



Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
May 3, 2023 – Meeting Minutes

REGULAR MEETING: Meeting came to order at 7:10PM due to some technical difficulties.

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 Attorney Andrew Ball, Esq., CFO Pat DeBlasio, and Deputy Borough Clerk Heidi R. Brunt.

APPROVAL OF MINUTES:

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Motion: Olszewski

Second: Chelak

Ayes: Cervantes Chelak, Melnyk, Olszewski, Mayor Broullon

Abstain: none

Absent: none

PUBLIC HEARING ON PROPOSED ORDINANCES:

ORDINANCE O-23-10

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$3,035,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,979,193 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$3,035,000, said sum being inclusive of all appropriations heretofore made therefor, including \$1,546,860 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT), \$148,000 grant funds expected to be received from the Monmouth County Municipal Open Space Grant (MCOSG) Program, \$149,000 grant funds expected to be received from the State of New Jersey Department of Community Affairs Local Recreation Improvement Grant (LRIG) Program, \$75,000 grant funds expected to be received from the New Jersey Department of Environmental Protection (NJDEP), and the sum of \$55,807 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$2,979,193, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations

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prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of: i) reconstruction of Bayside Drive and Marie Avenue, with a total appropriation and estimated cost of \$560,000 including \$246,860 grant funds expected to be received from the NJDOT, estimated maximum amount of bonds and notes therefor of \$544,343, and an average period of usefulness of ten (10) years; ii) road improvements to Washington Avenue, with a total appropriation and estimated cost of \$150,000, estimated maximum amount of bonds and notes therefor of \$142,500, and an average period of usefulness of ten (10) years; iii) sidewalk/curb improvements at or in the vicinity of the Borough Municipal Building, with a total appropriation and estimated cost of \$75,000, estimated maximum amount of bonds and notes therefor of \$71,250, and an average period of usefulness of ten (10) years; iv) various improvements to Overlook Park, with a total appropriation and estimated cost of \$250,000, including \$148,000 grant funds expected to be received from the MCOSG Program and \$74,000 grant funds expected to be received from the LRIG Program, estimated maximum amount of bonds and notes therefor of \$248,600, and an average period of usefulness of fifteen (15) years; v) reconstruction of Linden Avenue, Waterwitch Avenue and Bay Avenue, with a total appropriation and estimated cost of \$1,300,000 including \$1,300,000 grant funds expected to be received from the NJDOT, estimated maximum amount of bonds and notes therefor of \$1,300,000, and an average period of usefulness of ten (10) years; vi) various improvements to Veterans Memorial Park, with a total appropriation and estimated cost of \$150,000 including \$75,000 grant funds expected to be received from the LRIG Program, estimated maximum amount of bonds and notes therefor of \$146,250, and an average period of usefulness of fifteen (15) years; vii) various improvements to Frank Hall Park, with a total appropriation and estimated cost of \$50,000, estimated maximum amount of bonds and notes therefor of \$47,500, and an average period of usefulness of fifteen (15) years; viii) various improvements to the skatepark at Snug Harbor Park, including, but not limited to, fencing and sound buffering improvements, with a total appropriation and estimated cost of \$50,000, estimated maximum amount of bonds and notes therefor of \$47,500, and an average period of usefulness of fifteen (15) years; ix) landscape design for various municipal parks within the Borough, with a total appropriation and estimated cost of \$50,000, estimated maximum amount of bonds and notes therefor of \$47,500, and an average period of usefulness of five (5) years; x) acquisition of a public works pickup truck and lawnmower, and acquisition and installation of various hardware/software and related equipment for the Borough, with a total appropriation and estimated cost of \$250,000, estimated amount of bonds and notes therefor of \$237,500, and an average period of usefulness of 6.60 years; and xi) acquisition and installation of an electric vehicle charging station for the municipal parking lot, with a total appropriation and estimated cost of \$150,000 including \$75,000 grant funds expected to be received from the NJDEP, estimated maximum amount of bonds and notes therefor of \$146,250, and an average period of usefulness of fifteen (15) years, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough. (b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$2,979,193, as stated in Section 2 hereof. (c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$3,035,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$3,035,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$55,807 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to

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report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated: (a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby. (b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10.7168 years. (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,979,193 and the obligations authorized herein will be within all debt limitations prescribed by that Law. (d) An aggregate amount not exceeding \$607,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements. (e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Mayor requested that CFO Pat DeBlasi recap the ordinance funding and projects. Mr. DeBlasi stated the funding was partially for reconstruction of Bayside Drive and discussed various road projects. Mr. DeBlasi also stated that grant funding obtained, and some forthcoming reimbursements would offset costs associated with these road projects.

