



Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
May 4, 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, Councilmember Olszewski, and Mayor Broullon were all Present.

Absent: None

Also in attendance were Borough Administrator Michael Muscillo, Borough Attorney Andrew Ball, Esq., and Acting Borough Clerk Nancy Tran.

**APPROVAL OF MINUTES:**

April 20, 2022 Regular Meeting Minutes

Motion: Mayor Broullon

Second: Melnyk

Ayes: Cervantes, Chelak, Melnyk, Mayor Broullon

Ineligible: Olszewski

Absent: None

April 20, 2022 Executive Session Minutes

Motion: Mayor Broullon

Second: Chelak

Ayes: Cervantes, Chelak, Melnyk, Mayor Broullon

Ineligible: Olszewski

Absent: None

**INTRODUCTION OF PROPOSED ORDINANCES:** Acting Clerk Tran read the following Ordinances by title:

O-22-09 Ordinance Amending Section 21-84b "Steep Slopes and Slump Blocks" of the Borough of Highlands Municipal Code

Motion: Mayor Broullon

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

Mr. Ball confirmed Mayor Broullon's statement that the ordinance needs to go before the Land Use Board prior to public hearing. Acting Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on June 1, 2022.

O-22-10 Ordinance Adopting the Central Business District Redevelopment Plan Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40a:12a-1 Et Seq.

Motion: Chelak

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski

Nays: None

Recuse: Cervantes, Mayor Broullon

Absent: None

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Acting Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on May 18, 2022.

**PUBLIC HEARING ON PROPOSED ORDINANCES:** None

**CONSENT AGENDA:** Acting Clerk Tran read the following Resolutions by title and asked for a motion to approve the Consent Agenda. Resolutions and Consent Agenda vote are as follows:

**RESOLUTION 22-123  
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:

<u>Block</u>	<u>Lot</u>	<u>Year</u>	<u>Amount</u>	<u>Name</u>
59	30	2021	\$4,378.43	Nash, Ryan

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-124  
RESOLUTION AUTHORIZING THE REFUND OF SIDEWALK AND CURB CUT ESCROW DEPOSIT FEE**

WHEREAS, the Finance Officer of the Borough of Highlands has received a request to refund a fee for a Sidewalk and Curb Cut Escrow Deposit Fee

WHEREAS, the Superintendent of Public Works has inspected the area and deemed the work satisfactorily completed and accordingly determined that the fee is to be refunded and is due and payable by the Borough of Highlands; and

WHEREAS, the Finance Officer recommends the immediate refund of the Escrow Deposit Fee by the Borough of Highlands,

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 Finance Officer is authorized to immediately refund the Sidewalk and Curb Cut Escrow Deposit Fee to the individual property owner listed below:

<u>ADDRESS</u>	<u>AMOUNT</u>	<u>NAME</u>
8 Strawberry Lane, Monroe, NJ 08831	\$1,000.00	Arjika Properties, Inc.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None



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Absent: None

**RESOLUTION 22-125**  
**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR**  
**PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE CONSTRUCTION OF AN**  
**ELEVATED PEDESTRIAN WALKWAY AT MARINE PLACE WEST**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services in connection with the construction of an elevated pedestrian walkway along the bulkhead at Marine Place West, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, CME Associates has set forth its proposed services in a written proposal dated April 20, 2022, a copy of which is available at the office of the Borough Clerk; and

**WHEREAS**, the said proposal includes the following: Survey and Base Map Services, Design Phase Services, Permit Phase Services, Preparation of Bid Documents and Bid Phase Services; and

**WHEREAS**, the proposed amount of the contract with CME Associates is \$25,900.00, consisting of the following:

• Survey and Base Map Services	\$ 5,200.00
• Design Phase Services	\$11,600.00
• Permit Phase Services	\$ 3,500.00
• Preparation of Bid Documents	\$ 2,400.00
• Bid Phase Services	<u>\$ 3,200.00</u>
Total	\$25,900.00; and

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

**WHEREAS**, the governing body has determined that it is in the best interest of the Borough to retain CME Associates for the proposed engineering services in connection with the construction of an elevated pedestrian walkway along the bulkhead at Marine Place West as set forth in its proposal; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$25,900.00 for professional engineering services as stated in CME Associates' proposal dated April 20, 2022; and

**WHEREAS**, CME Associates 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 CME Associates from making any reportable contributions through the term of the contract; and

**WHEREAS**, CME Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify that funds are available as follows: Acct #2-01-20-165-000-244

  
\_\_\_\_\_  
Patrick DeBlasio, Chief Financial Officer

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

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

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1. CME Associates is hereby retained to provide engineering services in connection with the construction of an elevated pedestrian walkway along the bulkhead at Marine Place West as described above and in their proposal dated April 20, 2022, for an amount not to exceed \$25,900.00.
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: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-126  
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 29, 2022, which totals as follows:

Current Fund	\$ 657,987.74
Sewer Account	\$ 10,261.46
Capital Fund	\$ 168,318.57
Trust-Other	\$ 67,923.09
Federal/State Grants	\$ 6,401.00
<b>Total</b>	<b>\$ 910,891.86</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$910,891.86** 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](http://www.highlandsborough.org) and on file in the Municipal Clerk's office for reference.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-127  
RESOLUTION AUTHORIZING EXECUTION OF A DEED CONSOLIDATING BLOCK 37, LOTS 12.01 AND 13  
INTO ONE LOT TO BE KNOWN AS BLOCK 37, LOT 13**

