



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

**REGULAR MEETING:** Meeting came to order at 7:04 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, Councilmember Melnyk, Council President Olszewski, and Mayor Broullon were present.

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

**OATH OF OFFICE:** Mayor Broullon swore in **Robert Alvator** while his mom held the bible. The family posed for several pictures.

**APPROVAL OF MINUTES:**

February 15, 2023 Meeting Minutes

Motion: Olszewski

Second: Mayor Broullon

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Abstain: Cervantes

Absent: None

February 15, 2023 Executive Session Minutes

Motion: Olszewski

Second: Chelak

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Abstain: Cervantes

Absent: None

**INTRODUCTION OF PROPOSED ORDINANCES:**

**ORDINANCE O-23-03**

**AMENDING CHAPTER VII, SCHEDULE I "NO PARKING" OF THE CODE OF THE BOROUGH OF HIGHLANDS RELATED TO AREAS OF NO PARKING ON VALLEY STREET**

**WHEREAS**, Chapter 7, Section 3.4 of the Borough Code establishes the streets or parts of streets where there shall be no parking; 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.

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

**SECTION I.**

Borough Code Section 7-3.4 entitled "Parking Prohibited at All Times on Certain Streets", Schedule I, Section 7A-1 entitled "No Parking", shall be amended by adding the following:

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

**SCHEDULE I: NO PARKING**

<i>NAME OF STREET</i>	<i>SIDES</i>	<i>LOCATION</i>
<i>Valley Street</i>	<i>West</i>	<i>From the northwest corner of Bay Avenue to a point 80 feet north.</i>
<i>Valley Street</i>	<i>West</i>	<i>From the southwest corner of 4<sup>th</sup> Street to a point 90 feet south.</i>

**NOTE TO CODIFIER:** All other portions of this Section remain the same.

**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 as provided by law.

Mayor Broullon noted that this is relating to the area around the First Aid Squad building.

Motion: Chelak

Second: Mayor Broullon

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

Abstain: None

Absent: None

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on March 15, 2023.

**ORDINANCE O-23-04**

**AUTHORIZING THE PRIVATE SALE OF BLOCK 101, LOT 3.03 IN THE BOROUGH OF HIGHLANDS, STATE OF NEW JERSEY PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.**

**WHEREAS**, the Borough of Highlands (hereafter the "Borough") is the owner of real property known as Block 101, Lot 3 located on Locust Street in the Borough of Highlands, County of Monmouth, State of New Jersey and is in the process of subdividing the lot into four lots, with one of the lots to be known as Block 101, Lot 3.03; and

**WHEREAS**, approval for the subdivision has been received by the Borough, and perfecting of the subdivision is pending adoption of a Resolution memorializing said approval by the Land Use Board; and

**WHEREAS**, the newly created Lot 3.03 will be an undersized, undevelopable and landlocked parcel and is located in the WC-2 Zone (hereinafter the "Property"); and

**WHEREAS**, the only property contiguous to Lot 3.03 aside from Borough-owned property is Block 101, Lot 4; and

**WHEREAS**, the Borough entered into a Memorandum of Understanding and First Amendment to Memorandum of Understanding with the owners of Block 101, Lot 4 which is contiguous to the newly created Lot 3.03 for the sale of the Property to the contiguous property owners; and

**WHEREAS**, in accordance with the terms of the Memoranda of Understanding, the Borough intends to sell Lot 3.03 to the owners of the contiguous lot, subsequent to the adoption of the Resolution

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

by the Land Use Board and perfecting of the subdivision; and

**WHEREAS**, N.J.S.A. 40A:12-13(b)(5) authorizes the Township to sell municipally owned real property at a private sale to an owner of real property contiguous thereto where municipally owned property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

**WHEREAS**, due to the fact that there is one contiguous property owner, public bidding for the sale of the Property is not necessary; and

**WHEREAS**, the governing body of the Borough of Highlands has determined that the Property is not needed for public use, the sale of the Property will return the Property to the tax rolls, and it is in the best interests of the Borough to offer the Property for sale at a private sale to the owner of the contiguous property.

