



Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
April 20, 2022– Meeting Minutes

MEETING: Meeting came to order at 7:00 PM

MEETING STATEMENT: The following public meetings statement was read.

The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Asbury Park Press and the Two River Times and by posting at the Borough of Highlands Municipal Building and filing with the Borough Clerk all on January 1, 2022. Items listed on the agenda are subject to change.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmember Cervantes, Councilmember Chelak, Councilmember Melnyk, and Mayor Broullon were all Present.

Absent: Councilmember Olszewski

Also in attendance were Borough Administrator Michael Muscillo, Highlands CFO Patrick DeBlasio, Borough Attorney Andrew Ball, Esq., Municipal Engineer Bennett Matlack, and Acting Borough Clerk Nancy Tran.

APPROVAL OF MINUTES:

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Motion: Melnyk

Second: Chelak

Ayes: Cervantes, Chelak, Melnyk, Mayor Broullon

Abstain: None

Absent: Olszewski

INTRODUCTION OF PROPOSED ORDINANCES: None

PUBLIC HEARING ON PROPOSED ORDINANCES: None

RESOLUTIONS:

RESOLUTION 22-103

RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE BOROUGH OF SEA BRIGHT FOR LIFEGUARD OPERATIONS

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 the 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 Borough of Sea Bright wish to encourage inter-municipal cooperation; and

WHEREAS, the Borough of Sea Bright has the necessary staffing and certifications to provide Lifeguard Operations by and through Sea Bright Ocean Rescue which is a nationally certified ocean rescue agency; and

WHEREAS, the Borough of Sea Bright has the staffing and personnel to provide Lifeguard Operations to the Borough of Highlands at two (2) beaches, commonly referred to as Snug Harbor and Miller Street, for the period of June 18, 2022 through and including September 5, 2022; and

WHEREAS, a total of four (4) Lifeguards will be assigned to the Highlands beaches (with a roving supervisor) for the aforesaid period; and

WHEREAS, Snug Harbor Beach will be assigned two (2) USLA qualified open water beach lifeguards and the Miller Street Beach will be assigned two (2) USLA qualified open water beach lifeguards, however, between August 15th through Labor Day (September 5, 2022), staffing may drop to one (1) lifeguard per beach during the weekdays depending upon available personnel; and

WHEREAS, the Borough of Highlands and the Borough of Sea Bright have reached an

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agreement for which the cost to provide such services to the Borough of Highlands will be \$54,138.00 consisting of the following:

- Lifeguard Rescue Equipment and Medical Supplies - \$6,788.00.
- Rescue Personnel - \$41,600.00.
- Borough of Sea Bright Administrative Fee – \$5,750.00; and

WHEREAS, the Borough of Highlands and the Borough of Sea Bright previously entered into a Shared Services Agreement, wherein the Highlands will perform street sweeping services for Sea Bright at a cost of \$15,000.00, which was authorized by way of Resolution 22-080 duly adopted on March 2, 2022; and

WHEREAS, the Borough of Sea Bright has agreed to apply a credit of \$15,000.00 towards the cost of Lifeguard Operations, wherein the Borough of Highlands will pay the Borough of Sea Bright the total amount of \$39,138.00 for the aforesaid Lifeguard Operations; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands:

I hereby certify that funds are available as follows: account 2-01-42-730-000-299



Patrick DeBlasio, Chief Financial Officer

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 Borough of Sea Bright for Lifeguard Operations services for the period between June 18, 2022 through September 5, 2022, and the Borough of Highlands will pay the Borough of Sea Bright for said services the amount of \$54,138.00 less a credit of \$15,000.00 for the street sweeping services being provided to the Borough of Sea Bright, for a total amount of \$39,138.00.

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 certified copies of this Resolution be forwarded to the Chief Financial Officer, the Borough of Highlands Administrator and the Borough of Sea Bright Administrator.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

We jumped back to reading the Proclamations that Acting Borough Clerk Tran skipped over to give the public more time show up for the Public Hearing on the Municipal Budget.

PROCLAMATIONS/CERTIFICATES:

- Mayor Broullon read the Governor’s Proclamation for Child Abuse Prevention Month.
- Mayor Broullon read the Borough of Highlands Arbor Day Proclamation.