**WHEREAS**, the Borough of Highlands is the owner of Block 37, Lots 12.01 and 13 in the Borough of Highlands; and

**WHEREAS**, the Highlands wishes to consolidate Block 37, Lots 12.01 and 13 into one lot to be known as Block 37, Lot 13; and



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**WHEREAS**, in order to consolidate the two lots it will be necessary for the Borough of Highlands to execute a Deed of Lot Consolidation; and

**WHEREAS**, the Borough Attorney’s Office has prepared a Deed of Lot Consolidation.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Highlands, that the Mayor and Borough Clerk are hereby authorized to execute a Deed of Lot Consolidation wherein Block 37, Lots 12.01 and 13 will be consolidated into one lot to be known as Block 37, Lot 13 on the Official Tax Map of the Borough of Highlands.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Borough Tax Assessor.

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

**RESOLUTION 22-128**  
**RESOLUTION PLEDGING SUSTAINABLE LAND USE**

**WHEREAS**, land use is an essential component of overall sustainability for a municipality; and

**WHEREAS**, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

**WHEREAS**, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

**WHEREAS**, given New Jersey’s strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead;

**NOW THEREFORE**, we, the Borough of Highlands, resolve to take the following steps with regard to municipal land-use decisions with the intent of making Highlands a truly sustainable community. It is the intent to include these principles in the next master plan revision and reexamination report and to update land-use zoning, natural resource protection, and other ordinances accordingly.

1. **Regional Cooperation** – We pledge to reach out to administrations of neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.
2. **Transportation Choices** – We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects and reviewing development applications. Highlands will reevaluate parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.
3. **Natural Resource Protection** – We pledge to take action to protect the natural resources of the State for environmental, recreational, and agricultural value, avoiding or mitigating negative impacts to these resources. Further Highlands will complete a Natural Resources Inventory when feasible to identify and assess the extent of natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.



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4. **Mix of Land Uses** – We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for the municipality and the region, particularly in downtown and town center areas.
5. **Housing Options** – We pledge, through the use of zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.
6. **Green Design** – We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating a site plan and subdivision requirements for residential and commercial buildings.
7. **Municipal Facilities Siting** – We pledge, to the extent feasible, to take into consideration factors such as walkability, bikeability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-129  
ENDORISING THE ADOPTION OF GREEN BUILDING PRACTICES FOR CIVIC, COMMERCIAL, AND  
RESIDENTIAL BUILDINGS**

WHEREAS, buildings account for 39% of CO2 emissions - more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council).

WHEREAS, green building - also referred to as sustainable or high-performance building -- is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development.

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential and civic development is consistent with the (identify name of municipality) desire to create a more sustainable community by incorporating green building measures into the design, construction, operation and maintenance of buildings.

WHEREAS, the Borough desires to set a leadership example in the area of green building through the implementation of energy efficiency audits and upgrades to the municipal building stock, continued procurement practices ... etc. (e.g. improve water conservation, reduce light pollution, increase construction waste recycling).

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highlands hereby implements a Green Building Policy that will consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None



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**OTHER BUSINESS:** None

**REPORTS:**

Mayor Broullon gave updates on:

- Construction projects – North Street pump station; Snug Harbor Park improvements to start after summer camp; skatepark possible start of late May/early June; Barberie Ave.; Marine Place bulkhead walls; Matthew and King Streets to be done in 2-3 weeks; South Bay and Hillside Aves.; Phase I sanitary sewers; new municipal building started work on 4/18; Waterwitch pump station getting ready to go out for bidding.
- Grants – Getting \$85,000 in FEMA reimbursement.
- Redevelopment – Captains Cove, Shadow Lawn, and Central Business District
- COVID – County no longer breaking down numbers by towns. Working with Recreation Department to offer booster shots.
- Recreation Department – summer camp registration is full and doing waiting list.

She concluded with listing Borough wide events.

Mr. Muscillo:

- Noted that Mr. Matlack, the Borough Engineer, couldn't be here due to scheduling conflict.
- Gave more details on the municipal building construction project, Waterwitch pump station, Marine Place, Phase 1 sanitary sewer.
- Meeting with department heads regarding the capital budget process.

Councilmember Cervantes wanted to remind everyone about the town-wide Cinco de Mayo festivities on Saturday.

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

**PUBLIC PORTION:**

Tina Kemmer, 164 Linden Ave, asked if there was a TNR meeting and if they were being held any more. Mayor Broullon replied that the TNR agreement renews automatically and that we just contracted with Monmouth County SPCA for animal control. The TNR report is posted on the Borough website.

With no further comments, 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:

- Personnel – Shared Services
- Attorney/Client Privilege – Redevelopment Update

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: Olszewski

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

Nays: None

Abstain: None

Absent: None

Council went into Executive Session at 7:17pm and returned to public meeting at 7:43pm.

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**ADJOURNMENT:**

Offered by: Melnyk

Seconded by: Mayor Broullon

All in Favor.

None opposed.

Adjourned at 7:43pm

Approve: \_\_\_\_\_

Carolyn Broullon, Mayor

Attest: \_\_\_\_\_

Nancy Tran, Acting Borough Clerk