**NOW THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

**SECTION I.** The Borough of Highlands is the owner of the about to be newly created Block 101, Lot 3.03 which will be an undersized, undevelopable, landlocked parcel located in the WC-2 Zone.

**SECTION II.** In accordance with the Memorandum of Agreement and First Amendment to Memorandum of Agreement, it is the intention of the Borough to sell the Property to the owners of Block 101, Lot 4 which is contiguous to the newly created Lot 3.03 subsequent to adoption of a Resolution by the Borough of Highlands Land Use Board memorializing approval of the subdivision and perfecting of the subdivision. The purchase price shall be the agreed-upon fair market value of \$20,000.

**SECTION III.** The Borough of Highlands hereby authorizes the sale of newly created Block 101, Lot 3.03 to the owners of Block 101, Lot 4 upon completion of perfecting the subdivision, and further authorizes the Mayor, Municipal Clerk and Administrator to execute any and all documents necessary in order to effectuate the sale of 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 as provided by law.

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

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on March 15, 2023.

**OTHER BUSINESS:** Environmental Commission Presentation  
Robert Zilinski and Steve Szulecki presented a Review of the US Army Corps of Engineers (USACE) NY & NJ Harbor and Tributaries Coastal Storm Risk Management Study (HATS) on behalf of the Highlands Environmental Commission (EC). The EC noted that the USACE was leaning toward

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

option #3B – Storm surge barriers in the north bay area, which protects 63% of the Upper Bay Area and leaving 37% in the Lower Bay Area unprotected, relying on only local storm surge mitigation. The EC recommends option #2 – Storm barrier across the NY/NJ harbor or possibly option #3A – Local storm surge barriers. The EC discussed the cost-benefit analysis of each option. They noted that any HATS option would not cost Highlands anything. The EC drafted a letter to USACE for Council to submit.

Mayor Broullon asked for clarification on the EC's recommendation. Councilmember Chelak asked who's responsible for the maintenance of the barriers. Discussion continued and then was open to the Public.

Bob Davis, South Bay Ave., asked how his waterfront property and other waterfront properties would be affected.

Jerry Serano, Seadrift Ave., asked for clarification about the \$130 million Federally funded shore-based systems program.

Michael Cannon, Central Ave., stated that his job is involved with flood management and offered to make himself available to assist.

Council President Olszewski asked if there were any benefits during construction. Mr. Cannon noted that the segment schedule is not set yet.

More discussion continued.

**RESOLUTIONS:**

**RESOLUTION 23-067**

**AUTHORIZING RETENTION OF GLENN FORNEY TO SERVE AS MEDIATOR TO FACILITATE REACHING AN AGREEMENT AS TO A TAX ALLOCATION METHOD AND SHARING OF SAVINGS FROM REGIONALIZATION**

**WHEREAS**, the governing bodies of the Borough of Sea Bright ("Sea Bright"), the Borough of Highlands ("Highlands"), and the Borough of Atlantic Highlands ("Atlantic Highlands") have agreed to move forward with mediation in an effort to come to an agreed-upon tax allocation method and again invite the three boards of education to join;

**NOW THEREFORE BE IT RESOLVED** that, the Mayor and Council of the Borough of Highlands hereby agree to the retention of Glenn Forney, former Deputy Assistant Commissioner of Finance for the New Jersey Department of Education, to serve as a mediator to facilitate the parties reaching an agreement on the tax allocation method and sharing of savings from regionalization; and

**BE IT FURTHER RESOLVED** that the Mayor and Council of Borough of Highlands hereby agree to pay one-third the cost of the mediator's fee.

Councilmember asked for clarification of the mediation and Mayor Broullon answered.

Motion: Mayor Broullon

Second: Olszewski

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

Abstain: None

Absent: None

**RESOLUTION 23-068**

**Authorizing an Amendment to the 2023 Temporary Budget**

**WHEREAS**, The Revised Statutes of New Jersey N.J.S. 40A:4-20 provides for the adoption of emergency temporary appropriations in addition to temporary appropriations necessary for the period between the beginning of the current fiscal year and the date of the adoption of the Local

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

Budget for the Year 2023.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the following amendments to the temporary appropriations be made in the amounts and for the purposes herein set forth for the period between January 1<sup>st</sup>, 2023 and the adoption of the Local budget for the Borough of Highlands, County of Monmouth and State of New Jersey for the Year 2023.

