



Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
October 19, 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.

Also in attendance were DPW Superintendent Spencer Carpenter, Borough Attorney Andrew Ball, Esq., Borough Engineer Drew Pavlick, and Borough Clerk Nancy Tran.

Councilmember Cervantes arrived at 7:06pm

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS/CERTIFICATES:** Mayor Broullon read the Family Couth Awareness Month Proclamation

**APPROVAL OF MINUTES:**

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Motion: Olszewski

Second: Chelak

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Cervantes

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Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Cervantes

**PUBLIC HEARING ON 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**

**WHEREAS**, Chapter 7, Section 3.3 of the Borough Code establishes the streets or parts of streets where there shall be no parking when snow has fallen and the accumulation is such that it covers the street or highway; and

**WHEREAS**, the Chief of Police has analyzed and evaluated the Borough Code and has recommended certain changes; and

**WHEREAS**, the governing body finds that these recommendations should be adopted for the general safety, health and welfare of the Borough; and

**WHEREAS**, the Borough of Highlands is authorized to control parking on local roads pursuant to N.J.S.A. 39:4-8(b)(1) and N.J.S.A. 39:4-197(1)(f); and

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**WHEREAS**, the Borough of Highlands wishes to restrict parking whenever snow has fallen and the accumulation is such that it covers the street or highway during snowfall on the westerly side of Chestnut Street from its intersection with Oak Street northward until its terminus.

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

**SECTION I.**

Borough Code Section 7-3.3 entitled “Snow Removal” shall be amended as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics.***~~)

**7-3.3 Snow Removal**

a. Whenever snow has fallen and the accumulation is such that it covers the street or highway, no vehicle shall be parked on the following main traveled or major roadways or portions thereof:

<b>Name of Street</b>	<b>Location</b>
Bay Avenue	Entire length
Bay Street	Easterly Side - Entire Length
Borough Hall	The parking area in front of borough hall unless both the parking lot and Bay Avenue have already been plowed
<b><i><u>Chestnut Street</u></i></b>	<b><i><u>Westerly side, from its intersection with Oak Street northward until its terminus</u></i></b>
South Bay Avenue	Entire length
Navesink Avenue	Entire length
Linden Avenue	Entire length
Waterwitch Avenue	Both sides, from Linden Avenue to Bay Avenue

b. Unchanged.

c. Unchanged.

d. Unchanged.

e. Unchanged.

**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 after final passage and publication as provided by law.

– Prior to opening to the Public, Mayor Broullon asked the dais if anyone had any comments on the Ordinance. There were neither comments from the dais nor the Public.



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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.

**OTHER BUSINESS:** Public Hearing: FEMA BRIC Grant Application

Alizar Zorojew, Grant Manager from Colliers Engineering, introduced the Highlands & Monmouth Hills Flood Mitigation & Green Infrastructure Project and gave an overview of the grant program. He introduced Theodore Wilkinson, Project Engineer from Colliers Engineering, to discuss the background, history and proposal of the project area. Mr. Zorojew discussed the cost of the project and how much the FEMA grant would cover. He then stated the anticipated schedule.

The ownership of Kavookjian Field was asked and Mayor Broullon answered that Highlands owns that property.

The public asked about the annual operating cost of the project and Mr. Wilkinson answered that the system would be similar to the one currently in Wildwood and expanded on some of the energy efficient features of the proposed project.

The public asked about the sediment at low tide and Mr. Wilkinson explained about the screens and traps of the proposed project that DPW could maintain.

The public asked if there were redundancy in the case of power failure and Mr. Wilkinson answered that in some places there would be 3 pumps in place while the North Street pump station would have 2 pumps.

With no further questions from the public, Mr. Zorojew and Mr. Wilkinson concluded their presentation of the public hearing.

**RESOLUTIONS:**

**RESOLUTION 22-220**

**AUTHORIZING AND SUPPORTING THE BOROUGH OF HIGHLANDS & MONMOUTH HILLS FLOOD MITIGATION AND GREEN INFRASTRUCTURE PROJECT AND THE APPLICATION FOR FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC) PROGRAM FUNDING**

**WHEREAS**, the Federal Emergency Management Agency (FEMA) is accepting applications submitted through the New Jersey Office of Emergency Management (NJOEM) through November 18, 2022, for the 2022 Building Resilient Infrastructure and Communities (BRIC) Program, which is being funded with federal funds;

**WHEREAS**, funds under the FEMA BRIC Program are to be used for hazard mitigation activities;

**WHEREAS**, the Borough of Highlands desires to address recurring / chronic flooding issues for residents, visitors, and business/property owners within the borough by constructing stormwater and green infrastructure in accordance with the 2022 BRIC Program;

**WHEREAS**, the proposed Highlands & Monmouth Hills Flood Mitigation and Green Infrastructure Project will be consistent with the Monmouth County 2021 Multi-Jurisdictional Natural Hazard Mitigation Plan; and



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**WHEREAS**, the Borough of Highlands is applying for funding to construct stormwater and green infrastructure in an area including Snug Harbor Ave., Bay Ave., Central Ave., Waterwitch Ave., Route 36, Kavookjian Field, and, in partnership with Monmouth Hills, Inc.- Waterwitch Dr., Valley Dr., Park Way, located within Middletown Township; and

**WHEREAS**, the Borough of Highlands proposes to install infiltration basins, constructed wetlands, stormwater pumping stations with emergency generators, inlets and storm drains, bioretention basins, green infrastructure, and associated roadway restorations within the proposed project area; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Highlands that it hereby supports the submission of a grant application for the Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) and authorizes the Mayor, Administrator and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

Mayor Broullon reiterated that the Borough is seeking letters of support for the project from residents, local, state, and federal representatives, and various surrounding stakeholders.

