



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 23-122

AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND CAPTAIN'S COVE MARINA, LLC CONCERNING THE REPAIR OF WASHINGTON AVENUE

WHEREAS, Captains Cove Marina (hereafter the "Marina") has proceeded with efforts to repair the bulkhead located on property known as Block 84, Lot 2.01 in the Borough of Highlands; and

WHEREAS, the Borough has alleged that while the bulkhead was installed to the satisfaction of the DEP, portions of the Borough's Road and curbing along Washington Avenue have been damaged as a result of construction; and

WHEREAS, the Borough Engineer has opined that Washington Avenue has been undermined throughout the construction, and especially during a significant storm event in December 2022 when the tide rose through gaps in the bulkhead that were not properly secured and closed during construction; and

WHEREAS, the Marina submitted a Mercantile License Application for the year 2023, which was denied by the Borough Administrator due to safety concerns until such time that Washington Avenue is restored; and

WHEREAS, the Marina has alleged that the Mercantile License was improperly withheld; and

WHEREAS, an agreement has been reached with respect to the restoration of Washington Avenue and operation of the Marina in order to ensure the health, safety and welfare of the residents of the Borough.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Highlands hereby authorizes the Mayor and/or the Borough Administrator to execute an Agreement between the Borough of Highlands and Captain's Cove Marina, LLC concerning the Repair of Washington Avenue, in a form to be approved by the Borough Attorney.

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

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a certified copy of this Resolution to the Borough Attorney.

Motion to Approve R 23-122:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: May 17, 2023

Nancy Tran, Municipal Clerk
Borough of Highlands