Public Hearing on the 2022 Municipal Budget:

Mayor Broullon opened Public Hearing on the 2022 Municipal Budget. When there were no questions, Mayor Broullon asked Mr. DeBlasio to give an overview of the 2022 Budget. Mr. DeBlasio remarked that this is the best budget that he’s presented in his 9 years with Highlands. He thanked the Mayor, Administrator, and Council for job well done. As there were still no questions, Mayor Broullon closed public hearing and then remarked that this was the first year that the amount of taxes to be raised has gone down.

SECTION 2 - UPON ADOPTION FOR YEAR 2022

RESOLUTION 22-111

Be it Resolved by the COUNCIL MEMBERS of the BOROUGH
of HIGHLANDS, County of MONMOUTH that the budget hereinbefore set forth is hereby
adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 8,437,652.00 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in
Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of
the following summary of general revenues and appropriations.
- (d) \$ 44,651.48 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ - (Item 5 Below) Minimum Library Tax

RECORDED VOTE

(Insert last name)

Motioned: Mayor Broullon
Seconded: Melnyk

Ayes

Cervantes
Chelak
Melnyk
Mayor Broullon

Nays

Abstained

Absent

Olszewski

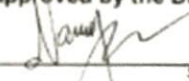
SUMMARY OF REVENUES

1 General Revenues				
Surplus Anticipated		08-100	\$	2,500,000.00
Miscellaneous Revenues Anticipated		13-099	\$	988,762.24
Receipts from Delinquent Taxes		15-499	\$	400,000.00
2 AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSED (Item 6(a), Sheet 11)		07-190	\$	8,437,652.00
3 AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY				
Item 6, Sheet 42		07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A-4-14)		07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY			\$	-
4 To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY				
Item 6(b), Sheet 11 (N.J.S.A. 40A-4-14)		07-191		
5 AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX		07-192	\$	-
Total Revenues		13-299	\$	12,326,414.24

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	XXXXXX	XXXXXXXXXXXXXX
Within "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent	34-201	\$ 7,896,460.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 695,247.00
(g) Cash Deficit	46-885	\$ -
Excluded from "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 873,703.24
(c) Capital Improvements	44-999	\$ 500,000.00
(d) Municipal Debt Service	45-999	\$ 1,261,004.00
(e) Deferred Charges - Municipal	46-999	\$ -
(f) Judgments	37-480	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$ -
(g) Cash Deficit	46-885	\$ -
(k) For Local District School Purposes	29-410	\$ -
(m) Reserve for Uncollected Taxes	50-899	\$ 1,100,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 12,326,414.24

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 20th day of April, 2022. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2022 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 20th day of April, 2022,  Acting Clerk

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RESOLUTION 22-111

Resolution approving an application for a PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE
1317-33-030-009

WHEREAS, an application has been filed for a Person to Person transfer of Plenary Retail Consumption License 1317-33-030-009, from Water Witch Highlands LLC, Tax ID #264-689-610/000 to Water Witch Highlands LLC, Tax ID #825-393-116/000 for the premises located at 409 Bay Avenue, Borough of Highlands, County of Monmouth, State of New Jersey 07732; and,

WHEREAS, the submitted application form is complete in all respects, as outlined in N.J.S.A. 33: 1-1 et seq., an Affidavit of Publication has been received by the Municipal Clerk and the transfer fees have been paid; and,

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the Highlands Police Department has investigated the applicant and the source of all funds to be utilized in connection with the purchase and operation of the business, and the results meet ABC standards; and,

WHEREAS, a Tax Clearance Certificate has been received from the Division of Taxation; and,

WHEREAS, the applicant is qualified to be licensed per Title 33 of the New Jersey Statutes and all rules and regulations promulgated there under, in addition to pertinent Borough Ordinances, and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands, New Jersey does hereby approve, effective April 20, 2022, the person-to-person transfer of the aforesaid Plenary Retail Consumption License 1317-33-030-009 to Water Witch Highlands LLC, Tax ID #825-393-116/000 and does hereby direct the Municipal Clerk to enforce the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Water Witch Highlands LLC, Tax ID #825-393-116/000, effective April 20, 2022."

