



Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
February 1, 2023 – Meeting Minutes

REGULAR 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, 2023. Items listed on the agenda are subject to change.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmember Cervantes, Councilmember Chelak, Council President Olszewski, and Mayor Broullon were present. Councilmember Melnyk later arrived at 7:06pm.

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

APPROVAL OF MINUTES:

January 18, 2023 Meeting Minutes

Motion: Olszewski

Second: Chelak

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Abstain: None

Absent: Melnyk

January 18, 2023 Executive Session Minutes

Motion: Olszewski

Second: Chelak

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Abstain: None

Absent: Melnyk

CONSENT AGENDA: Clerk Tran read the following Resolutions by title and asked for a motion to approve the Consent Agenda. Mayor Broullon questioned the contract amount for R 23-067 and Mr. Muscillo confirmed that the number was for combined emergency service and dispatcher and was indeed correct. Mayor Broullon made motion to approve the Consent Agenda as-is. Council President Olszewski seconded. Resolutions and Consent Agenda vote are as follows:

RESOLUTION 23-053

APPROVING REQUEST FOR WAIVER OF ALCOHOL BAN FOR COMMUNITY CENTER RENTAL

WHEREAS, the Borough of Highlands has received an application for rental of the Community Center from a resident seeking to host a family birthday party; and

WHEREAS, the residents have requested a waiver of the alcohol prohibition in order to serve alcohol to the guests of this private event; and

WHEREAS, the residents have obtained the necessary insurance coverage required to allow alcohol at the private event.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that Renee Johnstone's request for a waiver of the alcohol prohibition is approved for the private event to be hosted on February 25, 2023, from 1-7pm;

BE IT FURTHER RESOLVED, that as a condition of this approval the applicant has provided the

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Borough Clerk with a certificate of insurance coverage naming the Borough of Highlands as an additional insured, subject to the Borough Administrator’s review and approval.

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

RESOLUTION 23-054
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 individual,

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 individual and property owner of the specific properties listed below, and attached hereto:

BLOCK	LOT	YEAR	AMOUNT	NAME
52	16	2022	\$2,631.07	Theresa Mancinelli

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

RESOLUTION 23-055
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 one (1) Certified Copies of an official vital statistic document; 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:

NAME	AMOUNT	ADDRESS
Kimberly A. Maxson	\$15.00	8008 Cimarron Ridge Dr. #101, Las Vegas, NV 89128-1936

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

**RESOLUTION 23-056
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR PROFESSIONAL CONSTRUCTION OBSERVATION SERVICES IN CONNECTION WITH
THE CONSTRUCTION OF SNUG HARBOR SKATEPARK**

WHEREAS, the Borough of Highlands has a need for professional Construction Observation Services in connection with part-time oversight of the construction of Snug Harbor Skatepark 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 January 24, 2023, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the said proposal is for Snug Harbor Skatepark Construction Observation Services; and

WHEREAS, the said proposed services include the following:

Phase 1.0 – Construction Observation Services

- Provide part-time inspections six (6) hours per week over a period of ten (10) weeks for a total of sixty (60) hours.
- Provide site visits twice a week to ensure Contractor's compliance with the Contract Documents;
- Provide photographs of work in progress;
- Review and monitor the construction schedule provided by the Contractor and coordinate progress meetings;
- Prepare inspection reports for each site visit;
- Project Closeout, including detailed punch lists outlining any items which require repair and/or correction.

Total Fee Estimate: \$11,900.000; and

WHEREAS, such professional Construction Observation 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 Construction Observation Services in connection with the construction of Snug Harbor Skatepark; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$11,900.00 for professional services as stated in Colliers Engineering & Design, Inc.'s proposal dated January 24, 2023; 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

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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: Engineering 3-01-20-165-000-244



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 Construction Observation Services in connection with the construction of Snug Harbor Skatepark as outlined above for an amount not to exceed \$11,900.00.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a). The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Abstain: None

Absent: Melnyk

RESOLUTION 23-057

**AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE
BOROUGH OF HIGHLANDS AND THE COUNTY OF MONMOUTH THROUGH THE MONMOUTH
COUNTY SHERIFF'S OFFICE, COMMUNICATIONS DIVISION**

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 Borough of Highlands and the County of Monmouth through the Monmouth County Sheriff's Office, Communications Division wish to enter into a Shared Services Agreement for the County to serve as the Public Safety Answering Point ("PSAP") for the Borough to provide direct emergency dispatch services for police, fire and emergency medical services; and

