



Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
July 13, 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.

ROLL CALL

Councilmember Chelak, Councilmember Melnyk, Councilmember Olszewski, and Mayor Broullon were Present.

Absent: Councilmember Cervantes

Also in attendance were Borough Administrator Michael Muscillo, Borough Attorney Brian Chabarek Esq., Borough Engineer Bennett Matlack, and Borough Clerk Nancy Tran.

PLEDGE OF ALLEGIANCE Following the Pledge, Mayor Broullon asked for a moment of silence for recently departed Kerry McEntee Gowan.

PROCLAMATIONS / CERTIFICATES – Proclamation Honoring Kerry McEntee Gowan

Mayor Broullon read the proclamation and presented it to her family.

APPROVAL OF MINUTES: As all Council Members present were all also present at these meetings, Mayor Broullon offered all three minutes together. Council President Olszewski seconded.

April 5, 2022 Special Meeting Minutes

Motion: Melnyk

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Absent: Cervantes

June 8, 2022 Special Meeting Minutes

Motion: Melnyk

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Absent: Cervantes

June 15, 2022 Regular Meeting Minutes

Motion: Melnyk

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Absent: Cervantes

OTHER BUSINESS:

CDBG Grant: Mr. Matlack gave a summary of the grant and application to improve and repave the Snug Harbor parking lot and construct an elevated walkway with handicap accessible ramps, viewing machines, lighting, benches, and handrails against the bulkhead at Marine Place East. Councilmember Melnyk asked for clarification of the repaving material for the parking lot. Mr. Matlack answered that we would be keeping the blacktop and gave the history of the previous decision. Council President Olszewski asked about the width of the elevated walkway and the fishing situation on the walkway. Mr. Matlack answered that it would be about 7 feet wide. Councilmember Chelak gave insight on fishing preferences. Councilmember Chelak asked what materials will be used. Mr. Matlack answered that they would be using Trex. Mayor Broullon asked about lighting. Mr. Matlack answered that they will be using decorative solar

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light to be mindful of not disturbing neighbors.

Discussion was then open to the public.

Russell Dunn, Central Ave., asked if this project affects the skate park project. Mr. Matlack answered that it does not.

Mary-Margaret Kurta, Second St., asked for plenty of trashcans and if there will be limits on fishing time. Mr. Matlack answered that he did not know about any Borough Ordinance with regard to fishing. Councilmember Chelak answered that tides are to be considered.

With no further comments from the public and Council, Mr. Matlack moved on to the next project.

Gertrude Ederle Park: Mr. Matlack reported that the bid opening took place on June 22nd with TC Landscape Construction being the lowest bidder. He described the proposed upgrades and improvements with the plan to finish on time for the Centennial celebration of Gertrude's historic transatlantic swim. The Garden Club will be invited to the pre-construction meeting.

Councilmember Melnyk asked if the Tree Commissioner has been consulted. Mr. Matlack answered that he will be invited to the pre-construction meeting as well. Council President Olszewski asked about the water improvements. Mr. Matlack answered that the water source will be moved closer to the garden area, and they will be using better material but he could not say if water pressure will increase.

Mary-Margaret Kurta, Second St., asked if the two dead trees are being replaced and about trash cans and electricity. Mr. Matlack answered in the affirmative to all three questions.

Delores Franczy, Fifth St., asked about project timing. Mr. Matlack answered that they will coordinate with the Garden Club but he's thinking September or October.

INTRODUCTION OF PROPOSED ORDINANCES:

O-22-13 Vacating a Portion of an Alley Between 72 4th Street and 26 Cedar Street Located Adjacent to Lot 25, Block 65, Lot 2.01, Block 68, and Lot 2.02, Block 68 in the Borough of Highlands, County of Monmouth, State of New Jersey – Mayor Broullon opened this to the public and asked if anyone from the Public had any comments. _With no comments from the Public, Mayor Broullon motioned to close public hearing and to carry to adopt.

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: _Cervantes

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on August 17, 2022.