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-221**

**DETERMINING THE FORM AND OTHER DETAILS OF ITS “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 \$9,056,592.44, 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 pipes 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 \$9,056,592.44 (the “Note”);



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**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 #O-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; and (ii) bond ordinance # O-22-07 of the Local Unit, which bond ordinance is entitled “BOND ORDINANCE PROVIDING FOR THE PHASE I AND II SANITARY SEWER IMPROVEMENTS PROJECTS, APPROPRIATING \$4,500,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,006,592.44 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 April 6, 2022, 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.

**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 \$9,056,592.44;
- (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



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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.

Mayor Broullon explained that the resolution pertained to the sanitary sewer project.

Motion: Mayor Broullon

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-222**

**DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS 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



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**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 \$9,056,592.44.

**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.

Mayor Broullon explained that the resolution accompanied the previous resolution relating to the sanitary sewer project.

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-223  
AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated October 14, 2022, which totals as follows:

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Current Fund	\$ 140,948.91
Sewer Account	\$ 61,773.25
Capital Fund	\$ 950,813.10
Trust-Other	\$ 8,907.20
Federal/State Grants	\$
<b>Total</b>	<b>\$ 1,162,442.46</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ **1,162,442.46** 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: Chelak

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 22-224**

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL  
ENGINEERING SERVICES FOR ENERGY STUDY AND FUNDING SERVICES,  
COMMUNITY ENERGY MASTER PLAN**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services to assist the Borough in preparing a Community Energy Master Plan pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Colliers Engineering & Design, Inc. has set forth its proposed services in a written proposal dated October 12, 2022, a copy of which is available at the office of the Borough Clerk; and

**WHEREAS**, the said proposal includes the following: Community Energy Plan Preparation, Public Meeting and Grant Reporting; and

**WHEREAS**, the proposed amount of the contract with Colliers Engineering & Design is \$16,600.00 and consists of the following:

Phase 1.0 – Community Energy Plan Preparation	\$10,700.00
Phase 2.0 – Public Meeting	\$ 3,400.00
Phase 3.0 – Grant Reporting	\$ <u>2,500.00</u>
Total Fee:	\$16,600.00; and

**WHEREAS**, such professional engineering services can only be provided by licensed professionals and the firm of Colliers Engineering & Design, Inc., 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701 is so recognized; and

**WHEREAS**, the governing body has determined that it is in the best interest of the Borough to retain Colliers Engineering & Design, Inc. for the proposed professional engineering services related to assisting the Borough in preparing a Community Energy Master Plan; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$16,600.00 for professional engineering services as stated in Colliers Engineering & Design, Inc.'s proposal dated



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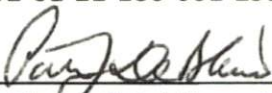
October 12, 2022; and

**WHEREAS**, Colliers Engineering & Design, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Colliers Engineering & Design, Inc. 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 Colliers Engineering & Design, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, Colliers Engineering & Design, Inc. has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify that funds are available as follows:  
Account #2-01-21-180-001-299 & #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. Colliers Engineering & Design, Inc. is hereby retained to provide professional engineering services related to assisting the Borough in preparing a Community Energy Master Plan as outlined above for an amount not to exceed \$16,600.00.
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: Olszewski

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-225**  
**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL**  
**ENGINEERING SERVICES FOR BAY AVENUE EV CHARGING STATION**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services for the design and installation of one (1) DCFC charging station at 171 Bay Avenue pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Colliers Engineering & Design, Inc. has set forth its proposed services in a written proposal dated October 12, 2022, a copy of which is available at the office of the Borough Clerk;

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and

**WHEREAS**, the said proposal includes the following: Utility Coordination and Upgraded Electrical Service, Electrical Design/Permitting Package, EV Charging Station and Grant Reporting; and

**WHEREAS**, the proposed amount of the contract with Colliers Engineering & Design is \$165,420.00 and consists of the following:

Phase 1.0 – Utility Coordination and Upgraded Electrical Service	\$ 5,000.00
Phase 2.0 – Electrical Design/Permitting Package	\$ 5,500.00
Phase 3.0 – EV Charging Station	\$151,920.00
Phase 4.0 – Grant Reporting	\$ <u>3,000.00</u>
	Total Fee: \$165,420.00; and

**WHEREAS**, such professional engineering services can only be provided by licensed professionals and the firm of Colliers Engineering & Design, Inc., 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701 is so recognized; and