WHEREAS, the County shall provide said services for a three (3) year period commencing January 1, 2023, or as soon thereafter as the services begin, through December 31, 2025; and

WHEREAS, the Borough of Highlands and the County of Monmouth have reached an agreement for which the cost to provide such services to the Borough of Highlands for the calendar year 2023 shall be \$97,538.00 and such annual fee shall increase by 2% for the 2nd and 3rd year of the Agreement; and

WHEREAS, it is in the best interest of the Borough of Highlands to enter into the aforesaid Shared Services Agreement with the County of Monmouth for the direct emergency dispatch services for police, fire and emergency medical services; and

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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: 3-01-42-736-000-299



Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Highlands hereby authorizes the Mayor and Borough Clerk to execute the attached Shared Services Agreement with the County of Monmouth.

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. Thomas A. Arnone, Commissioner Director
2. Laurie Burns, Clerk of the Board of County Commissioners
3. Patrick DeBlasio, Chief Financial Officer, Borough of Highlands
4. Elizabeth Perez, Shared Services Coordinator
5. NJ Department of Local Government Services

Motion: Mayor Broullon

Second: Olszewski

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Abstain: None

Absent: Melnyk

RESOLUTION 23-058

**A RESOLUTION OF THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY
SUPPORTING REVOLUTION NJ**

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created Revolution NJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey's pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation's past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established Revolution NJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, Revolution NJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, and Borough; and

WHEREAS, Revolution NJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, Revolution NJ will highlight the role New Jerseyans played beyond the battlefield

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during the American Revolution when people of diverse backgrounds contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together towards the goals of justice and equality embedded in the United States Constitution;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highlands hereby endorses Revolution NJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

BE IT FURTHER RESOLVED that:

1. The Borough Council commemorates the 250th anniversary of the establishment of the United States as an independent Nation.
2. The Borough Council authorizes the appointment of a committee to develop a plan for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations.
3. The Borough Council further urges all its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Abstain: None

Absent: Melnyk

RESOLUTION 23-059

**APPROVING CLOSE OUT CHANGE ORDER AND DECLARING ACCEPTANCE OF THE CONTRACT
FOR HILLSIDE AVENUE DRAINAGE IMPROVEMENTS**

WHEREAS, by way of Resolution 22-172 duly adopted on July 13, 2022, Messercola Excavating Co., Inc. was awarded a contract for the Hillside Avenue Drainage Improvements Project; and

WHEREAS, the contract awarded to Messercola Excavating Co., Inc. was in the amount of \$28,300.00; and

WHEREAS, the Project Engineer, CME Associates, has advised that the project is complete at this time. The change order reflects increases and decreases in original contract quantities required to complete the project; and

WHEREAS, CME Associates has advised that the Closeout Change Order results in a decrease in the project cost from the original amount of \$28,300.00 to an adjusted total of \$20,270.00, for a decrease of \$8,030.00, as specifically set forth in their correspondence dated January 26, 2023; and

WHEREAS, in accordance with the requirements of the aforesaid contract, Messercola Excavating Co., Inc. has submitted a two (2) year Maintenance Bond in the amount of \$3,040.50, which is fifteen (15) percent of the final Contract Amount; and

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WHEREAS, the Project Engineer, CME Associates, has recommended authorizing the aforesaid Change Order, releasing the Performance Bond and accepting the project.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, that based on the above recommendations from the Project Engineer, CME Associates, that the Closeout Change Order changing the original contract amount to \$20,270.00, for a decrease of \$8,030.00, be and is hereby approved.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands, that it hereby acknowledges that this project has been satisfactorily completed and accepts same.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands that it authorizes the acceptance of the two (2) year Maintenance Bond No. S-273927 MB in the sum of \$3,040.50 issued by NGM Insurance Company.

BE IT FURTHER RESOLVED, that any lien claims filed more than sixty (60) days after the adoption of this Resolution shall be ineffective pursuant to N.J.S.A. 2A:44-132.

BE IT FURTHER RESOLVED, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed, the Borough of Highlands shall release Performance Bond No. S-273927, issued by NGM Insurance Company in the amount of \$28,300.00.

BE IT FURTHER RESOLVED, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed, a voucher authorizing final payment of any sums due to the Contractor may be listed upon the bill list for action.