O-22-14 Capital Ordinance Providing for Various Capital Improvements, and Appropriating \$500,000 Therefor, Authorized in and by the Borough of Highlands, in the County of Monmouth, New Jersey – Prior to his vote, Councilmember Melnyk noted that this is existing money that is being moved from one place to another and Mayor Broullon confirmed.

Motion: Mayor Broullon

Second: Chelak

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

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Abstain: None
Absent: Cervantes

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on August 17, 2022.

RESOLUTIONS:

RESOLUTION 22-156

RENEWAL OF THE AD INTERIM LIQUOR LICENSES FOR THOSE LICENSEES WHO HAVE MET ALL BOROUGH REQUIREMENTS, PAID ALL APPLICABLE FEES AND HAVE RECEIVED STATE APPROVAL FOR THIRTY DAYS OF OPERATION

WHEREAS, the Retail Renewal Application forms for the 2022-2023 license term has been deemed complete in all respects, the annual fees have been paid to both the Borough of Highlands and the State of New Jersey, Division of ABC; and

WHEREAS, the State of New Jersey has approved an Ad Interim license to be issued for the period of 30 days.

WHEREAS, the Council of the Borough of Highlands, County of Monmouth, State of New Jersey, hereby authorizes the renewal of the following Retail Alcoholic Beverage License for the ad interim license term effective as of July 1, 2022 and subject to the conditions and limitations contained therein.

PLENARY RETAIL CONSUMPTION

LICENSEE

1317-31-027-001

TRADE NAME

American Legion Twinlight Post 143

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Highlands, County of Monmouth, State of New Jersey that authorization is hereby given to renew said license, effective July 1, 2022, the aforesaid liquor license for the license term of 30 days; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. Robert Burton, Chief of Police
2. Patrick DeBlasio, Chief Financial Officer
3. Division of Alcoholic Beverage Control

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

RESOLUTION 22-157

APPROVING RENEWAL OF LIQUOR LICENSES FOR THE 2022-2023 TERM

WHEREAS, renewal applications have been filed or submitted through POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal application has been accepted via POSSE ABC, the Municipal Fees have been paid and a Tax Clearance Certificate has been received for the following licensee[s]; and,

WHEREAS, the applicants are qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and

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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 the following Liquor License[s] for the 2022-2023 license term be and are hereby authorized:

License Number	Licensee	Establishment
1317-31-027-001	American Legion Twinlight Post 143	Active
1317-33-030-009	Water Witch Highlands LLC	Inactive

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

RESOLUTION 22-158
AMENDING RESOLUTION 22-003 ENTITLED RESCINDING APPROVAL OF LIQUOR LICENSE NO. 1317-33-017 FOR THE 2020-2021 TERM

WHEREAS, Resolution 21-137 approved the renewal of liquor license No. 1317-33-017 for licensee, Highlands Brewery LLC, for the 2021-2022 term and was passed by the Borough of Highlands on June 16, 2021; and

WHEREAS, the Borough of Highlands was later advised by the Division of Alcoholic Beverage Control that License No. 1317-33-017 was required to petition for relief pursuant to N.J.S.A. 33:1-12.39 and N.J.S.A. 33:1-12.18 to allow for the renewal of a license that became inactive, but had failed to do so, thereby requiring that the approval of the license be rescinded; and

WHEREAS, Resolution 22-003 rescinded the approval of liquor license No. 1317-33-017 for the 2020-2021 term pursuant to the advice of the Division of Alcoholic Beverage Control and was passed by the Borough of Highlands on January 1, 2022; and

WHEREAS, it was the intention of the Borough of Highlands to rescind the approval of liquor license No. 1317-33017 for the 2021-2022 term as described in Resolution 21-137 rather than the 2020-2021 term.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Highlands hereby amends Resolution 22-003 to reflect that the approval of License No. 1317-33-017 is rescinded for the 2021-2022 term.

BE IT FURTHER RESOLVED, that Highlands Brewery LLC may seek reapproval of its license upon receiving the required relief from the Division of Alcoholic Beverage Control.

