



Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 5, 2022– Meeting Minutes

MEETING: Meeting came to order at 7:01 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 Cervantes, Councilmember Melnyk, Councilmember Olszewski, and Mayor Broullon were all present.

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

September 14, 2022 Special Meeting Minutes

Motion: Mayor Broullon

Second: Olszewski

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Abstain: Melnyk

Absent: None

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Motion: Mayor Broullon

Second: Chelak

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

Absent: None

INTRODUCTION OF PROPOSED ORDINANCES:

O-22-22 Amending Chapter VII (Traffic), Section 3.3 (Snow Removal) of the Code of the Borough of Highlands Related to Parking During Snowfall – Prior to voting, Mayor Broullon explained ordinance and the location being amended.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on October 19, 2022.

PUBLIC HEARING ON PROPOSED ORDINANCES:

O-22-20 Removing Restricted Parking Space in Front of Residence
Occupied by Person with Disabilities

– Prior to opening to the Public, Mayor Broullon explained the Ordinance. There was no comment from the Public.

WHEREAS, N.J.S.A. 39:4-197.6 provides that any municipality may, by ordinance, establish a restricted parking in front of a residence occupied by a person with a disability provided such parking is not otherwise prohibited and the permitting thereof would not interfere with the

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normal flow of traffic or provide for the removal thereof if no longer necessary.

WHEREAS, Ordinance 18-03 governs applications for restricted parking in front of residences occupied by persons with disabilities; and

WHEREAS, the Borough of Highlands previously designated a space for resident parking for persons with disabilities on 128 Highland Avenue; and

WHEREAS, the Borough has been notified of the vacation of the premises by said persons with disabilities at 128 Highland Avenue, therefore, the space is no longer needed; and

WHEREAS, the governing body of the Borough of Highlands wishes to remove the previously designated space for persons with disabilities pursuant to the recommendation of the Chief of Police.

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

SECTION 1.

A previously-designated parking space for resident parking for persons with disabilities in front of 128 Highland Avenue is no longer necessary and shall be removed. Any sign which was installed to identify the parking space in accordance with Ordinance 18-03 shall be removed.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect upon adoption and publication according to law.

Motion: Mayor Broullon to close public hearing and to carry to adopt

Second: Council President Olszewski

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

Nays: None

Abstain: None

Absent: None

Clerk Tran stated motion carried to pass this ordinance on second and final reading.

O-22-21 Amending Chapter 5 (Licensing of Dogs), Section 5-14 (Licensing and Control of Cats), Subsection 5-14.1 (Licensing) of the Revised General Ordinances of the Borough of Highlands

– Prior to opening to the Public, Mayor Broullon explained the Ordinance. There was no comment from the Public.

WHEREAS, the Governing Body of the Borough of Highlands has determined that it is necessary to amend The Revised General Ordinances of the Borough of Highlands to revise the licensing period for cats.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Highlands as follows:

SECTION I. Chapter 5 (Licensing of Dogs), Section 5-14 (Licensing and Control of Cats), Subsection 5-14.1 (Licensing) is hereby amended as follows (additions are shown in ***bold italics***

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with underlines and deletions are shown in ~~**bold italics with strikeout**~~:

Section 5-14.1 Licensing.

Every person, firm or corporation that owns, harbors or keeps a cat more than six months of age on January 1 of any year, or six months of age within the license year, shall annually or within 30 days from the date such cat becomes six months of age, obtain a license for each cat from the borough clerk. The license year shall commence on ~~July~~ January 1 and end on the following ~~June 30~~ December 31. Such cat license, if paid on or before ~~September~~ March 1, shall be eighteen (\$18.00) dollars for each altered cat and twenty-one (\$21.00) dollars for nonneutered cats. An increased fee of two (\$2.00) dollars per cat license shall be paid by all persons purchasing cat licenses after ~~September~~ March 1 or more than three months after such cat becomes six months of age. Each applicant for a cat license shall present a valid Certificate of Vaccination before being issued a license. All funds received from cat licenses shall be paid into the general fund of the borough.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

Motion: Mayor Broullon to close public hearing and to carry to adopt

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

Clerk Tran stated motion carried to pass this ordinance on second and final reading.

