This chapter requires that all towing contractors adhere to rules and rates and schedules established by the Department of Insurance, N.J.A.C. 13:45A-31.1 et seq., and N.J.S.A. 40:48-2.49 et seq. A copy of said laws will be provided to all approved contractors. Fees may be charged that are less than the rates specified in N.J.A.C. 13:45A-31.1 et seq. and N.J.S.A. 40:48-2.49 et seq. This chapter also seeks to assure the timely dispatch of adequate towing equipment to scenes of accidents and in other circumstances requiring the removal of vehicles in order to safeguard the public health, safety and welfare. The Borough shall not be liable for any of the services performed by the tower unless those services are performed for municipal vehicles. The tower shall proceed directly against the owner of the motor vehicle for the recovery of any fees or charges.

B. Allowable Fee Schedule to be Charged by Operator

Towing Charge

Light Duty Vehicles \$150.00

Medium Duty Vehicles \$200.00

Storage Charge \$35.00 per day

C. A licensed operator that engages in towing at the request of the Borough shall calculate storage fees upon full twenty-four hour periods that a vehicle is in the storage facility. For example, if a vehicle is towed to a storage facility at 7:00 p.m. on one day, and the owner picks up the vehicle before 7:00 p.m. the

next day, the operator shall charge the owner of the vehicle only for one day of storage. If a vehicle is stored for more than 24 hours, but less than 48 hours, the operator may charge for two days of storage. However, time shall not begin to accrue for the purposes of calculating storage fees until the time the vehicle actually reaches the storage site.

D. In accordance with N.J.A.C. 13:45A-31.4, in the case of a vehicle involved in an accident, the following additional services, if actually performed, may be charged:

1. Site cleanup, which shall be calculated based upon the number of bags of absorbent used, at a maximum rate of \$25.00 per bag.
2. Winching, which shall be based upon each 1/2 hour spent performing winching, which shall be at a maximum rate of \$100.00 per 1/2 hour for light-duty vehicles and \$150.00 per 1/2 hour for medium-duty vehicles.
3. Use of special equipment other than the first tow truck to recover a motor vehicle that cannot be recovered by winching or pieces of a motor vehicle that cannot be moved by hand, which may be both a labor and an equipment charge billed in half-hour increments at \$50.00 per 1/2 hour.

E. In addition to the fees allowed to be charged against towed vehicles within this section, the Borough has the authority to charge a tow release processing fee of up to \$25.00 per vehicle.

L. CONDUCT OF OWNERS AND OPERATORS

A tow license hereunder shall be issued subject to the following conditions:

1. No person owning or operating a towing apparatus licensed under this regulation shall permit or invite loitering within or near the towing apparatus when in use.
2. No person shall solicit, demand or receive from any person any commission or fee except the fee for transporting the vehicle to be towed.
3. No person shall pay any gratuity, tip or emolument to any third person not involved in the towing or removal of any vehicle or to any police officer for any information as to the location of any accident or for soliciting the employment of the operator's services.
4. The holder of a towing license shall not release to anyone any motor vehicles towed by said license holder without first obtaining a towed vehicle release form issued by the Highlands Police Department or a verbal release authorization if that is all that is required by the Police Department.
5. The holder of a towing license shall forthwith and without delay release to the owner thereof any motor vehicle which has been towed or stored by said

license holder upon payment of the towing and/or storage fee and obtaining of a receipt for said vehicle from the owner thereof, during reasonable hours of business.

M. RECORDS REQUIRED TO BE KEPT

1. Vehicles towed by the Police Department. All companies on the towing list shall maintain a record regarding all vehicles towed at the request of the Police Department. This record shall be made available to any police officer for inspection upon request and shall contain the following information:
 - a. The date, time, location and name of the towing apparatus and the name of the driver who towed at the Department's request.
 - b. The physical location of the vehicle after being towed.
 - c. Identification of the towed vehicle, to include make, year, model, color, vehicle identification number, license number and the name of the registered owner or operator, if known.
 - d. Fee charged for such towing service and the manner in which said fee was calculated.
2. A list of all vehicles presently stored shall be submitted to the Highlands Police Department, including the following:
 - a. The make, model and color.
 - b. The registration number and state of registration.
 - c. The vehicle identification number.
 - d. The officer's name requesting the tow or impound
3. The applicant shall maintain all records by means of a computer system to facilitate an expedient and efficient means of retrieving all tow-related information and shall maintain all records at one central location. These records shall be kept for a three (3) year period.
4. The applicant shall maintain accurate records of owner notification(s) and attempted notifications.