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

RESOLUTION 22-159
APPROVING RENEWAL OF LIQUOR LICENSE FOR THE 2017-2018 TERM FOR LICENSE NUMBER 1317-33-017-004, HIGHLANDS BREWERY LLC

WHEREAS, it has been discovered that a Resolution approving the renewal of Liquor License Number 1317-33-017-004, Highlands Brewery LLC, an inactive establishment, was previously not

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adopted by the Borough of Highlands for the 2017-2018 term; 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, a Tax Clearance Certificate was received, and Petitions pursuant to N.J.S.A. 33:1-12.18 and N.J.S.A. 33:1-12.39 were granted; and

WHEREAS, it is necessary for the Governing Body to adopt a Resolution nunc pro tunc approving the 2017-2018 liquor license for a term of July 1, 2017 to June 30, 2018; 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 1317-33-017-004 for Highlands Brewery LLC, an inactive establishment, is hereby authorized nunc pro tunc for 2017-2018 for the term of July 1, 2017 to June 30, 2018.

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

**RESOLUTION 22-160
APPROVING RENEWAL OF LIQUOR LICENSE FOR THE 2018-2019 TERM
FOR LICENSE NUMBER 1317-33-017-004, HIGHLANDS BREWERY LLC**

WHEREAS, it has been discovered that a Resolution approving the renewal of Liquor License Number 1317-33-017-004, Highlands Brewery LLC, an inactive establishment, was previously not adopted by the Borough of Highlands for the 2018-2019 term; 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, a Tax Clearance Certificate was received, and Petitions pursuant to N.J.S.A. 33:1-12.18 and N.J.S.A. 33:1-12.39 were granted; and

WHEREAS, it is necessary for the Governing Body to adopt a Resolution nunc pro tunc approving the 2018-2019 liquor license for a term of July 1, 2018 to June 30, 2019; 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 1317-33-017-004 for Highlands Brewery LLC, an inactive establishment, is hereby authorized nunc pro tunc for 2018-2019 for the term of July 1, 2018 to June 30, 2019.

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

**RESOLUTION 22-161
APPROVING RENEWAL OF LIQUOR LICENSE FOR THE 2019-2020 TERM
FOR LICENSE NUMBER 1317-33-017-004, HIGHLANDS BREWERY LLC**

WHEREAS, it has been discovered that a Resolution approving the renewal of Liquor License Number 1317-33-017-004, Highlands Brewery LLC, an inactive establishment, was previously not adopted by the Borough of Highlands for the 2019-2020 term; 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, a Tax Clearance Certificate was received, and Petitions pursuant to N.J.S.A. 33:1-12.18 and N.J.S.A. 33:1-12.39 were granted; 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 1317-33-017-004 for Highlands Brewery 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: Chelak
Second: Olszewski
Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon
Nays: None
Recuse: None
Absent: Cervantes

**RESOLUTION 22-162
AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated July 8, 2022, which totals as follows:

Current Fund	\$ 1,380,486.81
Sewer Account	\$ 52,525.44
Capital Fund	\$ 461,151.42
Trust-Other	\$ 72,477.38
Federal/State Grants	\$ 17,189.64
Total	\$ 1,983,830.69

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$ 1,983,830.69** 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: Mayor Broullon
Second: Olszewski
Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon
Nays: None
Recuse: None
Absent: Cervantes

RESOLUTION 22-163

DETERMINING THE FORM AND OTHER DETAILS OF THE “NOTE RELATING TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK”, TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$5,050,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH OF HIGHLANDS IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK

WHEREAS, the Borough of Highlands (the “Local Unit”), in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install a project consisting of the replacement of failing sanitary sewer main lines and existing stormwater structures and the addition of new pipe extensions (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the “New Jersey Water Bank”) of the New Jersey Infrastructure Bank (the “I-Bank”);

WHEREAS, the Local Unit has determined to temporarily finance the acquisition, construction, renovation or installation of the Project prior to the closing with respect to the New Jersey Water Bank, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the “Construction Loan”) to the Local Unit, pursuant to the Water Bank Construction Financing Program of the I-Bank (the “Construction Financing Program”);

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the I-Bank the “Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank” in an aggregate principal amount of up to \$5,050,000 (the “Note”);