Department	Salaries	Other Expenses	Total
<b>General Government:</b>			
Mayor and Borough Council	\$ 0.00	\$ 5,150.00	\$ 5,150.00
Borough Clerk	\$ 25,000.00	\$ 10,375.00	\$ 35,375.00
Borough Administrator	\$ 40,000.00	\$ 1,162.50	\$ 41,162.50
Central Services	\$ 7,500.00	\$ 7,500.00	\$ 15,000.00
Financial Administration	\$ 40,000.00	\$ 4,500.00	\$ 44,500.00
Grants Writer	\$ 0.00	\$ 1,250.00	\$ 1,250.00
Audit	\$ 0.00	\$ 12,500.00	\$ 12,500.00
Assessment of Taxes	\$ 11,250.00	\$ 11,125.00	\$ 22,375.00
Collection of Taxes	\$ 28,750.00	\$ 2,750.00	\$ 31,500.00
Legal Services	\$ 0.00	\$ 76,250.00	\$ 76,250.00
Municipal Prosecutor	\$ 0.00	\$ 5,000.00	\$ 5,000.00
Engineering Services	\$ 0.00	\$ 70,000.00	\$ 70,000.00
Public Buildings & Grounds	\$ 16,250.00	\$ 24,750.00	\$ 41,000.00
Municipal Land Use Law	\$ 3,750.00	\$ 14,637.50	\$ 18,387.50
Master Plan	\$ 0.00	\$ 1,250.00	\$ 1,250.00
Shade Tree Commission	\$ 0.00	\$ 250.00	\$ 250.00
Environmental Commission	\$ 0.00	\$ 125.00	\$ 125.00
<b>Insurance:</b>			
Group Insurance	\$ 0.00	\$ 600,000.00	\$ 600,000.00
Group Insurance Stipend	\$ 12,000.00	0.00	\$ 12,000.00
General Liability	\$ 0.00	\$ 50,000.00	\$ 50,000.00
Workers' Compensation	\$ 0.00	\$ 100,000.00	\$ 100,000.00
Flood Insurance	\$ 0.00	\$ 10,000.00	\$ 10,000.00
Unemployment	\$ 0.00	\$ 0.00	\$ 0.00
<b>Public Safety:</b>			
Fire	\$ 0.00	\$ 27,700.00	\$ 27,700.00
Police	\$ 480,500.00	\$ 41,375.00	\$ 521,875.00
Dispatch	\$ 0.00	\$ 0.00	\$ 0.00
First Aid	\$ 0.00	\$ 8,875.00	\$ 8,875.00
911 Telecommunications	\$ 0.00	\$ 0.00	\$ 0.00
Emergency Management	\$ 1,050.00	\$ 7,900.00	\$ 8,950.00
School Crossing Guards	\$ 7,500.00	\$ 1,000.00	\$ 8,500.00
<b>Municipal Court</b>			
Municipal Court	\$ 4,625.00	\$ 1,200.00	\$ 5,825.00
Public Defender	\$ 500.00	\$ 0.00	\$ 500.00
<b>Streets and Roads:</b>			
Road Repair & Maintenance	\$ 110,000.00	\$ 22,250.00	\$ 132,250.00
Snow Removal	\$ 10,000.00	\$ 10,587.50	\$ 20,587.50
<b>Health and Welfare:</b>			
Regional Health Commission	\$ 0.00	\$ 0.00	\$ 0.00
Dog Control	\$ 0.00	\$ 5,500.00	\$ 5,500.00
Substance Abuse Program	\$ 0.00	\$ 750.00	\$ 750.00
P.E.O.S.H.A.	\$ 0.00	\$ 1,000.00	\$ 1,000.00