Prior to voting for the Consent Agenda, Councilmember Melnyk motioned to remove R 22-215, R 22-216, and R 22-217 from the Consent Agenda.

Motion: Melnyk

Second: Mayor Broullon

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

Nays: None

Abstain: None

Absent: None

CONSENT AGENDA: 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 22-214
PROPERTY TAX CANCELLATION**

WHEREAS, Block 98, lot 6.03 is listed as exempt common area property, and

WHEREAS, the Tax Assessor has reviewed the records and has made a determination that the 2021 and 2022 valuations are overstated, and

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

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2021 \$3,225.30
2022 \$3,078.79

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.

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

**RESOLUTION 22-218
AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated September 30, 2022, which totals as follows:

Current Fund	\$ 810,222.87
Sewer Account	\$ 10,530.40
Capital Fund	\$ 119,021.77
Trust-Other	\$ 3,744.46
Federal/State Grants	\$ 25,704.13
Total	\$ 969,223.63

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$ 969,223.60** 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: Olszewski
Second: Chelak
Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon
Nays: None
Abstain: None
Absent: None

**RESOLUTION 22-219
AUTHORIZING THE AWARD OF A CONTRACT TO NEXTREQUEST FOR ANNUAL RENEWAL OF
RECORDS REQUEST MANAGEMENT SOFTWARE LICENSE**

WHEREAS, the Borough of Highlands utilizes NextRequest, 548 Market Street, Suite PMB 77522, San Francisco, California for its records request management software; and

WHEREAS, NextRequest has submitted a proposal, dated September 29, 2022, for its annual license in the amount of \$6,615.00, for the term of one (1) year, beginning October 1, 2022 through September 30, 2023; and

WHEREAS, such annual renewal for the support or maintenance of proprietary computer hardware and software may be awarded without public advertising for bids or bidding in accordance with N.J.S.A. 40:A11-5(dd); and

WHEREAS, the proposal includes the following:

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Record Request Management Module & Document Module
Up to 15 users
500 GB Storage
Redaction (unlimited licenses across NextRequest users)
Premium Email Monitoring Suite
Task assignment and tracking
Training and Onboarding
Ongoing Email Support
JLARC Reporting (in Washington); and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to enter into a contract with NextRequest, for the term of one (1) year, beginning October 1, 2022 through September 30, 2023 for renewal of its records request management software annual license, in an amount not to exceed \$6,615.00 in accordance with NextRequest’s proposal dated September 29, 2022; 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:



Patrick DeBlasio, Chief Financial Officer

WHEREAS, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq., the Municipal Clerk shall publicly advertise notice of this action.

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

1. A contract is hereby awarded to NextRequest for the annual renewal of the records request management software license, for the term of one (1) year, beginning October 1, 2022 through September 30, 2023, as outlined above for an amount not to exceed \$6,615.00.
2. The contract is awarded without competitive bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd). 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: Olszewski

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

RESOLUTIONS:

Councilmember Melnyk explained his reasons for pulling the following cannabis related resolutions from the Consent Agenda. He voiced his support for Tranquility LLC as it was a more complete application with experience and the proposed location is not a currently operating business. The Honorable Plant LLC application was just as thorough, but its proposed location is currently an operating business thus resulting in _no additional businesses in Highlands and

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Councilmember Melnyk thought that the idea was to expand. He thought that Sea Grass NJ LLC lacked experience and feared their prospect for longevity.

Council President Olszewski asked for Tranquility's proposed location. Mayor Broullon answered that there was no specific site, but they were looking at location(s) in the appropriate zone. Council President noted that Tranquility also projected higher income than the other applicants.

Councilmember Chelak asked if this meant that The Honorable Plant and Sea Grass would be denied a resolution of support. Mayor Broullon answered not necessarily, as they would be subject to a vote.

**RESOLUTION 22-215
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 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, Tranquility Dispensary 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 Tranquility Dispensary 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.