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award of the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by (i) bond ordinance #18-23 of the Local Unit, which bond ordinance is entitled “BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF STORM WATER AND SANITARY SEWER MAINS, APPROPRIATING \$5,050,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,050,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY” and was finally adopted by the Local Unit at a meeting duly called and held on December 5, 2018, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

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Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$5,050,000;
- (b) the maturity of the Note shall be as determined by the I-Bank;
- (c) the interest rate of the Note shall be as determined by the I-Bank;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered “NJWB-CFP-22-1”;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of GluckWalrath LLP is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to GluckWalrath LLP, bond counsel to the Local Unit, David E. Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Motion: Olszewski

Second: Mayor Broullon

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Recuse: None

Absent: Cervantes

RESOLUTION 22-164

DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH PARTICIPATION IN THE NEW JERSEY WATER BANK

WHEREAS, the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borrower") intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in **Exhibit A** attached hereto (the "Project");

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Infrastructure Bank (the "Issuer") to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$5,050,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 1.150-2 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately.

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

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 22-165

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE “IMPROVEMENTS TO BAYSIDE DRIVE AND MARIE AVENUE” PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highlands formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2023- Improvements to Bayside and Marie - 00281 to the New Jersey Department of Transportation on behalf of the Borough of Highlands.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Highlands and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

RESOLUTION 22-166

AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE HIGHLANDS BOARD OF EDUCATION

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act (C.40A:65-1 et. seq.) authorizes local units such as this Municipality to enter into Shared Services Agreements with other local units; and

WHEREAS, the Highlands Board of Education has requested that the Borough provide snow plowing and sanding/salting services as well as trash removal services for the Highlands Elementary School; and

WHEREAS, the term of the Agreement shall be for a period of one (1) year, effective July 1, 2022 through June 30, 2023, with the ability to renew the said Agreement upon mutual consent of the parties and the passage of appropriate Resolutions; and

WHEREAS, it is in the best interest of the Borough of Highlands to enter into the proposed Shared Services Agreement with the Highlands Board of Education.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Highlands

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hereby authorizes the Mayor and Borough Clerk to execute a Shared Services Agreement with the Highlands Board of Education, effective July 1, 2022 through June 30, 2023, with the ability to renew the said Agreement upon mutual consent of the parties and the passage of appropriate Resolutions.

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 Highlands Board of Education.

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

**RESOLUTION 22-167
AUTHORIZING REFUND OF DAMAGE DEPOSIT FOR COMMUNITY CENTER RENTAL**

WHEREAS, the Recreation Supervisor of the Borough of Highlands has received a request to refund a damage deposit for the rental of the Community Center from a resident; and

WHEREAS, the Recreation Supervisor inspected the Community Center and deemed there was no damage after the rental and, as such, determined that the fee should be refunded and is due and payable by the Borough of Highlands; and

WHEREAS, the Recreation Supervisor recommends a 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 refund the damage deposit for the Community Center Rental to the individual listed below:

<u>ADDRESS</u>	<u>AMOUNT</u>	<u>NAME</u>
120 Miller Street Highlands, NJ 07732	\$250.00	Jadwiga Salgado

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

**RESOLUTION 22-168
IN SUPPORT OF CANNABIS ESTABLISHMENT**

WHEREAS, on January 18, 2010, Governor Jon Corzine signed the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq., which provided for the legalization of medical marijuana and creation of a program to allow persons suffering from qualifying debilitating medical conditions to obtain medical marijuana in a safe, timely and compassionate manner; and

WHEREAS, the State of New Jersey in 2018 amended its regulatory scheme so as to expand the

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scope of citizens to whom medical marijuana may be prescribed and so as to make medical marijuana more accessible and available to many of the citizens who need it; and

WHEREAS, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty-one years of age or older;

WHEREAS, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Act, which established the adult use cannabis program in the State of New Jersey.