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

<b>Recreation and Education:</b>			
Beachfront Maintenance	\$ 1,500.00	\$ 2,400.00	\$ 3,900.00
Parks & Playgrounds	\$ 0.00	\$ 2,750.00	\$ 2,750.00
Public Events	\$ 0.00	\$ 1,750.00	\$ 1,750.00
Community Center	\$ 37,500.00	\$ 8,112.50	\$ 45,612.50
Uniform Fire Safety Act	\$ 10,750.00	\$ 1,840.00	\$ 12,590.00
Code Enforcement Officer	\$ 29,500.00	\$ 2,750.00	\$ 32,250.00
Code – Substandard Housing	\$ 0.00	\$ 6,250.00	\$ 6,250.00
Sanitation	\$ 5,000.00	\$ 11,000.00	\$ 16,000.00
Sanitation- Contractual Service	\$ 0.00	\$ 100,000.00	\$ 100,000.00
Monmouth Cty Reclamation Svc	\$ 0.00	\$ 53,750.00	\$ 53,750.00
Mechanical Garage	\$ 0.00	\$ 4,875.00	\$ 4,875.00
Condominium Services	\$ 0.00	\$ 9,125.00	\$ 9,125.00
Construction Code Official	\$ 625.00	\$ 4,375.00	\$ 5,000.00
Accumulated Leave	\$ 8,750.00	\$ 0.00	\$ 8,750.00
<b>Utilities:</b>			
Electricity	\$ 0.00	\$ 16,500.00	\$ 16,500.00
Street Lighting	\$ 0.00	\$ 14,250.00	\$ 14,250.00
Telephone	\$ 0.00	\$ 10,000.00	\$ 10,000.00
Water	\$ 0.00	\$ 4,375.00	\$ 4,375.00
Gasoline-Fuel	\$ 0.00	\$ 22,500.00	\$ 22,500.00
Natural Gas	\$ 0.00	\$ 3,750.00	\$ 3,750.00
Telecommunications	\$ 0.00	\$ 11,250.00	\$ 11,250.00
Fire Hydrants	\$ 0.00	\$ 18,500.00	\$ 18,500.00
<b>Deferred Charges:</b>			
PERS	\$ 0.00	\$ 99,212.50	\$ 99,212.50
Social Security System	\$ 0.00	\$ 38,750.00	\$ 38,750.00
PFRS	\$ 0.00	\$ 379,328.75	\$ 379,328.75
DCRP	\$ 0.00	\$ 250.00	\$ 1,000.00
Contingent	\$ 0.00	\$ 2,500.00	\$ 2,500.00
<b>TOTAL INSIDE "CAP"</b>	<b>\$ 892,300.00</b>	<b>\$ 1,483,126.75</b>	<b>\$ 2,375,426.75</b>
<b>"OUTSIDE CAPS"</b>			
Matching Funds for Grants		\$ 3,750.00	\$ 3,750.00
LOSAP	\$ 0.00	\$ 18,750.00	\$ 18,750.00
Recycling Tax	\$ 0.00	\$ 500.00	\$ 500.00
Stormwater Management	\$ 0.00	\$ 14,375.00	\$ 14,375.00
<b>Interlocal:</b>			
<b>Atlantic Highlands:</b>			
Garage	\$ 0.00	\$ 15,000.00	\$ 15,000.00
Municipal Court	\$ 0.00	\$ 21,250.00	\$ 21,250.00
<b>Middletown Township:</b>			
UCC Construction	\$ 0.00	\$ 52,500.00	\$ 52,500.00
Sea Bright Lifeguards	\$ 0.00	\$ 15,500.00	\$ 15,500.00
Monmouth County 911 Dispatch	\$ 0.00	\$ 25,000.00	\$ 25,000.00
EMS/JFK Medical Services		\$ 45,000.00	\$ 45,000.00
Alliance Grant	\$ 0.00	\$ 0.00	\$ 0.00
<b>TOTAL OUTSIDE "CAP"</b>	<b>\$ 0.00</b>	<b>\$ 211,625.00</b>	<b>\$ 211,625.00</b>

