



Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
December 7, 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 Cervantes, Councilmember Chelak, Councilmember Melnyk, Council President Olszewski, and Mayor Broullon were all present.

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

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS:** Proclamation: Irene Campbell, Monmouth County Volunteer of the Year Mayor Broullon read and presented proclamation to Ms. Campbell, who thanked the Council.

**APPROVAL OF MINUTES:**

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Motion: Mayor Broullon

Second: Melnyk

Ayes: Cervantes, Chelak, Melnyk, Mayor Broullon

Abstain: Olszewski

Absent: None

**INTRODUCTION OF PROPOSED ORDINANCES:**

**ORDINANCE O-22-24**

**AUTHORIZING THE SALE OF BLOCK 47, LOT 10 IN THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AT AUCTION PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.**

**WHEREAS,** the Borough of Highlands is the owner of real property with an address of 124 Bay Avenue and known as Block 47, Lot 10 in the Borough of Highlands, County of Ocean, State of New Jersey (collectively the "Property"); and

**WHEREAS,** the Property is an unimproved parcel located in the Central Business District. The Property is rectangular in shape, containing approximately 2,500 sq. ft. in area; and

**WHEREAS,** the Borough of Highlands acquired the Property through an in rem tax foreclosure, Docket No. F-15809-97, with a Final Judgment being recorded with the Monmouth County Clerk on October 12, 2001 in Book OR-8058, Page 5748; and

**WHEREAS,** the Property remains subject to Restrictive Covenants as set forth in Deed Book 872 Page 101; and

**WHEREAS,** N.J.S.A. 40A:12-13 authorizes the Borough to sell municipally owned real property to the highest bidder by open public bidding at auction or by submission of sealed bids; and

**WHEREAS,** the governing body of the Borough of Highlands has determined that the Property is not needed for public use, and the sale of the Property to the highest bidder is in the best interests of the Borough of Highlands; and

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

**SECTION I.** The Borough of Highlands is the owner of the following land located within the Borough of Highlands (hereinafter referred to as the “Property”):

Block 47, Lot 10 a rectangular parcel fronting Bay Avenue in the Borough of Highlands, New Jersey, which is located in the Central Business District Zone, and subject to all easements and restrictions of record and not of record, including but not limited to Restrictive Covenants as set forth in Deed Book 872 Page 101.

**SECTION II.** The following conditions for the sale of the Property apply:

- (a) The minimum bid for the Property shall be \$57,800.00.
- (b) The Borough reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price, or to reject all and not to award to the highest bidder. The Borough reserves the right to waive any and all defects and informalities in any proposal, and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough.
- (c) The highest bidder will be the purchaser. Within 10 days of notice of acceptance of their bid, the highest bidder shall deposit cash, check, or money order in the amount of 10 percent of the bid price with the Borough Clerk. If the highest bidder fails to deposit such amount, the Borough may re-auction the Property.
- (d) The successful bidder will execute a contract for the purchase of the Property upon completion of bidding and its payment of the required deposit.
- (e) The sale of the Property shall be made subject to the terms, conditions, restrictions and limitations of a contract of sale, which shall include but not be limited to the following terms and conditions:
  - 1) The Property is being sold in an “AS IS – WHERE IS” condition. The successful bidder is responsible for conducting any and all inspections, surveys, and testing of the Property at its own cost and expense.
  - 2) The Property is sold subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting the Property. A survey of the Property may be conducted by any prospective bidder, at its discretion, as part of its due diligence.
  - 3) No representation is made by the Borough as to the utility, usability or environmental condition of the Property.
  - 4) The Borough does not guarantee the construction of any road, water or sewer line, curb, gutter, sidewalk, drainage facility or other improvement or utility on, at or near the Property that is sold.
- (f) Failure to close title within sixty (60) days of acceptance of the bid, unless such date is extended in the sole discretion of the Borough for good cause, shall forfeit to the Borough of Highlands any and all money deposited with the Borough.
- (g) The Borough reserves the right to withdraw the offer of sale and reject any and all bids.

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(h) It is suggested and recommended that the potential bidders perform title searches and/or last owner and lien searches on the Property prior to the date of bid submission in order that the potential bidder may be adequately apprised of any encumbrances or restrictions of record affecting the use and enjoyment of the Property. It is further suggested and recommended that potential bidders exercise due diligence with respect to every state of facts including open permits, local fines, penalties, taxes, assessments, etc., which may not be of record but which may nonetheless affect the use and enjoyment of the Property. The Borough of Highlands shall not be responsible for the costs associated with such searches in the event that a bid is rejected.

(i) Parties interested in submitting bids and who require additional information, should contact Michael Muscillo, Borough Administrator, 42 Shore Drive, Highlands, NJ 07732.