WHEREAS, the Borough of Highlands endorses the adult use cannabis program in the State of New Jersey, as well as the medical use program, which provides needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit from this program; and

WHEREAS, the Borough of Highlands supports the safe and appropriate siting of an adult-use cannabis dispensary within the Central Business District zone(s) of the Borough of Highlands to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances, including but not limited to the cannabis retailer licensing provisions of Borough Code Section 4-18 and the conditional use zoning requirements of Section 21-97(M); and

WHEREAS, Bridge City Collective Highlands LLC has expressed interest in the siting of such a facility within the Borough of Highlands.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council supports the safe and appropriate siting of an adult-use cannabis dispensary within the Central Business District zone(s) of the Borough of Highlands by Bridge City Collective Highlands LLC to the extent consistent with applicable state and local statutes, rules, regulations and ordinances, including but not limited to the cannabis retailer licensing provisions of Borough Code Section 4-18 and the conditional use zoning requirements of Section 21-97(M).

BE IT FURTHER RESOLVED, that due to the Borough's limit of a single Cannabis Retailer License, upon submission of a complete license application, the license applicant that receives Cannabis Regulatory Commission approval first in time shall be deemed approved by the Borough.

BE IT FURTHER RESOLVED, that because the Borough has not issued any Cannabis Class-5 Retail Licenses, nor issued any other resolutions in support to any other Class-5 Retail license applicant to date, the granting of a Cannabis Class-5 Retail License to Bridge City Collective Highlands LLC will not exceed the Borough's limit of a single Cannabis Class-5 Retail License.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

**RESOLUTION 22-169
AUTHORIZING REFUND OF SHORT-TERM RENTAL FEE**

WHEREAS, the Code Enforcement Officer of the Borough of Highlands has received a request to refund a Short-Term Rental Fee from a property owner; and

WHEREAS, the Code Enforcement Officer has reviewed the request and application and deemed that the application was submitted in error and, as such, determined that the fee should be refunded and is due and payable by the Borough of Highlands; and

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WHEREAS, the Code Enforcement Officer recommends a refund of the Short-Term Rental 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 refund the Short-Term Rental Fee to the individual listed below:

<u>ADDRESS</u>	<u>AMOUNT</u>	<u>NAME</u>
25 Fourth Street Highlands, NJ 07732	\$500.00	Tracy Mulvaney

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

RESOLUTION 22-170
AUTHORIZING THE PURCHASE OF A RICOH PRO C5300s PRINTER THROUGH THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM

WHEREAS, pursuant to N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c), the Borough 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 to purchase a printer/copier machine for Borough Hall – NJ State Contract (40467), from Ricoh USA; and

WHEREAS, Ricoh submitted a proposal to the Borough of Highlands for the purchase of a Ricoh Pro C5300s Printer, by and through the State of New Jersey Cooperative Purchasing Program – State Contract Number 40467; and

WHEREAS, the aforesaid proposal sets forth a purchase price of \$21,300.00, less a rebate of \$4,000.00, wherein the purchase price after rebate will equate to \$17,300.00; and

WHEREAS, a certification of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows: Account #Finance



Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highlands authorizes the purchase of a Ricoh Pro C5300s Printer for Borough Hall, through the State of New Jersey Cooperative Purchasing Program – State Contract Number 40467, in an amount not to exceed \$21,300.00, wherein there is a \$4,000.00 rebate, thus equating to a total cost of \$17,300.00.

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

**RESOLUTION 22-171
AWARDING A FAIR AND OPEN CONTRACT FOR THE IMPROVEMENTS TO
GERTRUDE EDERLE PARK PROJECT**

WHEREAS, the Borough of Highlands accepted bids on June 22, 2022 for the Improvements to Gertrude Ederle Park Project; and

WHEREAS, four (4) bids were received for the aforesaid project which were reviewed by the Borough Engineer's Office, as follows:

<u>Bidder's Name</u>	<u>Base Bid</u>
TC Landscape Construction	\$181,800.00
S. Batata Construction	\$202,500.00
Seacoast Construction	\$310,400.00
Giacorp Contracting	\$351,940.00; and

WHEREAS, TC Landscape Construction appears to be the lowest responsible bidder for the aforesaid project; and

WHEREAS, the Borough Engineer, CME Associates, by way of correspondence dated June 27, 2022, has made the recommendation that the contract be awarded to TC Landscape Construction, as the lowest responsible bidder, for the Base Bid in the amount of \$181,800.00, subject to the availability of funds by the Chief Financial Officer of the Borough of Highlands as well as the submission of the required bonds and insurance certificates for the project; and