Motion: Mayor Broullon
Second: Chelak
Ayes: Chelak, Melnyk, Mayor Broullon
Nays: None
Recuse: Cervantes
Absent: Olszewski

RESOLUTION 22-113

**RESOLUTION APPROVING RENEWAL OF LIQUOR LICENSE FOR 2019-2020
FOR LICENSE NUMBER 1317-33-030-009, WATER WITCH HIGHLANDS LLC**

WHEREAS, it has been discovered that a Resolution approving the renewal of Liquor License Number 1317-33-030-009, Water Witch Highlands LLC, an inactive establishment, was previously not adopted by the Borough of Highlands for 2019-2020; and

WHEREAS, the renewal application had been accepted via POSSE ABC, the New Jersey Division of Alcoholic Beverage Control's electronic web-based licensing system, the Municipal Fees were paid and a Tax Clearance Certificate was received; and

WHEREAS, it is necessary for the Governing Body to adopt a Resolution nunc pro tunc approving the 2019-2020 liquor license for a term of July 1, 2019 to June 30, 2020; and

WHEREAS, the applicant is qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, and pertinent Borough Ordinances.

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 Liquor License Number 1317-33-

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030-009 for Water Witch Highlands LLC, an inactive establishment, is hereby authorized nunc pro tunc for 2019-2020 for the term of July 1, 2019 to June 30, 2020.

Motion: Mayor Broullon
Second: Melnyk
Ayes: Chelak, Melnyk, Mayor Broullon
Nays: None
Recuse: Cervantes
Absent: Olszewski

RESOLUTION 22-114
RESOLUTION APPROVING RENEWAL OF LIQUOR LICENSE FOR 2020-2021
FOR LICENSE NUMBER 1317-33-030-009, WATER WITCH HIGHLANDS LLC

WHEREAS, it has been discovered that a Resolution approving the renewal of Liquor License Number 1317-33-030-009, Water Witch Highlands LLC, an inactive establishment, was previously not adopted by the Borough of Highlands for 2020-2021; and

WHEREAS, the renewal application had been accepted via POSSE ABC, the New Jersey Division of Alcoholic Beverage Control's electronic web-based licensing system, the Municipal Fees were paid and a Tax Clearance Certificate was received; and

WHEREAS, it is necessary for the Governing Body to adopt a Resolution nunc pro tunc approving the 2020-2021 liquor license for a term of July 1, 2020 to June 30, 2021; and

WHEREAS, the applicant is qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, and pertinent Borough Ordinances.

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 Liquor License Number 1317-33-030-009 for Water Witch Highlands LLC, an inactive establishment, is hereby authorized nunc pro tunc for 2020-2021 for the term of July 1, 2020 to June 30, 2021.

Motion: Mayor Broullon
Second: Chelak
Ayes: Chelak, Melnyk, Mayor Broullon
Nays: None
Recuse: Cervantes
Absent: Olszewski

RESOLUTION 22-115
RESOLUTION APPROVING RENEWAL OF LIQUOR LICENSE FOR 2021-2022
FOR LICENSE NUMBER 1317-33-030-009, WATER WITCH HIGHLANDS LLC

WHEREAS, it has been discovered that a Resolution approving the renewal of Liquor License Number 1317-33-030-009, Water Witch Highlands LLC, an inactive establishment, was previously not adopted by the Borough of Highlands for 2021-2022; and

WHEREAS, the renewal application had been accepted via POSSE ABC, the New Jersey Division of Alcoholic Beverage Control's electronic web-based licensing system, the Municipal Fees were paid and a Tax Clearance Certificate was received; and

WHEREAS, it is necessary for the Governing Body to adopt a Resolution nunc pro tunc approving the 2021-2022 liquor license for a term of July 1, 2021 to June 30, 2022; and

WHEREAS, the submitted license renewal application received a 12.39 special ruling and was approved by the State Alcohol Beverage Control Director, a copy of which is annexed hereto; and

WHEREAS, the applicant is qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, and pertinent Borough Ordinances.

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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 Liquor License Number 1317-33-030-009 for Water Witch Highlands LLC, an inactive establishment, is hereby authorized nunc pro tunc for 2021-2022 for the term of July 1, 2021 to June 30, 2022.

