

**Highlands Business Partnership
Regular Meeting of the Board of Director's
August 13, 2001
Henry Hudson Regional High School
Grand Tour**

Executive Session

Lynn Hunter, HBP President, called the non-public portion of the annual meeting to order at 7:05 p.m.

Litigation

Judge Gilroy, Monmouth County Courts, rendered the Shore Landing case decision. Judge Gilroy's decision was to remove Shore Landing from the district. Judge Gilroy determined that they should be treated the same as condos, based upon a Morristown case regarding public services. Robert Goldsmith, HBP and Borough special attorney for the case provided a summary for the HBP Executive Committee that was presented to the Board of Directors. Shore Landing, after exhausting their appeal with the Borough Tax Assessor, filed a suit to be removed from the Business Improvement District on the basis that they were residential in nature and not a business. They based their case on the Ordinance language, which states that expressly residential properties will be excluded from the district. The Tax Assessor and the Monmouth County Tax Administrator, Mat Clark, confirmed that an apartment complex with 25 units is accurately classified as a commercial income producing property (class 4C). The New Jersey property class definitions are included in the New Jersey State Assessor's Manual. Properties that are apartments, consisting of four units, are classified as residential (class 2) not income producing. All condos are fee simple and by the same classification system are residential (class 2) and not considered income producing. All single-family homes are classified as residential (class 2) and not considered income producing.

HBP options were reviewed. An appeal to the Shore Landing decision by Judge Gilroy is recommended by attorney Robert Goldsmith. This case is a precedent setting case for business improvement districts throughout the state that have included property class 4c income producing apartments with five or more units. The districts that are known to have these properties are Collingswood, Teaneck, Keyport and Highlands. The appeal will be with the appellate division of the courts and there will be a panel of three judges who will review and render a division on the case. HBP will need to take formal action on the appeal, as well as, the outstanding legal fees that are pending with the Borough. The Borough appropriated \$2,489.40 for legal work with the Borough Tax Assessor and \$5,000 for the litigation of the case between the Borough of Highlands, HBP and Shore Landing - a total of \$7,489.40 There are outstanding legal fees from the initial litigation in the amount of \$5,596.74 The Borough has requested that HBP pay these bills and HBP will consider the action of an appeal at this meeting during public session.

Discussion with Board members and the council representatives on the Board centered around the strong desire to move forward with what we have started and there are firm convictions that these properties do benefit from the work of HBP. Comments that owners of apartment complexes often see turnover of tenants at a much faster rate than commercial tenants. Therefore, apartment complex owners can attract a better tenant with the improved image and physical environment of the apartments that the HBP District has produced during the last year. There were no comments that supported not moving forward with an appeal paid for by HBP funds. The Borough and HBP continuing the case together is an important element for the judges to consider during an appeal. HBP taking the appeal alone would reduce our impact with the panel of judges. HBP and council representatives would look to garner the council's support of moving forward as a team with HBP funding the legal costs associated with the appeal.

Special assessments will continue to be collected from properties that are like Shore Landing (apartments with five or more units) and will be held in escrow until the appeal is completed. Shore Landing, according to the Judge Gilroy's decision will be refunded the \$3,000 special assessment for

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2001 - but included in the amended ordinance and schedule a. No special assessment will be Assessor, Charles Heck, and Borough Administrator, John Tedesco that were extracted from the Borough of Highlands Sewer database. All properties that had five or more sewer connections were referred to the Tax Assessor for closer review of records and all properties that were like Shore Landing (apartments consisting of five or more units) that were included in the District were also reviewed. Ordinance amendment will be undertaken during the last quarter of the calendar year to support the appeal process to show the court that the ordinance language clearly define what properties are included in the business improvement district.