WHEREAS, a certification of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows: Account # 2-01-44-901-000-265



Patrick DeBlasio, Chief Financial Officer

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

1. That the Contract for the Improvements to Gertrude Ederle Park Project is hereby awarded to TC Landscape Construction in an amount not to exceed \$181,800.00, subject to submission of the required bonds and insurance certificates for the project.
2. That the Mayor, Borough Administrator and Borough Clerk be and are hereby authorized and directed to take all steps necessary to engage the services of TC Landscape Construction, including executing a contract.
3. A copy of this 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 forward a certified copy of this Resolution to the Borough Engineer and to the unsuccessful bidders.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

RESOLUTION 22-172
AWARDING A FAIR AND OPEN CONTRACT FOR THE HILLSIDE AVENUE DRAINAGE
IMPROVEMENTS PROJECT

WHEREAS, the Borough of Highlands accepted bids on June 22, 2022 for the Hillside Avenue Drainage Improvements Project; and

WHEREAS, six (6) bids were received for the aforesaid project which were reviewed by the Borough Engineer's Office, as follows:

<u>Bidder's Name</u>	<u>Base Bid</u>
Messercola Excavating Co., Inc.	\$28,300.00
T. Fiotakis Construction, LLC	\$78,200.00
Marlin Construction	\$116,000.00
T&T Commonwealth Constr.	\$131,650.00
Seacoast Construction Inc.	\$180,650.10
Roman E&G Corp.	\$501,450.00; and

WHEREAS, Messercola Excavating Co., Inc. appears to be the lowest responsible bidder for the aforesaid project; and

WHEREAS, the Borough Engineer, CME Associates, by way of correspondence dated July 5, 2022, has made the recommendation that the contract be awarded to Messercola Excavating Co., Inc., as the lowest responsible bidder, for the Base Bid in the amount of \$28,300.00, subject to the availability of funds by the Chief Financial Officer of the Borough of Highlands as well as the submission of the required bonds and insurance certificates for the project; and

WHEREAS, a certification of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows: Account # C-04-12-120-000-555



Patrick DeBlasio, Chief Financial Officer

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

1. That the Contract for the Hillside Avenue Drainage Improvements Project is hereby awarded to Messercola Excavating Co., Inc. in an amount not to exceed \$28,300.00, subject to submission of the required bonds and insurance certificates for the project.
2. That the Mayor, Borough Administrator and Borough Clerk be and are hereby authorized and directed to take all steps necessary to engage the services of Messercola Excavating Co., Inc., including executing a contract.
3. A copy of this 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 forward a certified copy of this Resolution to the Borough Engineer and to the unsuccessful bidders.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

RESOLUTION 22-173

AUTHORIZING THE PREPARATION AND SUBMITTAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING APPLICATION FOR FISCAL YEAR 2023

WHEREAS, the Mayor and Borough Council recognize that Marine Place East Walkway and Snug Harbor Parking Lot are in need of improvements; and

WHEREAS, the Mayor and Borough Council wish to submit an application for the Community Development Block Grant in order to help offset the costs of said improvements; and

WHEREAS, the Borough Administrator and Engineer have presented the concept to be included in the application at a hearing on this date; and

WHEREAS, the Mayor and Borough Council recognize that the aforementioned proposed walkway and parking lot improvement projects are in the best interest of the Borough of Highlands; and

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

1. The Borough Administrator is authorized to prepare and submit a Community Development Block Grant Application to the Monmouth County Community Development Office for the Marine Place East Walkway and Snug Harbor Parking Lot Project.
2. A copy of the within Resolution shall be forwarded to the Borough Administrator, Borough Attorney, the Municipal Financial Officer, and a copy shall be maintained in the office of the Borough Clerk for public inspection.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

RESOLUTION 22-174

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH IMPROVEMENTS TO GERTRUDE EDERLE PARK-CONSTRUCTION ADMINISTRATION

WHEREAS, the Borough of Highlands has a need for professional engineering services in connection with Improvements to Gertrude Ederle Park-Construction Administration, 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 June 29, 2022, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the said proposal encompasses construction phase services; and

WHEREAS, the proposed amount of the contract with CME Associates is \$18,700.00, consisting of the following:

1. Contract preparation including review of bonds, insurance certificates and project workforce reports.
2. Attend preconstruction meeting.
3. Prepare and distribute preconstruction meeting minutes.