Motion: Mayor Broullon
Second: Chelak
Ayes: Chelak, Melnyk, Mayor Broullon
Nays: None
Recuse: Cervantes
Absent: Olszewski

**RESOLUTION 22-116
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 April 14, 2022, which totals as follows:

Current Fund	\$ 820,208.66
Sewer Account	\$ 49,811.68
Capital Fund	\$ 288,762.20
Trust-Other	\$ 72,954.15
Federal/State Grants	\$ 733.00
Total	\$ 1,232,469.69

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$1,232,469.69** 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.

Motion: Melnyk
Second: Mayor Broullon
Ayes: Cervantes, Chelak, Melnyk, Mayor Broullon
Nays: None
Abstain: None
Absent: Olszewski

CONSENT AGENDA: Acting Clerk Tran asked for a motion to approve Consent Agenda containing Resolutions 22-117 through 22-122. Resolutions and Consent Agenda vote are as follows:

**RESOLUTION 22-117
RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT
FOR SNOW REMOVAL AND STREET LIGHTING REIMBURSEMENT BETWEEN THE BOROUGH OF
HIGHLANDS AND WYNDMOOR AT THE HIGHLANDS ASSOCIATION**

WHEREAS, the Municipal Services Act, N.J.S.A. 40:67-23.2, et. seq. and amendments thereto, provides in pertinent part that a municipality, in lieu of providing certain municipal services to the private community, may opt to financially reimburse the qualified private communities for the cost of certain municipal services; and

WHEREAS, Wyndmoor at the Highlands Association is a qualified private community, as defined under the Act, and the Borough of Highlands is a municipality governed by the Act; and

WHEREAS, the Borough and Wyndmoor at the Highlands Association have mutually agreed that the Wyndmoor at the Highlands Association shall perform its own snow removal and be reimbursed for the cost for street lighting, in accordance with the terms of the Agreement to be entered into between the Borough and Wyndmoor at Highlands Association; and,

WHEREAS, at no time shall any reimbursement exceed the cost that would have been

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incurred by the Borough in providing those services directly and the reimbursement shall not exceed the actual cost incurred by Wyndmoor at the Highlands Association; and

WHEREAS, N.J.S.A. 40:47-23.5 requires a written agreement to annually reimburse a qualified private community; and

WHEREAS, the Borough has prepared a written agreement, with an effective date of January 1, 2022, to reimburse the Wyndmoor at the Highlands Association for snow removal and the cost of street lighting as set forth in the Agreement, and wishes to enter into such an Agreement with Wyndmoor at the Highlands Association.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the appropriate Municipal officials, including the Mayor and Borough Administrator, be and are hereby authorized to execute an Agreement for Reimbursement for Municipal Services, as prepared and approved by the Borough Attorney and the Chief Financial Officer of the Borough.

BE IT FURTHER RESOLVED, that the Agreement for Reimbursement for Municipal Services shall become effective upon being fully executed, for the dates contained therein, with an effective date of January 1, 2022.

Motion: Mayor Broullon

Second: Chelak

Ayes: Cervantes, Chelak, Melnyk, Mayor Broullon

Nays: None

Abstain: Olszewski

Absent: None

RESOLUTION 22-118
RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT
FOR SNOW REMOVAL AND STREET LIGHTING REIMBURSEMENT BETWEEN THE BOROUGH OF
HIGHLANDS AND GRAVELLY POINT BEACH ASSOCIATION

WHEREAS, the Municipal Services Act, N.J.S.A. 40:67-23.2, et. seq. and amendments thereto, provides in pertinent part that a municipality, in lieu of providing certain municipal services to the private community, may opt to financially reimburse the qualified private communities for the cost of certain municipal services; and

WHEREAS, Gravelly Point Beach Association is a qualified private community, as defined under the Act, and the Borough of Highlands is a municipality governed by the Act; and

WHEREAS, the Borough and Gravelly Point Beach Association have mutually agreed that the Gravelly Point Beach Association shall perform its own snow removal and be reimbursed for the cost for street lighting, in accordance with the terms of the Agreement to be entered into between the Borough and Gravelly Point Beach Association; and,