The applicant must comply with the recordkeeping provisions in accordance with N.J.A.C. 13:45A-31.9.

N. NOTICE TO VEHICLE OWNERS

All tow wrecker operators shall be required to contact the registered owner of the towed vehicle in order to promptly facilitate the removal of said vehicle from the storage facility. Failure to notify promptly will require the towing contractor to adjust his or her total storage charges as is reasonable for his or her failure to notify. The tow operator will be required to contact the registered owner via the

postal service, by registered mail, after the vehicle has been at the storage facility for 20 days. If this mail notification has not been performed, storage charges arising after that period of time will not be charged. The towing contractor may continue charging storage fees provided that all conditions have been met. A copy of the receipt, along with the time and date of telephone conversations, will be maintained and be made available to the Police Department immediately upon request. Failure to submit the required information will result in the removal of the towing service from the tow list, and any request for storage fees will be subject to critical examination. The Highlands police will, at the tow operator's request, supply related information as to the owner of the vehicle, the owner's last known address and any other data that may be of assistance.

O. ROTATING CALL LIST; HEAVY DUTY VEHICLES

1. The Police Department shall establish and publish a call list for all eligible licensees for the purpose of towing service within the Borough. Each licensee deserving to be placed on the list shall agree to the terms and conditions as may be set and approved by the Chief of Police. The list shall be in alphabetical order and rotated so to be equal to all licensees. Any licensee shall be removed from the list upon:
 - a. Written request from the licensee.
 - b. Failure to comply with the terms and conditions as prescribed by the Chief of Police.
 - c. Revocation of towing license.
2. Approved towing contractors will be placed on a daily rotating call basis. On their respective designated days, towing contractors will be expected to respond anywhere in the Borough of Highlands. In the event that the holder of a towing license is unavailable or unable to perform all or part of his or her designated days, it shall be that towing contractor's obligation to provide the Police Department with the name of another licensed towing contractor who has agreed to provide service for all or part of that rotation. A towing contractor who fails to provide such coverage shall forfeit his next scheduled rotation. A second failure to provide coverage could result in that towing contractor's removal from the list and revocation of his or her license. The Police Department shall keep a list of all requests for towing apparatus, indicating therein the date, time and place to which called and whether the tower called was available and, if not available, the reason why and the name of the towing license holder next called. No tower shall respond to the scene of an accident except upon notification by the officer in charge at the scene of an accident or at police headquarters or upon the request of the driver or owner of the vehicle concerned. Towing apparatus must be dispatched upon receipt of notification from the Police Department and shall arrive at the scene within a reasonable period of time, preferably not more than 10 minutes after being so notified. If at any time more than two wreckers are required in order that the performance of towing services may be efficiently rendered and the public's traffic safety assured, the Police Department is hereby authorized to call upon one or more approved holders of towing licenses to respond to the

dispatch of the Police Department.

3. Additional rules and regulations regarding the rotation of wreckers as may be promulgated hereunder by the Chief of Police shall take effect immediately after mailing, by certified mail return receipt requested, a copy thereof to all license holders for towing apparatus in the Borough, which mailing may be made by addressing same to the license holders at their last known addresses.
4. The foregoing shall not limit in any way the authority herein conferred upon the Chief of Police to promulgate rules and regulations providing for the removal and storage of disabled heavy-duty motor vehicles such as tractor-trailers and construction equipment requiring specialized towing equipment.

P. CLEAN UP AT THE SCENE OF ACCIDENT

The driver of the towing apparatus shall be required to clean up broken glass and debris from the scene of any accident to which it is called before leaving the scene thereof. All towing apparatus shall be equipped with a broom, rake, shovel and special dry and waste containers.

Q. APPLICATION OF REGULATIONS

This chapter shall not apply where the towing apparatus is called to perform services by the owner of the disabled vehicle to be towed or serviced, nor shall any provision contained herein be interpreted or construed in any manner as to interfere with or obstruct a member of the Highlands Police Department in the performance of his/her duties and the enforcement of the Motor Vehicle Traffic Laws of the State of New Jersey.

R. PRESERVATION AND RELEASE OF EVIDENCE

1. The tower shall take all reasonable precautions to protect evidence when required to by the Highlands Police Department. When required, all such vehicles shall be stored as requested and in, a manner so as to protect the evidentiary nature of the vehicle. Such vehicles shall be stored and covered so as to prevent any unauthorized individuals from tampering with or removing any item(s) from the vehicle.
2. Release of any evidence, property or vehicle shall not occur unless written authorization has been obtained by the tower from the Highlands Police Department authorizing said release.