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4. Provide assistance with interpretation of contract documents.
5. Review shop drawings for site-related items.
6. Coordinate and attend site meetings as necessary with the contractor and Borough to monitor construction progress.
7. Provide construction observation services.
8. Prepare contractor punch lists; and
9. Review and approve monthly progress pay estimates.

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 Improvements to Gertrude Ederle Park-Construction Administration as set forth in its proposal; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$18,700.00 for professional engineering services as stated in CME Associates' proposal dated June 29, 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;

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:

1. CME Associates is hereby retained to provide engineering services in connection with Improvements to Gertrude Ederle Park-Construction Administration as described above, and in their proposal dated June 29, 2022, for an amount not to exceed \$18,700.00.
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

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

RESOLUTION 22-175
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL
ENGINEERING SERVICES IN CONNECTION WITH HILLSIDE AVENUE DRAINAGE
IMPROVEMENTS-CONSTRUCTION ADMINISTRATION

WHEREAS, the Borough of Highlands has a need for professional engineering services in connection with Hillside Avenue Drainage Improvements-Construction Administration, 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 July 5, 2022, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the said proposal encompasses construction phase services; and

WHEREAS, the proposed amount of the contract with CME Associates is \$8,600.00, consisting of the following:

1. Contract preparation including review of bonds, insurance certificates and project workforce reports.
2. Attend preconstruction meeting.
3. Prepare and distribute preconstruction meeting minutes.
4. Provide assistance with interpretation of contract documents.
5. Review shop drawings for site-related items.
6. Coordinate and attend site meetings as necessary with the contractor and Borough to monitor construction progress.
7. Provide construction observation services.
8. Prepare contractor punch lists.
9. Review and approve monthly progress pay estimates; 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 Hillside Avenue Drainage Improvements-Construction Administration as set forth in its proposal; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$8,600.00 for professional engineering services as stated in CME Associates' proposal dated July 5, 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;

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I hereby certify that funds are available as follows: Acct #2-01-20-165-000-245



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:

1. CME Associates is hereby retained to provide engineering services in connection with Hillside Avenue Drainage Improvements-Construction Administration as described above, and in their proposal dated July 5, 2022, for an amount not to exceed \$8,600.00.
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: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

RESOLUTION 22-176
APPROVING CHANGE ORDER NOS. 1 AND 2 FOR THE NORTH STREET STORMWATER PUMP
STATION ELECTRICAL UPGRADES

WHEREAS, by way of Resolution 21-211 duly adopted on November 10, 2021, Vulcan Construction Group, Inc. was awarded a contract associated with the North Street Stormwater Pump Station Electrical Upgrades; and

WHEREAS, in accordance with the aforesaid contract award, the amount of the contract that was awarded to Vulcan Construction Group, Inc. was in the amount of \$199,100.00; and

WHEREAS, by letter dated June 15, 2022, the Project Engineer, Colliers Engineering & Design, advised that it was necessary to include a stepdown transformer and sub-panel, inside the electrical hut in order to service miscellaneous outlets, lighting and the exhaust fan; and

WHEREAS, in accordance with the aforesaid letter from the Project Engineer, it was recommended that the Borough approve Change Order No. 1 in order to allow for the above work to be completed; and

WHEREAS, Change Order No. 1 reflects an increase of \$5,000.00, thereby increasing the Contract amount of \$199,100.00 to \$204,100.00; and

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WHEREAS, by letter dated July 5, 2022, the Project Engineer, Colliers Engineering & Design, advised that the specified horizontal exhaust fan that was installed in the roof allows wind-driven rain to drop down into the electrical room, which is not permitted; and