WHEREAS, at no time shall any reimbursement exceed the cost that would have been incurred by the Borough in providing those services directly and the reimbursement shall not exceed the actual cost incurred by Gravelly Point Beach Association; and

WHEREAS, N.J.S.A. 40:47-23.5 requires a written agreement to annually reimburse a qualified private community; and

WHEREAS, the Borough has prepared a written agreement, with an effective date of January 1, 2022, to reimburse the Gravelly Point Beach Association for snow removal and the cost of street lighting as set forth in the Agreement, and wishes to enter into such an Agreement with Gravelly Point Beach Association.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the appropriate Municipal officials, including the Mayor and Borough Administrator, be and are hereby authorized to execute an Agreement for Reimbursement for Municipal Services, as

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prepared and approved by the Borough Attorney and the Chief Financial Officer of the Borough.

BE IT FURTHER RESOLVED, that the Agreement for Reimbursement for Municipal Services shall become effective upon being fully executed, for the dates contained therein, with an effective date of January 1, 2022.

Motion: Mayor Broullon
Second: Chelak
Ayes: Cervantes, Chelak, Melnyk, Mayor Broullon
Nays: None
Abstain: None
Absent: Olszewski

**RESOLUTION 22-119
RESOLUTION APPROVING REQUEST FOR WAIVER OF ALCOHOL BAN
FOR COMMUNITY CENTER RENTAL**

WHEREAS, the Borough of Highlands has received an application for rental of the Community Center from a resident seeking to host a family birthday party; and

WHEREAS, the residents have requested a waiver of the alcohol prohibition in order to serve alcohol to the guests of this private event; and

WHEREAS, the residents have obtained the necessary insurance coverage required to allow alcohol at the private event.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that Damian and Jadwiga Salgado’s request for a waiver of the alcohol prohibition is approved for the private event to be hosted on June 11, 2022;

BE IT FURTHER RESOLVED, that as a condition of this approval the applicant has provided the Borough Clerk with a certificate of insurance coverage naming the Borough of Highlands as an additional insured, subject to the Borough Administrator’s review and approval.

Motion: Mayor Broullon
Second: Chelak
Ayes: Cervantes, Chelak, Melnyk, Mayor Broullon
Nays: None
Abstain: None
Absent: Olszewski

**RESOLUTION 22-120
RESOLUTION AUTHORIZING PROPERTY TAX CANCELLATION**

WHEREAS, the Borough of Highlands has recently subdivided or listed certain property as exempt on the Borough of Highlands Tax Collector’s tax receivable ledger; and

WHEREAS, the Municipal Tax Assessor has reviewed the records and has made a determination that certain 2021 property tax valuations were overstated; and

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

<u>Block</u>	<u>Lot</u>	<u>Year</u>	<u>Amount</u>	<u>Name</u>
11.08	5	2022	\$1,883.49	O’Ree, Wendy

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.

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Motion: Mayor Broullon
Second: Chelak
Ayes: Cervantes, Chelak, Melnyk, Mayor Broullon
Nays: None
Abstain: None
Absent: Olszewski

RESOLUTION 22-121
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL PROPERTY TAX VALUATION SERVICES FOR
SHADOW LAWN MOBILE HOME PARK SITE IN CONNECTION WITH LITIGATION

WHEREAS, the Borough of Highlands has a need for professional property tax valuation services for the Shadow Lawn Mobile Home Park Site in connection with litigation, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Stack, Coolahan, & Stack, LLC has set forth its proposed services in a written proposal dated April 13, 2022, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the said Proposal includes the following: Real Estate Counseling and Valuation Phase Services, Preparation of Expert Report Phase Services, General Consulting and Litigation Support Phase Services; and

WHEREAS, the proposed amount of the contract with Stack, Coolahan, & Stack, LLC is \$17,500.00 and \$250.00 per hour, consisting of the following:

- | | |
|---|----------------|
| · Real Estate Counseling and Valuation Phase Services | \$ 7,500.00 |
| · Preparation of Expert Report Phase Services | \$ 10,000.00 |
| · General Counsel and Litigation Support | \$ 250.00/hour |