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

<b>SUB TOTAL APPROPRIATIONS</b>	<b>\$ 892,300.00</b>	<b>\$ 1,966,856.25</b>	<b>\$ 2,859,156.25</b>
Statutory Additions:			
Capital Improvement Fund		\$ 0.00	\$ 0.00
Payment of Bond Principal		\$ 15,000.00	\$ 15,000.00
Interest on Bonds		\$ .00	\$ 0.00
Payment on Note Principal		\$ 234,002.00	\$ 234,002.00
Interest on Notes		\$ 0.00	\$ 0.00
Loan Principal		\$ 0.00	\$ 0.00
Lease Purchase			
Principal		\$ 0.00	\$ 0.00
Interest		\$ 0.00	\$ 0.00
<b>SUB-TOTAL STATUTORY ADDITIONS</b>	<b>\$ 0.00</b>	<b>\$ 249,002.00</b>	<b>\$ 249,002.00</b>
<b>TOTAL TEMPORARY MUNICIPAL BUDGET</b>	<b>\$ 892,300.00</b>	<b>\$ 2,215,858.25</b>	<b>\$ 3,108,158.25</b>
<b>SEWER UTILITY:</b>			
	Salaries	Other Expenses	Total
Sewer Operating	\$ 31,250.00	\$ 267,500.00	\$ 298,750.00
Group Insurance		\$ 7,500.00	\$ 7,500.00
Workers Compensation		\$ 5,500.00	\$ 5,500.00
Insurance Other		\$ 5,000.00	\$ 5,000.00
PERS		\$ 1,578.13	\$ 1,578.13
Social Security System		\$ 2,250.00	\$ 2,250.00
<b>Sub Total</b>	<b>\$ 31,250.00</b>	<b>\$ 289,328.13</b>	<b>\$ 320,578.13</b>
Statutory Additions:			
Payment of Bond Principal		\$ 71,000.00	\$ 71,000.00
Interest on Bonds		\$ 0.00	\$ 0.00
Principal/Interest on Notes/Loans		\$ 0.00	\$ 0.00
<b>Total Statutory Additions</b>	<b>\$ 0.00</b>	<b>\$ 71,000.00</b>	<b>\$ 71,000.00</b>
<b>Total Sewer Utility Budget</b>	<b>\$ 31,250.00</b>	<b>\$ 360,328.13</b>	<b>\$ 391,578.13</b>

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

**RESOLUTION 23-069**

**ACCEPTING RECOMMENDATIONS OF THE BOROUGH OF HIGHLANDS ENVIRONMENTAL COMMISSION IN CONNECTION WITH A PROJECT KNOWN AS THE NY & NJ HARBOR & TRIBUTARIES FOCUS AREA FEASIBILITY STUDY BY THE US ARMY CORPS OF ENGINEERS AND AUTHORIZING SUBMISSION OF SAME TO THE US ARMY CORPS OF ENGINEERS**

**WHEREAS**, at the Borough of Highlands meeting on March 1, 2023, the Borough of Highlands Environmental Commission made a presentation to the Mayor and Borough Council with recommendations related to a project known as the NY & NJ Harbor & Tributaries Focus Area Feasibility Study (HATS); and

**WHEREAS**, coastal storms have severely impacted the North Atlantic Coast of the United States,

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

including the New York and New Jersey Harbor region, and in response to these storms, the US Army Corps of Engineers is investigating measures to manage future flood risk in ways that support sustainability of the coastal ecosystem and surrounding communities; and

**WHEREAS**, the Borough of Highlands Environmental Commission wishes to submit a recommendation to the Army Corps of Engineers pursuant to a public comment period in response to the New York-New Jersey Harbor and Tributaries Study Draft Integrated Feasibility and Tier 1 Environmental Impact Statement; and

**WHEREAS**, the Mayor and Borough Council support the recommendations of the Borough of Highlands Environmental Commission and its submission to the Army Corps of Engineers.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Highlands that it supports the recommendations of the Borough of Highlands Environmental Commission and authorizes its submission to the Army Corps of Engineers.

**BE IT FURTHER RESOLVED** that the Borough Clerk shall transmit a certified copy of this Resolution to the Borough of Highlands Environmental Commission and the US Army Corps of Engineers.