(j) Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.

**SECTION III.** Notice of the Borough's intention to sell the Property, the minimum bid price therefor, and the method of bidding shall be published in a newspaper circulating in the Borough by two insertions at least once a week during two consecutive weeks. Said notice and a certified copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Borough offices. Any offer(s) for the Property may thereafter be made to the Borough Administrator for a period of twenty (20) days following the newspaper advertisement, for not less than the minimum price provided herein. If awarded, the contract shall be awarded to the highest bidder in excess of the minimum bid price for the Property.

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

**SECTION VI. EFFECTIVE DATE.** This Ordinance shall take effect after final passage and publication as provided by law.

Motion: Mayor Broullon

Second: Chelak

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 December 21, 2022.

**ORDINANCE O-22-25  
AMENDING CHAPTER II (ADMINISTRATION), SECTION VI (THE ADMINISTRATOR),  
OF THE CODE OF THE BOROUGH OF HIGHLANDS RELATED TO  
THE TERM OF OFFICE OF THE BOROUGH ADMINISTRATOR**

**WHEREAS**, Chapter II, Section 6.2 of the Borough Code establishes the term of office of the Borough Administrator and sets the term at two (2) years; and

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WHEREAS, the Borough wishes to enlarge this term of appointment from two (2) years to three (3) years to coincide with the term of office of the Mayor of the Borough; and

WHEREAS, the Mayor and Council expect this elongated term to provide for better and more efficient governance of the municipality.

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

**SECTION I.**

Borough Code Section 2-6 entitled "The Administrator" shall be amended as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics***~~.)

**§ 2-6. The Administrator**

**§ 2-6.1. Creation of Office**

No change

**2-6.2. Term of Office**

The term of office of the administrator shall be ~~two~~ ***three*** years. Any vacancy shall be filled for the unexpired term.

**2-6.3. Appointment; Removal**

No change.

**2-6.4. Other Offices**

No change.

**2-6.5. Duties of Administrator**

No change.

**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.

Motion: Mayor Broullon

Second: Olszewski

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 December 21, 2022.

**ORDINANCE O-22-26**  
**GRANTING RENEWAL OF MUNICIPAL CONSENT TO**  
**COMCAST OF MONMOUTH COUNTY, LLC. TO CONSTRUCT, CONNECT,**  
**OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS**  
**SYSTEM IN THE MUNICIPALITY OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY**

**WHEREAS**, the governing body of the Borough of Highlands previously awarded a non-exclusive franchise to Comcast of Monmouth County to construct, operate and maintain a cable television system in the Borough of Highlands, the terms of which are codified at Chapter 20 of the Code of the Borough of Highlands; and

**WHEREAS**, Comcast’s franchise expired on February 4, 2021, and Comcast has submitted a franchise renewal application which has been considered by the governing body after conducting necessary review and public hearings; and

**WHEREAS**, the governing body wishes to grant municipal consent to the renewal of Comcast’s franchise, the terms of which shall replace the existing Chapter 20 of the Code of the Borough of Highlands.

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

**SECTION I.** The existing provisions of Chapter 20 of the Code of the Borough of Highlands entitled “Cable Television and Communication System” are hereby repealed in their entirety.

**SECTION II.** Chapter 20, Cable Television and Communication System, is hereby added to read as follows:

**20-1 PURPOSE OF THE CHAPTER.**

The Borough hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the Borough, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Borough of a cable television and communications system.

**20-2 DEFINITIONS.**

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission (“FCC”) rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. “Borough” or “Municipality” is the Borough of Highlands, County of Monmouth, State of New Jersey.
- b. “Company” or “Comcast” is the grantee of rights under this Chapter and is known as Comcast of Monmouth, LLC.
- c. “Act” or “Cable Television Act” is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, et seq.
- d. “FCC” is the Federal Communications Commission.

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- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Borough currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

**20-3 STATEMENT OF FINDINGS.**

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of the Company to receive this consent, and the representations of the Company that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

**20-4 DURATION OF FRANCHISE.**

The non-exclusive Municipal Consent granted herein shall expire ten (10) years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Chapter, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

**20-5 FRANCHISE FEE.**

Pursuant to the terms and conditions of the Act, and, except as where higher payment is otherwise required by the applicable law and regulations (including N.J.S.A. 48:5A-30), the Company shall, during each year of operation under the consent granted herein, pay to the Borough two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Borough. If another CATV company receiving a system-wide franchise files a certification with the BPU that the company is capable of serving 60 percent or more of the households within the Borough and the BPU approves such certification, then the Company shall pay to the Borough three and one half percent (3.5%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Borough pursuant to N.J.S.A. 48:5A-30(d).