**WHEREAS**, the governing body has determined that it is in the best interest of the Borough to retain Colliers Engineering & Design, Inc. for the proposed professional engineering services in connection with the design and installation of one (1) DCFC charging station at 171 Bay Avenue; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$165,420.00 for professional engineering services as stated in Colliers Engineering & Design, Inc.'s proposal dated October 12, 2022; and

**WHEREAS**, Colliers Engineering & Design, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Colliers Engineering & Design, Inc. 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 Colliers Engineering & Design, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, Colliers Engineering & Design, Inc. has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify that funds are available as follows:  
Account #C-04-22-102-000-201

  
\_\_\_\_\_  
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. Colliers Engineering & Design, Inc. is hereby retained to provide professional engineering services for the design and installation of one (1) DCFC charging station at 171 Bay Avenue as outlined above for an amount not to exceed \$165,420.00.



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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: Olszewski

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-226**  
**AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR THE FY2023 NEW JERSEY**  
**DEPARTMENT OF TRANSPORTATION – TRANSPORTATION ALTERNATIVES**  
**(TA) SET ASIDE PROGRAM APPLICATION**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) has federal funding available through the Transportation Alternatives Program and is accepting applications; and,

**WHEREAS**, the Borough of Highlands is applying for funding to conduct streetscape and pedestrian improvements along portions of Bay Avenue (CR 8) and Waterwitch Avenue; and

**WHEREAS**, the project will help to continue and improve the promotion and encouragement of pedestrian and bicycle access and safety for residents and visitors; and

**WHEREAS**, maintenance of the facility, once constructed, will be assumed by the Borough of Highlands with the exception of (1) local ordinances that place maintenance responsibility with each individual property owner, and (2) those crosswalks on State or County Highways;

**WHEREAS**, it is in the best interest of the Borough of Highlands and its residents to make an application to such fund for streetscape improvements to the following sections: Bay Avenue (CR 8) between Miller Street and Waterwitch Avenue, and Waterwitch Avenue between Bay Avenue (CR 8) and Shore Drive; and,

**WHEREAS**, the application is identified as TA-2023-Highlands Borough-00094; and,

**WHEREAS**, the Borough of Highlands is prepared to fund the balance of the project costs should project costs exceed the grant award amount; and,

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Borough of Highlands, that it hereby supports the submission of a grant application for the Transportation Alternatives Program within the State of New Jersey, Department of Transportation and authorizes the Mayor and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

Motion: Olszewski

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

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**REPORTS:**

Councilmember Melnyk: gave updates on the Snug Harbor Park improvement project and the skate park project. He then noted upcoming events happening in Highlands.

Councilmember Chelak: reported that the Environmental Commission was staying on top of any results from the Kleinfelder Company's, hired by Exxon, testing of water samples after the removal of gas tanks. The Commission was more concerned about the potential public health issue and fire hazard of the dilapidated Shadow Lawn trailer park. Mayor Broullon asked if the Commission reached out to Code Enforcement. Councilmember Chelak replied that they will do so.

Councilmember Cervantes: noted that Oktoberfest was rescheduled for this weekend at Veterans Park.

Council President Olszewski: reported that the schools were still waiting for a mediator for the regionalization issue and she unfortunately missed the Student of the Month meeting. She then noted that tax assessments were in.

Mr. Pavlick: gave updates on the capital projects – Ederle Park, sanitary sewer, and Marine Place Walkway West.

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

**PUBLIC PORTION:**

Angelo Vorvolakos, 10 Hillside Ave., explained that he recently purchased the property and then found out that part of what he thought was his property was actually Borough property. He's asking for a vacation. Mr. Ball explained the vacation process to him. Mayor Broullon added that the property was built in 1904, which predates land use law.

Mike Cannon, 10 Central, noted that he's looking forward to the completion of the Marine Place Walkway project. He then asked about the right of way on Rogers Ave. and Recreation Place, adding that it's good to promote public access along the waterway. Mayor Broullon asked for clarification of the area in question as she believed that the marina owned some of that stretch of land.

Kevin Cody, Twinlights Court, asked about final FEMA money for the new municipal building. Mayor Broullon answered that there is no final number yet and that the governing body voted on that project maybe two years ago.

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:

- Litigation – Docket No. P2021-003358

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.



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Motion: Mayor Broullon

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

Council entered into Executive Session at 8:15pm and exited at 8:21pm.

**ADJOURNMENT:**


Offered by: Mayor Broullon

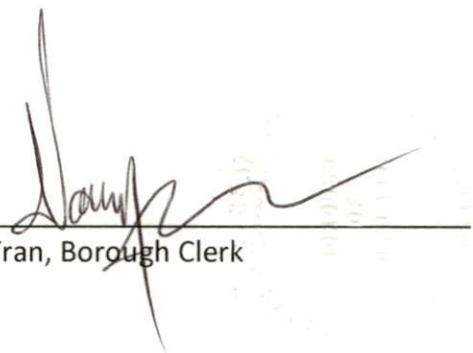
Seconded: Chelak

All in Favor.

None opposed.

Adjourned at 8:21pm

Approve:   
Carolyn Broullon, Mayor

Attest:   
Nancy Tran, Borough Clerk