Motion to TABLE: Melnyk

Second: Mayor Broullon

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

Abstain: None

Absent: None

**CONSENT AGENDA:** Clerk Tran read the following Resolutions by title and asked for a motion to approve the Consent Agenda. Resolutions and Consent Agenda vote are as follows:

**RESOLUTION 23-070**

**RATIFYING ACCEPTANCE OF BID FOR THE SALE OF BLOCK 47, LOT 10 IN THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**WHEREAS**, by way of Ordinance O-22-24, duly adopted December 21, 2022, and pursuant to N.J.S.A. 40A:12-13, the Borough authorized the sale of municipal property, Block 47, Lot 10, which is not needed for public use, to the highest bidder with a minimum bid of \$57,800.00; and

**WHEREAS**, in accordance with Ordinance O-22-24, duly adopted December 21, 2022, Public Notice was properly advertised for the submission of sealed bids for the purchase of municipal property, Block 47, Lot 10, located in the Borough of Highlands; and

**WHEREAS**, in accordance with the aforesaid Public Notice, three (3) sealed bids for the purchase of municipal property, Block 47, Lot 10, were received by the Borough on February 10, 2023; and

**WHEREAS**, the highest bid for the purchase of municipal property, Block 47, Lot 10, in the Borough of Highlands, was submitted by Robert J. Davis, in the amount of \$144,000.00; and

**WHEREAS**, in accordance with Ordinance O-22-24, duly adopted December 21, 2022, the highest bidder, Robert J. Davis, was notified that the Borough accepted the bid to purchase Block 47, Lot 10 in the Borough of Highlands, in the amount of \$144,000.00, wherein the successful bidder shall comply with the terms of the aforesaid Ordinance with regard to the sale of the property, including that the property is being sold in an "AS IS – WHERE IS" condition.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Highlands hereby ratifies acceptance of the bid submitted by Robert J. Davis, as the highest bid for the purchase of municipal property, Block 47, Lot 10, in the Borough of Highlands in the amount of \$144,000.00.



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

**BE IT FURTHER RESOLVED**, that the Mayor, Borough Administrator and Municipal Clerk be and are authorized to execute a contract of sale, in accordance with the terms and conditions set forth in Ordinance O-22-24, in a form that is acceptable to the Municipal Attorney.

**BE IT FURTHER RESOLVED**, that the Borough Administrator be and is hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes of this Resolution.

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

**RESOLUTION 23-071  
APPOINTING A PATROLMAN**

**WHEREAS**, the Borough of Highlands from time-to-time has the need to employ a Patrolman; and

**WHEREAS**, the Chief of Police has made a recommendation to the Governing Body regarding the appointment of a Patrolman.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands, that Robert Alvator be and is hereby appointed a Patrolman of the Borough of Highlands effective February 7, 2023, with a salary in accordance with the Collective Bargaining Agreement between the Borough of Highlands and PBA Local 48. This appointment shall be conditioned upon the successful completion of the hiring process including, but not limited to, medical screening requirements.

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

**RESOLUTION 23-072  
AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND  
THE BOROUGH OF SEA BRIGHT FOR STREET SWEEPING SERVICES**

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to primary purposes of any of the participating local units; and

**WHEREAS**, the Borough of Highlands and the Borough of Sea Bright wish to encourage inter-municipal cooperation; and

**WHEREAS**, the Borough of Highlands has the necessary staffing, equipment and personnel to provide street sweeping services to the Borough of Sea Bright; and

**WHEREAS**, the Borough of Highlands shall provide street sweeping services to the Borough of Sea Bright during the period of April 1, 2023 through October 31, 2023; and

**WHEREAS**, the aforesaid street sweeping services shall be performed for the Borough of Sea Bright on Tuesdays and Thursdays; and

**WHEREAS**, Sea Bright shall be responsible for the disposal of all sweepings, as well as

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

notification to all persons parking on their streets; and

**WHEREAS**, the Borough of Highlands and the Borough of Sea Bright have agreed that the Borough of Sea Bright will pay the Borough of Highlands \$15,000.00 for the street sweeping services.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Highlands, that the Mayor be and is hereby authorized to execute a Shared Services Agreement for the Borough of Highlands to provide street sweeping services to the Borough of Sea Bright, for the period of April 1, 2023 through October 31, 2023, and the Borough of Sea Bright shall pay the Borough of Highlands the amount of \$15,000.00 for said street sweeping services.