**20-6 FRANCHISE TERRITORY.**

The consent granted under this Chapter for the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto.

**20-7 EXTENSION OF SERVICE.**

Comcast will provide service to all areas of the municipality by installation of standard, or if the service drop is unusually long, at non-standard installation rates. These rates shall be in accordance with the rates set forth in the Company's Application.

**20-8 CONSTRUCTION REQUIREMENTS.**

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as reasonably good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Borough, shall remove, re-lay or relocate its equipment, at the expense of the Company. In requiring Company to remove, re-lay or relocate any portion of its property, the Borough shall treat Company the same as, and require no more of Company than, any other similarly situated entity utilizing the Public Rights of Way, including with respect to reimbursement of costs.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.
- d. Installation of Equipment: The Company shall install equipment in the same location and manner as existing public utilities whenever possible, in order to minimize the impact of same on surrounding property.

**20-9 CUSTOMER SERVICE.**

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

**20-10 MUNICIPAL COMPLAINT OFFICER.**

The Office of Cable Television is hereby designated as the Complaint Officer for the Borough pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Borough shall have the right to request copies of records and reports pertaining to complaints by Borough customers from the OCTV.

**20-11 LOCAL OFFICE.**

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving,

investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters.

**20-12 PERFORMANCE BONDS.**

During the life of the franchise the Company shall give to the Borough a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

**20-13 SUBSCRIBER RATES.**

The rates of the Company shall be subject to regulation as permitted by federal and state law.

**20-14 COMMITMENTS BY THE COMPANY.**

- a. The parties agree that Comcast will provide basic cable service to one outlet in the Borough Hall, First Aid, Fire Department, Department of Public Works and Police Department buildings, provided the building is within two-hundred (200) feet of active cable distribution plant free of charge. Each additional outlet installed, if any, shall be paid for a materials and labor basis by the Borough requesting service(s). Monthly service charges shall be waived on all additional outlets except for service charges for equipment.
- b. The Company shall provide cable television services on one outlet at no cost to each school in the municipality, public and private, elementary, intermediate and secondary, provided the school is within two-hundred (200) feet of active cable distribution plant free of charge. Each additional outlet installed, if any, shall be paid for a materials and labor basis by the school requesting service(s). Monthly service charges shall be waived on all additional outlets except for service charges for equipment.

**20-15 EDUCATION AND GOVERNMENTAL ACCESS.**

- a. The Company shall continue to make available to the Borough one system-wide public access channel.
- b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for access use. An PEG access user – whether an public, educational or government user - acquires no property or other interest by virtue of the use of a channel so designated and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.
- c. The Company will maintain the cable, modulators, and equipment necessary for the Borough or its designee to send a signal to the Company, and to receive the return feed of the signal.
- d. The Company shall not exercise editorial control over any educational or governmental use of channel capacity, except Company may refuse to transmit any educational or governmental access program or portion of any educational or governmental access program that contains obscenity, indecency, or nudity.
- e. Government Access. “Government Access” shall mean noncommercial use by the Borough for the purpose of showing the local government at work.
- f. Company Use of Fallow Time. Because blank or underutilized P/E/G channels are not in the public interest, in the event the Borough or other qualified P/E/G access users elect



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not to fully program their E/G access channel, Company may program unused time on those channels subject to reclamation by the Borough upon no less than 60 days written notice.

- g. Indemnification. The Borough shall indemnify Company for any liability, loss, or damage it may suffer due to violation of the intellectual property rights of third parties on the EG channel and from claims arising out of the rules for or administration of P/E/G access channel and its programming.
- h. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Borough a one-time P/E/G Access Capital Grant in the amount of \$7,000 to meet the P/E/G Access capital needs of the community.
- i. The Communications Act of 1934, as amended [47 U.S.C. §543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

**20-16 EMERGENCY USES.**

- a. The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.
- b. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the cable television system as contemplated herein.

**20-17 LIABILITY INSURANCE.**

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or “umbrella”) policy in the amount of Five Million Dollars (\$5,000,000).

**20-18 INCORPORATION OF THE APPLICATION.**

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

**20-19 COMPETITIVE EQUITY.**

Should the Borough grant municipal consent for a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Chapter subject to the provisions of N.J.A.C. 14:17-6.7.

**20-20 SEPARABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Chapter.

**20-21 PROPRIETARY INFORMATION.**

The Company shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The Borough agrees to treat any information disclosed by the Company as confidential and only to disclose it to those employees, representatives, and agents of the Borough that have a need to know in order to enforce this Chapter and who agree to maintain the confidentiality of all such information.