WHEREAS, it is necessary to remove the horizontal fan and install a new wall-mounted vertical fan, with a stainless steel housing and a stainless steel spring-operated exhaust louver, which will be closed at all times except when the exhaust fan is running, thus keeping the rain and moisture out of the pump house; and

WHEREAS, in accordance with the aforesaid letter from the Project Engineer, it was recommended that the Borough approve Change Order No. 2 in order to allow for the above work to be completed; and

WHEREAS, Change Order No. 2 reflects an increase of \$2,500.00, thereby increasing the current Contract amount from \$204,100.00 to \$206,600.00; and

WHEREAS, the Project Engineer, Colliers Engineering & Design, has recommended authorizing the aforesaid Change Order Nos. 1 and 2.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, that based on the recommendation from the Project Engineer, Colliers Engineering & Design, that Change Order No. 1 changing the Contract amount from \$199,100 to \$204,100.00, which is an increase of \$5,000.00, be and is hereby approved.

BE IT FURTHER RESOLVED, by the Governing Body of the Borough of Highlands, that based on the recommendation from the Project Engineer, Colliers Engineering & Design, that Change Order No. 2 changing the Contract amount from \$204,100 to \$206,600, which is an increase of \$2,500.00, be and is hereby approved.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded to the Chief Financial Officer, the Project Engineer, Purchasing Agent and Vulcan Construction Group, Inc.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

REPORTS:

Mayor's Report – Mayor Broullon reported on construction updates of the newly opened County Dog Run, completed Matthews and King Street Improvements Project, North Street Pump Station upgrade, the Municipal Building, South Bay and Hillside Avenues Improvements, Phase I Sanitary Sewer, Waterwitch Pump Station, Snug Harbor Park improvements, and Skate Park.

She also reported on upcoming projects - Hillside Ave. Drainage, Ederle Park, Marine Place Elevated Walkway, EV Charging Station, Frank Hall Park, Veterans Park, and Overlook Park. Mayor Broullon gave an update on the next steps for the Regionalization of the schools. She noted the grants the Borough has been awarded so far.

Administrator's Report – Mr. Muscillo reported that we received grant paperwork for the Skate Park. He continued with updates for the Marine Place Walkway, Waterwitch Pump Station, and the Municipal Building.

Councilmember Chelak wanted to make the public aware of an offshore wind project that is

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pending before the DEP from Atlantic Shores. She noted some issues that could affect wildlife and the environment and her efforts to get more stakeholders involved to further investigate the project's impact.

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

PUBLIC PORTION:

David Link, 72 Fourth St., asked about the EV charging station location. Mayor Broullon answered that it's at the Municipal parking lot on Bay Ave. Mr. Link asked for further clarification on the timeline for adopting O-22-13. Mr. Chabarek gave him the timeline and noted that the public hearing is set for the next Council meeting.

Mary-Margaret Kurta, Second St., asked for clarification on the Resolution of support for the cannabis establishment. Mr. Chabarek answered that it is only expressing support which the state requires as part of its cannabis business application. The applicant will still be required to meet State and Borough licensing requirements. Ms. Kurta asked about the status of the Veteran's Park project. Mayor Broullon answered that it is still there but it may not happen this year.

With no further questions or comments from the public, Mayor Broullon closed Public Portion. Council President Olszewski asked how people can pay for the EV charging station and where the funds go. Mayor Broullon answered that it will accept credit cards and suggested that funds could be dedicated to something. Other Councilmembers expressed support for the idea.

ADJOURNMENT:

Offered by: Mayor Broullon

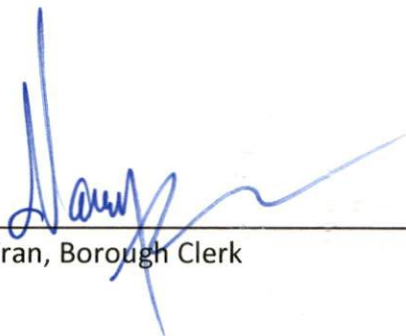
Seconded: Melnyk

All in Favor.

None opposed.

Adjourned at 7:45pm

Approve: 
Carolyn Broullon, Mayor

Attest: 
Nancy Tran, Borough Clerk