**BE IT FURTHER RESOLVED**, that the Borough Administrator be and is hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes of this Resolution.

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to the Chief Financial Officer, the Borough of Highlands Administrator and the Borough of Sea Bright Administrator.

Motion: Mayor Broullon

Second: Chelak

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

Abstain: None

Absent: None

**RESOLUTION 23-073**

**APPROVING CLOSEOUT FINAL CHANGE ORDER AND DECLARING ACCEPTANCE OF THE CONTRACT FOR NORTH STREET STORMWATER PUMP STATION ELECTRICAL UPGRADES**

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

**WHEREAS**, the contract awarded to Vulcan Construction Group, Inc. was in the amount of \$199,100.00; and

**WHEREAS**, by way of Resolution No. 22-176 duly adopted on July 13, 2022, Change Order No. 1 increasing the Contract amount to \$204,100.00 and Change Order No. 2 increasing the Contract amount of \$206,600.00 were approved; and

**WHEREAS**, the Project Engineer, Colliers Engineering & Design, has advised that the project is complete at this time. The change orders reflect an increase in original contract quantities required to complete the project; and

**WHEREAS**, Colliers Engineering & Design has advised that the Closeout Final Change Order results in an increase in the project cost from the original amount of \$199,100 to an adjusted total of \$206,600.00 for an increase of \$7,500.00, as specifically set forth in their correspondence dated February 10, 2023; and

**WHEREAS**, in accordance with the requirements of the aforesaid contract, Vulcan Construction Group, Inc. has submitted a two (2) year Maintenance Bond in the amount of \$20,660.00, which is ten (10) percent of the final Contract Amount; and

**WHEREAS**, the Project Engineer, Colliers Engineering & Design, has recommended authorizing the aforesaid Final 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

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

on the above recommendations from the Project Engineer, Colliers Engineering & Design, that the Closeout Final Change Order changing the original contract amount to \$206,600.00, for an increase of \$7,500.00, 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. GS5690019 in the sum of \$20,660.00 issued by The Gray 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.GS56900119, issued by The Gray Insurance Company in the amount of \$199,100.00.

**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 Vulcan Construction Group, Inc.

Motion: Mayor Broullon

Second: Chelak

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

Abstain: None

Absent: None

**RESOLUTION 23-074  
AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated February 24, 2023, which totals as follows:

Current Fund	\$	55,921.47
Sewer Account	\$	42,250.42
Capital Fund	\$	28,065.81
Trust-Other	\$	5,466.45
<u>Federal/State Grants</u>	<u>\$</u>	<u>4,841.00</u>
<b>Total</b>	<b>\$</b>	<b>136,545.15</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ 136,545.15 be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at [www.highlandsborough.org](http://www.highlandsborough.org) and on file in the Municipal Clerk's office for reference.

Motion: Mayor Broullon

Second: Chelak

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

Abstain: None

Absent: None

**RESOLUTION 23-075  
CANCEL TAX OVERPAYMENTS**

**WHEREAS**, the Tax Collector of the Borough of Highlands has reviewed the tax rolls and determined that certain properties have credit balances that are old and outstanding, and

**WHEREAS**, the taxpayer has confirmed that this overpayment should be cancelled, and

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, New Jersey, that the Tax Collector cancel tax overpayments effective immediately as follows:

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Year</u>
120	10.2-6	\$1,481.27	2016
		268.79	2015

Motion: Mayor Broullon

Second: Chelak

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

Abstain: None

Absent: None

**RESOLUTION 23-076**

**AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE BOROUGH OF ATLANTIC HIGHLANDS FOR ROUTINE MECHANICAL REPAIR AND MAINTENANCE OF HIGHLANDS' VEHICLES, EQUIPMENT AND TRUCKS (EXCLUDING FIRE TRUCKS)**