Northern Monmouth Chamber of Commerce Membership

HBP will consider a proposal from the Northern Monmouth Chamber of Commerce, NMCC for HBP to become a corporate member at a rate of \$2,500. This would include various benefits including

- One major event 2002
- Dedicated column in quarterly in Chamber Chatter for HBP News and Events
- Dedicated column in monthly e-Chatter for HBP News and Events
- One networking event in 2002 in Highlands
- One breakfast or luncheon meeting in calendar year 2002 in Highlands
- 25 members can join the NMCC for \$50 (1/4 of the regular dues)
- HBP can expand our corporate membership to accommodate more members

HBP Board members questioned the number of members and seek clarification on the sliding scale and rate paid number on the proposal sheet submitted by Patti Baxter, Executive Director NMCC.

Many Board members commented that they would join for the networking opportunities and that this rate makes it affordable and adds value to their business expansion. L. Cartaya, K. Armstong, K. Lustig and J. Wicklund all commented that they would join tonight - it was a great rate. K. Shaw, Business Advocate mentioned that this also provides HBP with another marketing tool for recruiting more businesses at a very inexpensive rate. One ad in the NJ Real Estate would cost in the range of the value of the HBP corporate membership. HBP will be getting multiple value from this corporate membership and partnership. The concert series was a valuable addition to HBP' events in 2002; and this was done in partnership with NMCC. HBP has first hand knowledge of how this relationship works and can be expanded.

Executive Session was closed by a motion by B. Duncan, second by R. Mumford with all in favor the session was closed at 8:10 p.m.

Lynn Hunter, President, called the public session of the HBP Board of Directors to order at 8:10 p.m.

Meeting attendance:	<input type="checkbox"/> = present	<input checked="" type="checkbox"/> = absent					
K. Armstrong	<input type="checkbox"/>	B. Duncan	<input type="checkbox"/>	J. Koenig	<input checked="" type="checkbox"/>	R. Rauen	<input type="checkbox"/>
L. Cartaya	<input type="checkbox"/>	W. Garcia	<input type="checkbox"/>	M. Kovic	<input type="checkbox"/>	S. Ruby	<input type="checkbox"/>
D. Douty	<input checked="" type="checkbox"/>	L. Hunter	<input type="checkbox"/>	H. Moyer	<input checked="" type="checkbox"/>	J. Wicklund	<input checked="" type="checkbox"/>
C. Cefalo-Braswell	<input type="checkbox"/>	K. James	<input type="checkbox"/>	R. Mumford	<input type="checkbox"/>	*D. Stafford	<input checked="" type="checkbox"/>
				K. Lustig	<input type="checkbox"/>	*(called 8/13/01 Meeting conflict)	

12/17 50% plus one = quorum

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Minutes of the March 12, 2001 First Annual Meeting of HBP

Minutes were reviewed and a motion by L. Hunter, second by K. James to accept the minutes into corporate record. With all in favor the minutes shall be included in corporate records and added to our Website for public access.

Treasurer's Report - W. Garcia

The money market account total is \$53,820.62; checking account total is \$18,823.03 effective 7/31/01. A transaction report was provided to the Board of Directors effective 7/31/01, showing each committee/account transactions for the HBP computer generated accounting system. There are two remaining assessment payments from the Borough September and December.

Executive Committee - Hunter, Cefalo-Braswell, Garcia, Lustig

The litigation overview was the primary activity that the committee has been involved with and was reported in the Executive Session.

Committee Reports

VIC - K. Armstrong, Committee Chair

Planters, bike racks, trash receptacles, replacement highway sign (near CVS) were approved by a fax vote by the Board. All are order and will be installed. The Borough will partner and fund the replacement highway sign while HBP will fund the event banners placed below the sign to replicate the westbound bridge installation and the trash receptacles. HBP has funded the 30 new planters, which includes 10 planters to replace those on Bay Avenue in poor condition.

Marine Place light shields are being fabricated by resident volunteers. The neighborhood residents are working with the VIC to determine lighting tolerance levels. The cost estimate to remove every other light was in excess of seven thousand dollars. An expensive cost without even including the cost of relocated light bollards in new locations. The direct burial of wires in conduit makes repairs and relocation expensive. The remaining light bollards would need to be reconnected in conduit. A frustrating project that VIC has undertaken to improve the visual appearance of this area. The Borough will be provided a report by the VIC on actions to be taken at Marine Place. VIC landscaping has stopped until such time as the lighting issues can be resolved.