WHEREAS, such professional property tax valuation services can only be provided by licensed professionals and the firm of Stack, Coolahan, & Stack, LLC, 90 Hudson Street, Hoboken, New Jersey 07030 is so recognized; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to retain Stack, Coolahan, & Stack for the proposed property tax valuation services in connection with the litigation involving Shadow Lawn Mobile Home Park Site as set forth in its proposal; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$17,500 for professional property tax valuation services; and

WHEREAS, Stack, Coolahan, & Stack, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that it 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 Stack, Coolahan, & Stack, LLC, from making any reportable contributions through the term of the contract; and

WHEREAS, Stack, Coolahan, & Stack, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands;

I hereby certify that funds are available as follows: Account #1-01-20-150-000-252 and 2-01-20-150-000-252



Patrick DeBlasio, Chief Financial Officer

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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 bids must be publicly advertised.

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

1. Stack, Coolahan, & Stack, LLC is hereby retained to for the proposed property tax valuation services in connection with the litigation involving Shadow Lawn Mobile Home Park Site as set forth in its proposal as described above in their proposal dated April 13, 2022, for an amount not to exceed \$40,000.00.
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). 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.

Motion: Mayor Broullon

Second: Chelak

Ayes: Cervantes, Chelak, Melnyk, Mayor Broullon

Nays: None

Abstain: None

Absent: Olszewski

OTHER BUSINESS: None

REPORTS:

Councilmember Melnyk reported:

- Communications Committee didn’t meet due to conflict with the Special Meeting on School Regionalization, but they are still progressing with the campaign for responsible dog ownership with Rosemary Flannery. – Mr. Melnyk noted that while Ms. Flannery is not part of the Communications Committee, she demonstrates that any citizen can still contribute. – They plan to participate in the Pride of Highlands event on April 23rd.
- Shade Tree Commission is working with DPW for trees for downtown with continued participation in Tree City USA program.
- Open Space is still working on possible kayak launches in Highlands and ensuring accessible public trash receptacles.
- Mr. Melnyk noted upcoming events that the Recreation Department hosting or taking part in.

Councilmember Chelak reported:

- Mayor Broullon will be chairing the next Green Team meeting in her absence.
- Environmental Commission is still looking for recommendations for the steep slope ordinance update. Ms. Chelak noted correspondence she received voicing concern for possible earthquake in New Jersey. She also reported that the Division of Fish and Wildlife is lengthening their fluke season for recreational fishing.

With no one on the dais having anything else to add, Mayor Broullon opened Public Portion.

PUBLIC PORTION:

Tina Kemmer, 164 Linden Ave, noted that we did experience an earthquake with Hurricane Irene in 2011. She then asked for clarity with the kayak launch. Councilmember Melnyk answered that there’s nothing confirmed about a launch in Popamora. Ms. Kemmer then asked for more details about the contract extension for garbage and recycling. Mr. Muscillo replied that he’ll be working with DPW to iron out the details when Mr. Carpenter returns and will get back to her.

Barbara Domings, Bay Ave., asked about the possible change in trash and recycling schedule. Mr. Muscillo answered that he’s working to add additional day for recycling pick-up.

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With no one else stepping up to speak, Mayor Broullon closed Public Portion.

EXECUTIVE SESSION: Acting Clerk Tran read the following:

Executive Session will be held following the Regular Council Meeting. Prior to each Executive Session, the Borough Council will convene in open session at which time a resolution will be adopted in accordance with N.J.S.A. 10:4-13. No formal action will be taken during Executive Session.

BE IT RESOLVED that the following portion of this meeting shall not be open to the public,

BE FURTHER RESOLVED that private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

- Pending or Anticipated Litigation - Docket No. MON-L-894-22
- Attorney/Client Privilege - 60 Matthew Street

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists.

Motion: Mayor Broullon

Second: Melnyk

Ayes: Cervantes, Chelak, Melnyk, Mayor Broullon

Nays: None

Abstain: None

Absent: Olszewski

Council went into Executive Session at 7:27pm and returned to public meeting at 7:42pm.

ADJOURNMENT:

Offered by: Mayor Broullon

Seconded by: Chelak

All in Favor.

None opposed.

Adjourned at 7:43pm

Approve: _____

Carolyn Broullon, Mayor

Attest: _____

Nancy Tran, Acting Borough Clerk