The Company shall not be required to provide Customer information in violation of Section 631 of the Cable Act or any other applicable federal or state privacy law. For purposes of this Section, the terms "proprietary or confidential" include, but are not limited to, information relating to the Cable System design, customer lists, marketing plans, financial information unrelated to the calculation of franchise fees or rates pursuant to FCC rules, or other information that is reasonably determined by the Company to be competitively sensitive. The Company may make proprietary or confidential information available for inspection but not copying or removal by the Municipality's representative. In the event that the Municipality has in its possession and receives a request under a state "sunshine," public records, or similar law for the disclosure of information the Company has designated as confidential, trade secret or proprietary, the Borough shall notify the Company of such request and cooperate with Company in opposing such request.

**21-22 FORCE MAJEURE.**

The Company shall not be liable or responsible for, in whole or in part, any delay or failure to perform any of its obligations hereunder which may result from accidents, pandemics, floods, fires, earthquakes, tornadoes or other acts of God; war, acts of war (whether or not a declaration of war is made), civil disobedience; civil disturbance, sabotage or vandalism, customer tampering or interference, or act of public enemy; strikes, other labor or job actions or unavailability of materials or equipment; or other events or circumstances beyond the reasonable control of the Company.

**21-23 THIRD PARTY BENEFICIARIES.**

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

**20-24 EFFECTIVE DATE.**

This chapter shall take effect upon issuance of a renewal certificate of approval from the BPU, but not earlier than the expiration of the current Franchise on February 4, 2021.

Motion: Mayor Broullon

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

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Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on December 21, 2022.

**PUBLIC HEARING ON PROPOSED ORDINANCES:**

**O-22-23 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

**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:

Name of Street	Location
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><u>Chestnut Street</u></b>	<b><u>Westerly side, from its intersection with Oak Street northward until its terminus</u></b>
South Bay Avenue	Entire length
Navesink Avenue	Entire length
Linden Avenue	Entire length
Waterwitch Avenue	Both sides, from Linden Avenue to Bay Avenue

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- 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.

Mayor Broullon opened to Council. No comments from Council. Mayor then opened to public. There were no comments from Public.

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

Second: Cervantes

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.

**RESOLUTIONS:**

**RESOLUTION 22-238  
AUTHORIZING PAYMENT OF BILLS**

**WHEREAS,** certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated December 5, 2022, which totals as follows:

Current Fund	\$ 868,379.77
Sewer Account	\$ 69,141.64
Capital Fund	\$ 415,801.78
Trust-Other	\$ 163,169.02
Federal/State Grants	\$ 9,552.40
<b>Total</b>	<b>\$ 1,526,044.61</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$1,526,044.61** 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: Olszewski

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

Nays: None

Abstain: None

Absent: None

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**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 22-239**

**AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND BOROUGH OF ATLANTIC HIGHLANDS FOR BASIC LIFE SUPPORT RESPONSE**

**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 First Aid Squad provides emergency medical services to Borough residents, and such services are supplemented through an agreement with HMH Hospitals Corporation d/b/a JFK University Medical Center (hereinafter referred to as "JFK") for continuous daytime coverage in the Highlands; and

**WHEREAS**, Highlands' agreement with JFK allows JFK to provide primary Basic Life Support response in Atlantic Highlands pursuant to a shared service agreement between the two municipalities; and

**WHEREAS**, the Borough of Highlands and Atlantic Highlands wish to enter a shared service agreement to provide for such Basic Life Support response in Atlantic Highlands in exchange for Atlantic Highlands sharing the monthly cost of JFK's services; and

**WHEREAS**, the Borough of Highlands and the Borough of Atlantic Highlands have reached an agreement for which the cost to provide such services to the Borough of Atlantic Highlands will be \$7,500.00 per month; and

**WHEREAS**, it is in the best interest of the Borough of Highlands to enter into the proposed Shared Services Agreement with the Borough of Atlantic Highlands to provide for such Basic Life Support response in Atlantic Highlands.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Highlands hereby authorizes the Mayor and Borough Clerk to execute a Shared Services Agreement for Basic Life Support services to be provided by JFK in the Borough of Atlantic Highlands for the period of January 1, 2023 through December 31, 2023.

**BE IT FURTHER RESOLVED** that the Borough Clerk shall forward a certified copy of this Resolution, along with the executed Shared Services Agreement to the following:

1. Michelle Clark, Clerk, Borough of Atlantic Highlands.
2. Robert Ferragina, Administrator, Borough of Atlantic Highlands.
3. Patrick DeBlasio, Chief Financial Officer, Borough of Highlands.
4. Elizabeth Perez, Monmouth County Shared Services.
5. NJ Department of Local Government Services.