Corn Stalks will be installed along Bay Avenue for the fall events and festive addition to the streetscape. Woods Edge will install and remove.

Economic Development - R. Mumford/B. Duncan, Committee Co-Chairs

The Borough and HBP are investigating a Smart Growth application that would provide funds to create a plan for communities that are fully developed and must meet the challenges of re-using or improving existing facilities. A Strategic Revitalization Plan SRP is being considered. Keyport has moved forward with this type of planning and has also sought out Smart Growth funding. Funding by the Office of State Planning Smart Growth grant would create a SRP. The funding would provide a professional planner for Highlands, technical assistance from the NJ Office of State Planning. In addition would allow HBP and the Borough Board to act facilitators to conduct public sessions to:

- determine a vision for Highlands planned re-development;
- In-depth circulation and parking plans;
- Design and flood standards for re-development and a vision for the waterfront and commercial areas that would meet the Office of State Planning criteria for plan endorsement.

An important by-product of this process would be that the SRP would be adopted as an update and addition to Highlands Master Plan. HBP Business Advocate, K. Shaw has attended several Borough/Board meetings with M. Truscot, Joe Donald and Ed Fox, NJ Office of State Planning,

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Monmouth County Planning Board for advice and direction to maximize our HBP and Borough business expansion objectives. A predictable business environment where the Board and the Officials have one endorsed objective will allow HBP to conduct business recruitment activities and produce Results. HBP needs to provide businesses with a predictable outline of business opportunities in Highlands. The creation of an endorsed SRP will allow this process to become effective and productive.

Marketing/Special Events - Co-Chairs L. Hunter and C. Cefalo-Braswell

Seaport Craft Show, Clam Fest Cruise Nights and NMCC Concert Series have taken us through the summer months with collateral materials supporting new visitors through coupons, advertising, ferry promotional brochures and flyers/posters. *Cruise Nights* were greatly enhanced from last year. Lori Ann Bodnar-Nolan and Frank Nolan worked closely with the Jersey Shore Cruisers and put a successful two-series cruise night together for Highlands. Lori solicited two times for gift certificates and prizes for the car enthusiasts. *Highlands Coupons* and maps were distributed at all functions. *Clam Fest* was expanded with additional vendors and food Establishments. The electric needs of the event, advertorial and double truck ad added additional expenses to the production of this event. New ways to expand and cover expenses will be sought after next year. A destination ad was taken in the Amend Publishing papers that cover the Middletown, Homdel, and Colts Neck areas. Feature stories appeared along with our HBP ad. Work on the Bike Event is coming to a close. Early registration is promising and the event will capture one of our goals to expanding our visitor base. *OctoberFest* will follow and vendor outreach is underway through Allen Consulting. The event will be held at SeaStreak Parking Area, Shore Drive. Fireworks will be included in the OctoberFest Event. The last events will include *Re-Discover* and our *Holiday Lighting* and first time *Holiday House Tour*. Allen Consulting will be reaching out for house tour participants.

ACTION ITEMS

Appeal - Shore Landings

A motion was made by M. Kovic, Second by B. Rauen that HBP will pay all costs related to the appeal to the Shore Landing case; and that the HBP Board of Directors agree that pending a resolution by the Borough Council to share in the payment up to 50% but no less than 40% of the unpaid balance of cost incurred for legal bills stemming from Shore Landing Law Suit.

MNCC Membership

Deferred to a fax vote after obtaining clarification on the rate and number of members included in the corporate membership proposal for HBP membership with the Northern Monmouth Chamber of Commerce.

The meeting was adjourned at 9:50 p.m. by a motion from R. Mumford, second by M. Kovic with all in favor the meeting was adjourned.

Next regular meeting of the HBP Board of Directors is November 26, 2001
Submitted by K. Shaw, Business Advocate