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

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

**RESOLUTION 23-060
AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated January 27, 2023, which totals as follows:

Current Fund	\$ 671,999.26
Sewer Account	\$ 31,398.54
Capital Fund	\$ 1,382,113.06
Trust-Other	\$ 51,894.77
Federal/State Grants	\$ 124,104.92
Total	\$ 2,261,510.55

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ 2,261,510.55 be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at www.highlandsborough.org and on file in the Municipal Clerk's office for reference.

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

RESOLUTION 23-061
PROPERTY TAX CANCELLATION AND REFUND

WHEREAS, Block 100, lot 18 applied for 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 Assessor has reviewed and approved the application effective June 1, 2022, and

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

2022 \$2,402.57

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 and refund the overpayment in the amount of \$2,402.57.

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

RESOLUTION 23-062
**AUTHORIZING EMERGENCY CONTRACT FOR PURCHASE AND INSTALLATION OF REPLACEMENT
ENGINE FOR THE BOROUGH OF HIGHLANDS FIRE DEPARTMENT'S EMERGENCY RESCUE
MARINE VESSEL**

WHEREAS, the Local Public Contracts Law permits the award of emergency contracts pursuant to N.J.S.A. 40A:11-6 et. seq., subject to certain criteria; and

WHEREAS, the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-6 et seq. allows the award of contracts without public advertising for bids and bidding when an emergency exists affecting the public health, safety or welfare which requires the immediate delivery of goods or the performance of services, wherein the award of contract is made in the manner prescribed by the aforesaid statutory provision; and

WHEREAS, the Borough of Highlands has determined that an emergency exists with respect to the engine for the Borough's Marine 17 rescue vessel which is in need of replacement; and

WHEREAS, the Borough has determined that the aforesaid emergency affects the public health, safety and/or welfare and requires the immediate performance of services; and

WHEREAS, in accordance with the declaration and pursuant to N.J.S.A. 40A:11-6 et. seq., the purchase and installation of the replacement engine for the Borough's Marine 17 rescue marine vessel is awarded to Twin Lights Marina, 52 Shrewsbury Avenue, Highlands, New Jersey, in the amount of \$70,156.00; and

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

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I hereby certify that funds are available as follows:



Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands that a contract for the aforesaid emergency purchase and installation of a replacement engine for the Borough's Marine 17 rescue vessel is hereby authorized and awarded to Twin Lights Marina, 52 Shrewsbury Avenue, Highlands New Jersey, in an amount not to exceed \$70,156.00.

BE IT FURTHER RESOLVED, that the contract is being awarded without public advertisement for bids pursuant to an emergency situation affecting the public health, safety and/or welfare, and as authorized by the Local Public Contract Laws, in accordance with N.J.S.A. 40A:11-6, which permits the awarding of emergency contracts.

BE IT FURTHER RESOLVED, that the Borough officials, including but not limited to, the Borough Administrator, are hereby authorized to execute the said emergency contract, as well as any and all documents required to effectuate the same.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Abstain: None

Absent: Melnyk

REPORTS:

Mayor Broullon: reported on the jump on 2022 Highlands property assessed value, construction projects, planned projects, regionalization, and grants.

Mr. Muscillo had nothing further to add.

Councilmember Chelak asked about the chipping paint on the recently painted walkway and Mr. Muscillo answered that he's waiting to hear back from the vendor.

Council President Olszewski asked about the number of tennis courts the newly improved Snug Harbor Park would have and Mayor Broullon answered.

With no further reports and questions from the dais, Mayor Broullon opened Public Portion.

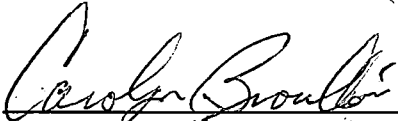
PUBLIC PORTION:

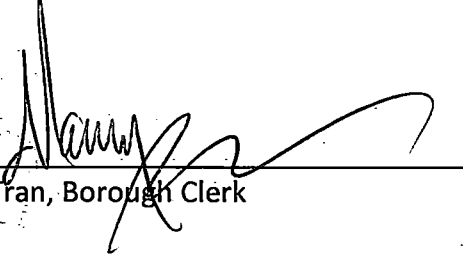
Joe Dorin, 102 Valley Ave., expressed his continued issues with the project at 14 North Peak Street and its alleged violation of the Steep Slope Ordinance. Mayor Broullon stated that she'll talk with Code Enforcement and get back to him.

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

ADJOURNMENT:

Offered by Mayor Broullon and Seconded by Councilmember Chelak. All in Favor. None opposed. Meeting adjourned at 7196pm

Approve: 
Carolyn Broullon, Mayor

Attest: 
Nancy Tran, Borough Clerk