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-240**  
**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ESTIMATING/VALIDATION SERVICES BETWEEN THE BOROUGH OF HIGHLANDS AND T&M ASSOCIATES**

**WHEREAS**, the Borough of Highlands is in need of estimating/validation services; and,

**WHEREAS**, T&M Associates, with a principal place of business located at 400 Broadacres Drive, Suite # 250, Bloomfield, New Jersey 07003 is in the business of providing Damage Repair and Mitigation estimates and previously submitted a proposal for the following scope of work regarding:

Forced Relocation – FEMA-DR-4086-NJ Project Worksheet # 2006

**WHEREAS**, the Borough of Highlands is desirous of obtaining the services of T&M Associates, to perform all of those services contemplated in the afore-referenced Proposal not to exceed \$14,100.00.

**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 # T-03-56-855-000-000

  
\_\_\_\_\_  
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 governing body of the Borough of Highlands as follows:

1. T&M Associates is hereby retained to provide estimating/validation services to the Borough of Highlands for an amount not to exceed \$14,100.00.
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: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-241**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT  
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE  
ROADWAY & DRAINAGE IMPROVEMENTS TO LINDEN AVE., WATERWITCH AVE.,  
BAY AVE., AND JONES CREEK; LENGTH=2250 LF PROJECT**

**WHEREAS**, the Borough of Highlands is seeking funding to make repairs Linden avenue, Waterwitch Avenue, Bay Avenue, and Jones; and

**WHEREAS**, the New Jersey Department of Transportation offers a Roadway & Drainage Improvement grant; and

**WHEREAS**, it is in the best interest of the residents of the Borough of Highlands to apply for aforesaid grant application.

**NOW, THEREFORE, BE IT RESOLVED** that Mayor and Council of the Borough of Highlands formally approves the grant application for the above stated project;

**BE IT FURTHER RESOLVED** that the Mayor, Borough Administrator and Clerk are hereby authorized to submit an electronic grant application identified as **LAIF-2023** - Roadway & Drainage Improvements to - 00030 to the New Jersey Department of Transportation on behalf of the Borough of Highlands;

**BE IT FURTHER RESOLVED** that 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: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-242**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT  
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE  
ROADWAY & DRAINAGE IMPROVEMENTS TO LINDEN AVE., WATERWITCH AVE.,  
BAY AVE., AND JONES CREEK; LENGTH=2250 LF PROJECT**

**WHEREAS**, the Borough of Highlands is seeking funding to make repairs Linden avenue, Waterwitch Avenue, Bay Avenue, and Jones Creek; and

**WHEREAS**, the New Jersey Department of Transportation offers a Roadway & Drainage Improvement grant; and

**WHEREAS**, it is in the best interest of the residents of the Borough of Highlands to apply for aforesaid grant application.

**NOW, THEREFORE, BE IT RESOLVED** that Mayor and Council of the Borough of Highlands formally approves the grant application for the above stated project;

**BE IT FURTHER RESOLVED** that the Mayor, Borough Administrator and Clerk are hereby authorized to submit an electronic grant application identified as **LTPF-2023** - Roadway & Drainage Improvements to - 00044 to the New Jersey Department of Transportation on behalf of the Borough of Highlands;

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**BE IT FURTHER RESOLVED** that 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: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon  
Nays: None  
Abstain: None  
Absent: None

**RESOLUTION 22-243  
AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

**WHEREAS**, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

**NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<b>BLOCK</b>	<b>LOT</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>NAME</b>
100.11	132	2022	\$1,750.87	Salinas, Eva

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

**RESOLUTION 22-244  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE DREDGING OF JONES CREEK INCLUDING TOPOGRAPHIC SURVEY AND ACQUISITION OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP) INDIVIDUAL PERMIT (IP) TO REMOVE SAID MATERIALS**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services for the dredging of Jones Creek in the Borough of Highlands and the associated permitting pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Colliers Engineering and Design has set forth its proposed services in a written proposal No. 22011139P dated November 16, 2022, a copy of which is available at the office of the Borough Clerk; and

**WHEREAS**, the said proposal includes the following:

- Performance of a partial topographical survey of a portion of Block 97, Lot 1 in the Borough of Highlands including:



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- Establish on-site survey control; and,
  - Field traverse, topographic survey and data collection; and,
  - Field measure inverts of accessible gravity structures; and,
  - Field survey data reduction and computation; and,
  - Preparation of topographic survey map in AutoCAD Civil 3D format.
- New Jersey Department of Environmental Protection (NJDEP) Pre-Application Meeting with pre-application package including project narrative, supporting maps, and conceptual plans for submission to the NJDEP.
  - Waterfront Development Permit Application in compliance with the standards described in the Coastal Zone Management Rules (N.J.A.C. 7:7-1.1 et. seq.). This will include preparation of an Environmental Impact Statement/Compliance Statement (EIS/CS). The EIS/CS will include environmental assessment and compliance with those applicable policies contained within the Rules of Coastal Zone Management (N.J.A.C. 7:7-1.1 et seq.).