S. CONDUCT OF EMPLOYEES; COMPLAINTS

1. The licensee shall be solely responsible for the conduct of his or her employees.
2. Any complaints received by the Borough of Highlands regarding the licensee or his or her employees involving excessive charging, damage to vehicles, theft from vehicles, discrimination or failure to comply with local, state or federal laws regarding workers' employment regulations shall be addressed to

the Chief of Police for review. After review, if the complaint(s) is substantiated, the license of said tower may be revoked or suspended.

T. STORAGE ON MUNICIPAL PROPERTY; FEES

In the event that it shall become necessary to store any privately owned motor vehicle, or any type of trailer or similar accessory equipment, upon municipal property, the owner or owners of such vehicle or equipment shall be charged a fee of \$15.00 for each day of storage or part thereof. No such vehicle or equipment shall be released until the storage fee provided herein shall have been paid in full.

U. LICENSE SUSPENSION OR REVOCATION

The Chief of Police shall have the authority to suspend or revoke a towing license for violations of safety standards or rules and regulations of operation after notice and opportunity to be heard. The following shall serve as a guide in imposing sanctions:

First offense:	Suspension for one week
Second offense:	Suspension for two weeks
Third offense:	Revocation of license

V. VIOLATIONS AND PENALTIES

Any persons violating the provisions of this chapter shall be subject to a penalty as set forth in Chapter 3-9 entitled Penalty for each violation and/or removal from the approved towing list.

W. SEVERABILITY

Each section, subsection, sentence, clause and phrase of this chapter is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this chapter to be unconstitutional, void or ineffective for any cause, or reason, shall not affect any other portion of this chapter.

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

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

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 16-27

AN ORDINANCE AMENDING CHAPTER 6-3.4 OF THE BOROUGH CODE CONCERNING LICENSE FEES FOR THE SALE OR DISTRIBUTION OF ALCOHOLIC BEVERAGES IN THE BOROUGH

WHEREAS, Chapter VI of the Borough Code entitled Alcoholic Beverage Control regulates the sale and transportation of alcoholic beverages in the Borough of Highlands, in accordance with the applicable State Statutes and the Rules and Regulations of the State Director of Alcoholic Beverage Control; and

WHEREAS, Chapter 6-3.4 of the Borough Code regulates the annual license fees charged for the sale or distribution of alcoholic beverages in the Borough; and

WHEREAS, N.J.S.A. 33:1-12, et seq. regulates the permissible fees by class of license for the sale or distribution of alcoholic beverages in the Borough and permits the governing body to fix the fees within a permissible range and to raise or lower the fees charged from that charged in the preceding license year;

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Section 6-3.4 to raise the license fees charged for the sale or distribution of alcoholic beverages in the Borough by 20% from that charged in the preceding year in accordance the aforesaid statutory provisions.

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

SECTION I.

The following section of Chapter 6-3.4 entitled "License Fees; Maximum Number" of the Borough Code 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 Chapter 6-3.4 that will remain unchanged are shown in normal type).

6-3.4 License Fees; Maximum Number.

The annual license fees and maximum number of licenses for the sale or distribution of alcoholic beverages in the borough shall be as follows:

<i>Class of License</i>	<i>Annual License</i>
Plenary Retail Consumption	\$864.00 <u>\$1,036.00</u>
Plenary Retail Distribution	\$628.00 <u>\$753.00</u>
Club License	\$100.00 <u>\$120.00</u>

The provisions of this subsection with respect to the limitation on the number of licenses shall not apply to the renewal or transfer of licenses presently issued.

BE IT FURTHER ORDAINED, by the governing body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey that the aforesaid annual license fees shall become effective January 1, 2017.