**WHEREAS**, the Borough of Highlands and the Borough of Atlantic Highlands previously entered into an Interlocal Service Agreement wherein the Borough of Atlantic Highlands provided routine mechanical repair and maintenance of Highlands' vehicles, equipment and trucks (excluding fire trucks); and

**WHEREAS**, the Borough of Highlands and the Borough of Atlantic Highlands wish to again enter into an Interlocal Service Agreement; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act (C.40A:65-1 et. seq.) authorizes local units to enter into an agreement with another local unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

**WHEREAS**, the Borough of Atlantic Highlands has the facility, equipment, manpower and expertise to provide this type of service to the Borough of Highlands; and

**WHEREAS**, the Administrators of the Borough of Highlands and the Borough of Atlantic Highlands have reached an agreement for said services at a rate of \$65.00 per hour, plus an additional \$1.00 per hour for shop supplies and \$80.00 per hour for any calls after regular business hours which will be billed at a minimum of two (2) hours.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Highlands that the Mayor and Borough Clerk are hereby authorized to execute an Interlocal Service Agreement for services to be provided by the Borough of Atlantic Highlands for the routine mechanical repair and maintenance of the Borough of Highlands' vehicles, equipment and trucks (excluding fire trucks) for a three (3) year period retroactively beginning January 1, 2023 and ending December 31, 2025.

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to the Borough of Highlands Administrator and Chief Financial Officer, and the Administrator of the Borough of Atlantic Highlands.

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

Motion: Mayor Broullon

Second: Chelak

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

Abstain: None

Absent: None

**RESOLUTION 23-077**

**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 surprise 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 the surprise party host's request for a waiver of the alcohol prohibition is approved for the private event to be hosted on March 19, 2023, from 11am – 6pm;

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

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

Abstain: None

Absent: None

**REPORTS:**

Mayor Broullon: gave updates on construction projects, planned projected, regionalization, grants awarded, and the Monmouth Hills runoff discussions. Mr. Matlack added more details to the reconstruction of Bayside Drive and Marie Street project at Mayor Broullon's request.

Borough Administrator Muscillo: reported that he's working on a RFP for solid waste and recycling pick up with extended services.

Council President Olszewski: gave updates on Henry Hudson Regional and Highlands Elementary schools.

Councilmember Melnyk: noted summer camp registration on March 11<sup>th</sup>.

Councilmember Cervantes: gave updates on the Highlands sign and Highlands Business Partnership events.

Councilmember Chelak: noted the upcoming public Zoom meeting to discuss the offshore windmills.

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

**PUBLIC PORTION:**

Doug Healy, Central Ave., shared his concerns on the noise disturbance from skatepark and shared a report with the dais. He stated that he met with Councilmember Melnyk to ask about changing

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

the location of the skatepark. Councilmember Melnyk directed Mr. Healy to page 22 of the report regarding mitigation.

Tina Kemmer, Linden Ave., asked for clarification on the solid waste and recycling RFP. Mr. Muscillo answered that options for adding additional pickups is being considered and possible costs of the additional services.

Doug Davis, Central Ave., shared his concerns about the skatepark noise and plans for the skatepark fence.

Gina Melnyk, Hillside Ct., shared her thoughts on regionalization.

With no further 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:

- Attorney-Client Privilege: Electric Vehicle and Solar Ordinance
- Pending or Anticipated Litigation

**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

Abstain: None

Absent: None

Council entered into Executive Session at 8:48pm and exited at 9:09pm.

Councilmember Chelak noted an Environmental Commission's member's expertise in noise evaluation. Mayor Broullon reported that noise dampening concerns were discussed with the landscape architect. Council President Olszewski stated that the bathroom situation should be considered for the skatepark, Snug Harbor Park, and the Community Center playground area.

**ADJOURNMENT:**

Offered by Mayor Broullon and Seconded by Councilmember Chelak. All in Favor. None opposed. Meeting adjourned at 9:10pm

Approve:   
Carolyn Broullon, Mayor

Attest:   
Nancy Tran, Borough Clerk