**WHEREAS**, the proposed amount of the contract with Colliers Engineering and Design is \$20,400.00 which consists of the following:

Phase 1.0 Partial Topographic Survey	\$5,900.00
Phase 2.0 Permitting Services	\$13,000.00
Reimbursables (Estimated)	<u>\$1,500.00</u>
Total Fee:	\$20,400.00; and

**WHEREAS**, such professional engineering services can only be provided by licensed professionals and the firm of Colliers Engineering and Design, 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 interests of the Borough to retain Colliers Engineering and Design for the proposed professional engineering services in connection with the dredging of Jones Creek in the Borough of Highlands and the associated permitting; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$20,400.00 for professional engineering services as stated in Colliers Engineering and Design proposal dated No. 22011139P November 16, 2022; and

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

**WHEREAS**, Colliers Engineering and Design 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: 2-01-26-294-000-144

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

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with

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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 and Design is hereby retained to provide professional engineering services for the dredging of Jones Creek in the Borough of Highlands and the associated permitting, as outlined above, for an amount not to exceed \$20,400.00.
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: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-245**

**AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR THE HIGHLANDS AND ATLANTIC HIGHLANDS MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2024 FOR THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2020-JUNE 2025**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, The Borough Council of the **Borough of Highlands**, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Highlands and Atlantic Highlands Municipal Alliance grant for fiscal year running from June 1, 2023 through June 30, 2024 in the amount of:

DEDR            \$ 14,954.20

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Cash Match        \$ 3,738.55  
In-Kind            \$ 11,215.65

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_  
*Carolyn Broullon, Mayor/Head of Governing Body*

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

**RESOLUTION 22-246**  
**AUTHORIZING SUBMISSION OF AN APPLICATION FOR DMHAS YOUTH LEADERSHIP GRANT**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program; and

**WHEREAS**, The Borough Council of the **Borough of Highlands**, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Monmouth;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands, County of Monmouth, State of New Jersey hereby recognizes the following:

3. The Borough Council does hereby authorize submission of an application for DMHAS Grant funding for the Highlands and Atlantic Highlands Municipal Alliance for Grant Term 9/1/23 – 9/30/25 in the amount of:

DMHAS Grant Funding: \$ 5,094.83

4. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_  
*Carolyn Broullon, Mayor/Head of Governing Body*

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

**RESOLUTION 22-247  
PROVIDING FOR THE TRANSFER OF SURPLUS FUNDS**

**WHEREAS**, N.J.S. 40:4-58 provides for the transfer of surplus funds from one account to the other during the last two months of the calendar year:

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Highlands that transfers be made in the Boroughs' 2022 budget appropriations in accordance with the following schedule:

**BE IT FURTHER RESOLVED** that this Resolution shall take immediately:

<u>A/C #</u>	<u>FROM</u>	<u>TO</u>
22-201-200 Code Enforcement	\$25,000.00	
20-152-100 Central Services-S&W	5,000.00	
25-240-100 Police-S&W		\$30,000.00
23-210-200 Liability Insurance	10,000.00	
20-165-200 Engineering-OE		5,000.00
28-360-010 Community Center-S&W		5,000.00
		-
Totals	<u>\$ 40,000.00</u>	<u>\$40,000.00</u>

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

**RESOLUTION 22-248  
PROPERTY TAX CANCELLATION AND REFUND**

**WHEREAS**, Block 100, lot 18 applied for and received a tax exemption under the provisions for a total disabled veteran status in accordance with N.J.S.A. 54:4-3.30et seq, and

**WHEREAS**, the Tax Collector is recommending that the 2022 taxes be cancelled for the 3<sup>rd</sup> and 4<sup>th</sup> quarter taxes in the amount of \$1,987.51.

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

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**RESOLUTION 22-249  
AUTHORIZING THE REFUND OF A CERTIFIED COPY FEE**

**WHEREAS**, the Finance Officer of the Borough of Highlands has received a request to refund a fee for two (2) Certified Copies; and

**WHEREAS**, the Finance Officer has confirmed with the Registrar that no certified copies were issued and accordingly determined that the fee is to be refunded and is due and payable by the Borough of Highlands; and

**WHEREAS**, the Finance Officer recommends the immediate refund of the Certified Copy Fee by the Borough of Highlands,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, that the Finance Officer is authorized to immediately refund the Certified Copy Fee to the individual listed below:

<u>NAME</u>	<u>AMOUNT</u>	<u>ADDRESS</u>
Luisa Maria Pia Kallmeyer	\$30.00	2502 Appleton Ct., Palm Beach Gardens, FL 33402