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

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

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 16-28

ORDINANCE AUTHORIZING A NEW LEASE AGREEMENT FOR THE LEASE OF BOROUGH OWNED PROPERTY TO THE BAYMEN'S PROTECTIVE ASSOCIATION, INC. FOR A PUBLIC PURPOSE

WHEREAS, by way of Ordinance O-95-18, the Borough was authorized to enter into a lease with the Baymen's Protective Association, Inc., a non-profit corporation which is tax-exempt under State and Federal law, in order to lease Borough owned property for a public purpose within the meaning of N.J.S.A. 40A:12-14 and 15; and

WHEREAS, the said lease was for Borough owned property located at 76 Fifth Street, Highlands, New Jersey, designated as Block 67, Lot 1 on the Borough of Highlands Tax Map, for the real property and improvements located thereon, including a facility known as the James T. White Clam Depuration Plant, with an initial term of September 1, 1995 through August 31, 2005, which was then renewed for a term through August 31, 2015 and thereafter extended by agreement; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to enter into a new lease agreement with the Baymen's Protective Association and wishes to continue to lease the aforesaid Borough owned property located at 76 Fifth Street, Highlands, New Jersey for a public purpose within the meaning of N.J.S.A. 40A:12-14 and 15.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to enter into and execute a new lease agreement with the Baymen's Protective Association, Inc. for the aforesaid Borough owned property located at 76 Fifth Street, Highlands, New Jersey, which has been the subject of negotiations by and between the Borough officials and the Baymen's Protective Association, Inc., which lease will be on file at the office of the Borough Clerk and will include the following terms and conditions:

1. **Consideration:** \$7,500.00 fixed rent per month with adjustments after Lease Year 3 in accordance with the Consumer Price Index, along with \$.002 per clam sold (not landed) in excess of 20,000,000 clams sold in any one calendar year, along with payment in lieu of taxes at the rate of \$1,200.00 per month, along with various incentives provided to tenant by way of rent credits and offsets;
2. **Lessee:** Baymen's Protective Association, Inc.;
3. **Public Purpose:** Within the meaning of N.J.S.A. 40A:12-15(i), the promotion of the health and general welfare of the community through the

deputation of clams which will result in a wholesome and safe product native to eastern Monmouth County, which will promote and allow for a marketable and safe product which will benefit the public by providing and enhancing employment opportunities for local fisherman as well as affording employment in the clam deputation facility, which will enhance the general economic base of the Borough and local community at large;

4. **Number of persons benefiting from the Public Purpose:** Approximately 60-80 directly, approximately 200-300 indirectly and the consumers who will benefit from the continued supply to market of an indigenous wholesome product;
5. **Term of Lease:** Initial Term of Ten (10) Years with options to renew for three (3) additional terms of five (5) years each. Maximum term of Lease is for a period of twenty-five (25) years should all of the options to extend the term of the Lease be exercised by Tenant and accepted by Landlord;
6. **Officer, Employee or Agency Responsible for Enforcement of the Conditions of the Lease:** Borough Administrator.

BE IT FURTHER ORDAINED that the Baymen's Protective Association, Inc. shall annually submit a report to the Borough Administrator of the Borough of Highlands which sets forth the following: the use to which the leasehold was put during each year; the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the non-profit corporation pursuant to both State and Federal law.

This Ordinance shall take effect after final passage as provided by law.

Recreation Committee Accomplishments 2016

Members: Jacqueline Kane, Scott Keller, Chris Moran, Greg Wells, Rebecca Kane-Wells ~ Council Liaison, Jennifer Strehl ~ Recreation Employee

- Bonfire Event, 6/3/16 – 300+ people attended (Donations of food, drinks, snacks, s'mores, crafts, wood, etc. from local Businesses and Community Groups)
- Library Book Cart for Community Center was created, July 2016 – Kids can take home books, read, and return
- Summer Fun Reading Party for Summer Kidfest Participants, 8/10/16 – Acknowledged children who did Summer Reading and logged in their minutes with the Monmouth County Library by having a celebration with prizes, awards, cake, and cookies.
- Yoga for Seniors at Ptak Towers, Oct. 2016 to present – 20 participants
- Yoga for *Kids on the Move* participants, Oct. 2016 to present – 8 participants
- Basketball Clinic, 10/18/16 – 12/6/16 ~ For Grades K-6, 68 participants
- Had 11 Recreation Committee Meetings for 2016

- Upcoming 2017 Programs / Events – Rugby for Kids, Arts Program for Seniors at Ptak, 2nd Annual Bonfire, Beach Bingo, Teen Movie Nights, Mommy / Daddy & Me Reading Program, Summer Fun Reading Program, and lots more!

Recreation Committee Meetings

~ 2017

at the Robert D. Wilson Memorial Community Center

7:30 pm

January 23, 2017

February 27, 2017

March 27, 2017

April 24, 2017

May 22, 2017

June 26, 2017

July 24, 2017

August 28, 2017

September 25, 2017

October 23, 2017

November 20, 2017

December 11, 2017