Motion: Melnyk

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Second: Mayor Broullon

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-216
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 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, The Honorable Plant 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 The Honorable Plant 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.

Motion: Mayor Broullon

Second: Chelak

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Nays: Melnyk

Abstain: None

Absent: None

**RESOLUTION 22-217
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 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, Sea Grass NJ 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 Sea Grass NJ 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.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Nays: Melnyk

Abstain: None

Absent: None

OTHER BUSINESS: South Bay & Hillside Ave. Improvements

Mr. Pavlick gave an update on the project. Mayor Broullon asked for the expected completion date. Mr. Pavlick answered that, weather permitting, they're looking to finish early November.

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Councilmember Chelak asked about the legal and easement issues. Mr. Pavlick answered that this project was for the road itself and was not affected by any legal issues. He noted that the drainage project in the area will require an easement and that it was still ongoing.

REPORTS:

Mayor's Report: Mayor Broullon gave updates on the North Street Pump Station upgrade, the Municipal Building construction, the Phase I Sanitary Sewer project, the Snug Harbor Park upgrade, the Twin Lights Terrace gabion, the Ederle Park upgrade, the Marine Place Walkway West project, the Skate Park improvement, the Jones Creek dredging, the EV charging station, and the Portland Road guard rail. She reported on planned projects – Frank Hall Park, Veterans Park, Overlook Park, Marine Place Walkway East, and the 2021 resiliency plan. Mayor Broullon noted the status of the regionalization process. She summarized the amount of grants awarded to date and an upcoming FEMA BRIC grant application submission which also includes addressing the runoff from Monmouth Hills. There will be a public hearing as part of the grant application at the next Council Meeting.

Councilmember Cervantes: noted that the Taste of Highlands is this weekend. Proceeds from the event will go towards the purchase and installation of the new sign on Linden Ave. and to support victims of Hurricane Ian. He also reported that the Highlands Business Partnership is applying for a grant to provide microloans for local businesses and that anyone interested should reach out to HBP for more information.

Councilmember Chelak: noted that she recently received a notice from the NJ Department of Agriculture for possible reimbursement for efforts in dealing with the spotted lantern fly infestation. Mayor Broullon suggested that she forward the information to Mr. Muscillo.

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

PUBLIC PORTION:

Mike Cannon, 10 Central, asked what the deciding factor was for the cannabis license. Mayor Broullon answered that the state ultimately decides and outlined the Borough's involvement. Mr. Chabarek added that the state requires a resolution of support from each applicant to get a State license and that applicants also need to get approval from the Land Use Board. Mr. Cannon then added that he followed up with the Army Corps plan number previously provided and offered his findings. He asked if the Borough's work on the North Street pump station could be credited towards the Army Corps plan. Mayor Broullon answered that the FEMA BRIC grant application would include the North Street pump station. She stated that the Army Corps plan is 10-20 years out in getting done, whereas the FEMA BRIC was a more immediate answer. Mr. Cannon agreed and added that the Borough can decide what works best for us rather than Army Corps. He offered his services and copies of the Army Corps information.

With no further questions or comments from the public, Mayor Broullon closed Public Portion.

EXECUTIVE SESSION:

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.

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:

- Attorney/Client Privilege – 66 Miller Street

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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 entered into Executive Session at 7:35pm and exited at 7:47pm.

ADJOURNMENT:

Offered by: Mayor Broullon

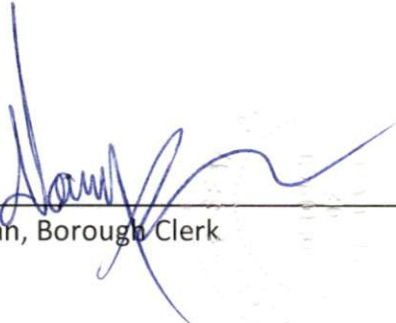
Seconded: Olszewski

All in Favor.

None opposed.

Adjourned at 7:47pm

Approve: 
Carolyn Broullon, Mayor

Attest: 
Nancy Tran, Borough Clerk