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-250**

**AUTHORIZATION TO EXECUTE A CONTRACT WITH DRAGER, INC. FOR THE PURCHASE ON AN ACLOTTEST 9510 TEST SYSTEM THROUGH THE DRUNK DRIVING ENFORCEMENT FUND (DDEF) GRANT AT A COST NOT TO EXCEED \$19,305.00**

**WHEREAS**, the State of New Jersey is testing the new Alcotest System in a pilot program with the New Jersey State Police and other selected Municipal entities; and

**WHEREAS**, the Borough of Highlands and Borough of Highlands Police Department were selected to participate in the aforementioned pilot program; and

**WHEREAS**, the New Jersey Attorney General's Office approved only the use of a proprietary piece of equipment, the Alcotest 9510 Evidential Breath Test System, for the pilot program; and

**WHEREAS**, Drager, Inc., is the sole proprietor of the required Alcotest 9510 Evidential Breath Test System to be utilized in the pilot program; and

**WHEREAS**, any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and utilization of the bidding providing one of the exceptions to the public bidding statute as set forth in N.J.S.A. 40A:11-5(1) is applicable; and

**WHEREAS**, N.J.S.A. 40:11-5(1)(dd) sets forth exceptions to the Local Public Contracts Law for professional services and for extraordinary unspecified services ("EUS") and goods; and

**WHEREAS**, the Borough could not engage in competitive bidding for the required professional services because, despite due diligence by the Borough of Highlands Police Department, only one entity in the State of New Jersey, that being Drager, Inc., is the only provider of the required Alcotest 9510 Evidential Breath test System to be utilized when participating the State's pilot program; and

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**WHEREAS**, despite a diligent search the Borough of Highlands Police Department could not identify a provider capable of producing the required Alcotest 9510 Evidential Breath Test System to be utilized when participating in the State’s pilot program; and

**WHEREAS**, in order to better protect persons and property of the community it is absolutely vital that the Borough and its residents have a police force that has the appropriate and necessary equipment to combat drunk driving; and

**WHEREAS**, the Chief of Police recommends that the Borough participate in the pilot program and purchase the Alcotest 951 Evidential Breath Test System

**WHEREAS**, the Borough is not required to solicit bids for the work and services associated with the acquisition of the Alcotest 951 Evidential Breath Test System pursuant to N.J.S.A. 40:11-5(1)(dd); and

**WHEREAS**, the Chief Financial Officer of the Borough has certified that the funds available to retain and enter into a contractor with Drager, Inc., in the total amount not to exceed \$19,305.00 through funds available to the Borough through the State Grant DDEF Fund (Drunk Driving Enforcement Fund).

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Highlands to participate in the State pilot program and purchase the Alcotest 951 Evidential Breath Test System at a price not to exceed amount of \$19,305.00.

**BE IT FURTHER RESOLVED**, that all Borough officials including, but not limited to the Mayor, the Borough Administrator and the Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

**BE IT FURTHER RESOLVED**, that notice of this Resolution shall be presented and published in compliance with N.J.S.A. 40:11-5(1)(dd).

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 22-251**

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL  
EMERGENCY MEDICAL SERVICES BETWEEN THE BOROUGH OF HIGHLANDS AND  
JFK MEDICAL CENTER (“JFK”) FOR EMS SERVICES**

**WHEREAS**, the Borough of Highlands has a need for professional emergency medical services, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, John F. Kennedy Medical Center Emergency Medical Services (“JFK EMS”) is a licensed provider of Basic Life Support (BLS) and Advanced Life Support (ALS) Services by the New Jersey Department of Health and Human Services Office of Emergency Medical Service; and

**WHEREAS**, JFK EMS has a long history of supporting municipal BLS agencies by way of providing primary, dedicated back-up or mutual aid BLS assistance; and

**WHEREAS**, the Borough wishes to enter into an Agreement with JFK EMS, for the period beginning January 1, 2023 through December 31, 2023, wherein JFK shall provide a staffed and dedicated BLS ambulance from the hours of 5am to 5pm, Monday through Friday, based in the

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Borough of Highlands to provide primary BLS response in the Borough and mutual aid to surrounding municipalities, for a fee of \$15,000 per month; and

**WHEREAS**, the governing body has determined that it is in the best interest of the Borough to enter into a contract with JFK Medical Center for the proposed emergency medical services; and

**WHEREAS**, JFK Medical Center 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 JFK Medical Center from making any reportable contributions through the term of the contract; and

**WHEREAS**, JFK Medical Center 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 # 3-01-42-737-000-299

  
\_\_\_\_\_  
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 governing body of the Borough of Highlands as follows:

1. JFK Medical Center is hereby retained to provide emergency medical services to the Borough of Highlands for an amount not to exceed \$180,000.00.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a). The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

**REPORTS:**

**Mayor Broullon:** gave updates on the Municipal Building construction, South Bay and Hillside Ave. improvement project, the Twinlights gabion project, the Snug Harbor Park improvement project, the Marine Place elevated walkway project, the Ederle Park project, the Skate Park project, the Sanitary Sewer project, the Jones Creek dredging project, the EV Charging Station project, and the Portland Road guard rail project.

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She reported on upcoming projects – Frank Hall Park, Overlook Park, Marine Place East walkway, and Shoreline at Veterans Park.

Mayor Broullon announced that we recently received a \$37,000 grant for the Volunteer Fire Department.

She noted that we're still working on the FEMA's CRS program participation.

Borough Administrator's Report: Mr. Muscillo reported the renewal of the JFK EMS contract and renewal of shared services with Atlantic Highlands. Mayor Broullon added additional information.

Councilmember Melnyk: reported that the Highlands Lions Club has raised over \$4,000 for the Frank Hall Park. He asked about a dedicated fundraising account for the funds and Mayor Broullon answered that Mr. DeBlasio will look into it.

Councilmember Melnyk added that the Borough is always looking for volunteers and encouraged residents to fill out the Citizen Leadership forms. He then stated his concern about overflow of waste and recycling bins and suggested that condo associations ask their property manager about it before asking the Borough for assistance.

Councilmember Chelak: reported that Shadow Lawn trailer park owner has been issued over 70 violations. She added that she's spoken with Mr. Muscillo and Chief Burton about squatters and other hazards there.

A member from the public expressed her concern about the same for the area on Miller Street.

Mr. Pavlick reported that with the \$247K grant monies, improvements on Bayside and Marie Avenue have concluded. CME is working with the County regarding safer streets

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

**PUBLIC PORTION:**

Anthony Gonzalez, Twin Lights Terr., added his condo association's concern about County not being familiar with members' address and how the association is educating their residents to better instruct County dispatch on emergency calls. He noted the association's recent fundraising efforts and wanted suggestions for other local organizations needing help.

Ayesha Prakash, 88-6 Portland Rd., shared a video demonstrating her stormwater issue. She asked for assistance with concerns about the developer who she bought her property from. Mr. Muscillo answered that he's meeting with the Borough Engineer and Borough Attorney to explore legal route. He will ask CME for possible temporary fix.

Rob Hanna, 239 Shore Dr., expressed his concern about a cannabis dispensary in town and if residents get to vote. Mayor Broullon answered that the decision was discussed and voted on in 2021. She invited him to attend the Land Use Board meeting where the conditional use application will be heard. Mr. Hanna added his concern about lines from such a business and its effect on traffic. Councilmember Melnyk asked how having a line be bad for any business. Mr. Hanna then asked about FEMA monies for the new municipal building. Mayor Broullon answered that there were no final numbers yet.

Joseph Dorin, 102 Valley Ave., asked if there were any recent activity regarding 14 North Peak. He asked if Mr. Ball had received any correspondence from his lawyer. Mr. Ball answered no. Mr. Dorin summarized how the construction at 14 North Peak has affected his property.

Mr. Hanna, returned to the podium to ask about the Borough's policy on AirBnB because of his concern about his neighbor's abuse of the code. Mayor Broullon answered that she will ask



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Code Enforcement to look into the address. She added that if the individual has established his residency with the state that the Borough could not question it.

Barbara Domings, Bay Ave., shared that she is a registered AirBnB property and that the Borough does have rules and regulations. She asked if there was anyway to enforce those who aren't registered. She asked for further information on the assessed value of the Borough empty lot in the introduced ordinance, about the cable ordinance, when the municipal building will be done, and about the recycling pickup schedule. Mayor Broullon answered her questions.

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. No formal action will be taken during Executive Session.

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

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

- Collective Bargaining - CWA Contract
- Attorney-Client Privilege – Mercantile Licenses

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:

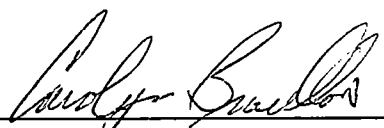
Abstain: None

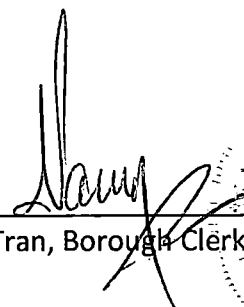
Absent: None

Council entered into Executive Session at 8:05pm and exited at 8:39pm.

**ADJOURNMENT:**

Offered by Mayor Broullon and Seconded by Councilmember Olszewski. All in Favor. None opposed. Meeting adjourned at 8:39pm

Approve:   
Carolyn Broullon, Mayor

Attest:   
Nancy Tran, Borough Clerk