With no additional comments from the dais, Mayor Broullon opened the floor to the Public.

No Comments

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

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

RESOLUTIONS:

PUBLIC HEARING ON MUNICIPAL BUDGET

Mayor Broullon opened the public hearing, with no comments being brought by the public, Mayor Broullon motioned to close the public hearing.

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

Resolution 23-107 Resolution to Amend the Municipal Budget

Deputy Clerk Brunt read the amendment resolution for the record.

BOROUGH OF HIGHLANDS
MONMOUTH COUNTY, NEW JERSEY

RESOLUTION 23-107
RESOLUTION TO AMEND 2023 BUDGET

WHEREAS, the Calendar Year 2023 Budget was approved on the 15th day of March 2023, and

WHEREAS, the public hearing on said budget will be held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Highlands, County of Monmouth, that the following amendments to the approved Calendar Year 2023 Budget be made:

	<u>Ayes</u>	<u>Nays</u>	<u>Abstained</u>
	(((
	(((
	((
Recorded Vote	((<u>Absent</u>
(Insert last names)	(((
			(

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CURRENT FUND BUDGET	From	To
8. General Appropriations		
(A) Operations- within "CAPS"		
Workmans Compensation	\$ 250,000.00	\$ 243,225.00
Gasoline and Diesel Fuel	\$ 100,000.00	\$ 98,325.00
Total Operations (Item 8(A)) within "CAPS"	8,164,117.00	8,155,667.00
Total Operations Including Contingent- within "CAPS"	8,174,117.00	8,165,667.00
Detail:		
Other Expenses (Including Contingent)	4,464,117.00	4,455,667.00
 (E) Deferred Charges and Statutory Expenditures- Municipal within "CAPS"		
Public Employees' Retirement System	122,985.00	124,794.00
Police and Firemen's Retirement System of NJ	427,046.00	433,327.00
Total Deferred Charges and Statutory Expenditures- Municipal withiin "CAPS"	716,031.00	724,121.00
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	8,890,148.00	8,898,238.00
 (A) Operations- Excluded from "CAPS"		
Public Employees' Retirement System	\$ 6,371.00	\$ 4,562.00
Police and Firemen's Retirement System of NJ	\$ 56,951.00	\$ 50,670.00
Gasoline and Diesel Fuel	\$ -	\$ 1,675.00
Workmans Compensation	\$ -	\$ 6,775.00
Total Other Operations- Excluded from "CAPS"	385,790.00	386,150.00
Total Operations- Excluded from "CAPS"	\$ 1,346,166.36	\$ 1,346,526.36
Detail:Other Expenses	\$ 1,331,166.36	\$ 1,346,526.36
 (H-2) Total General Appropriations for Muncipal Purposes Excluded		
(O) Total General Appropriations- Excluded from "CAPS"	\$ 3,342,163.45	\$ 3,342,523.45

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the office of the Director of the Division of Local Government Services for certification of the Calendar Year 2023 budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 19th day of April, 2023.

Certified by me



Nancy Tran
Registered Municipal Clerk

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

PUBLIC HEARING ON BUDGET AMENDMENT

Mayor Broullon opened the public hearing, with no comments being brought by the public, Mayor Broullon motioned to close the public hearing and adopt Resolution 23-108 Approving the 2023 Municipal Budget as amended.

23-108 Resolution Approving the 2023 Municipal Budget as Amended

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

SECTION 2 - UPON ADOPTION FOR YEAR 2023

RESOLUTION R 23-108

Be it Resolved by the COUNCIL MEMBERS of the BOROUGH
of HIGHLANDS, County of MONMOUTH that the budget hereinbefore set forth is hereby
adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 9,558,429.91 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in
Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of
the following summary of general revenues and appropriations.
- (d) \$ 51,835.54 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ - (Item 5 Below) Minimum Library Tax

RECORDED VOTE

(Insert last name)

Motion:
Mayor Broullon

Second:
Melnyk

Ayes

Cervantes
Chelak
Melnyk
Olszewski
Broullon

Nays

None

Abstained

None

Absent

None

1. General Revenues


SUMMARY OF REVENUES

Surplus Anticipated	06-100	\$	2,000,000.00
Miscellaneous Revenues Anticipated	13-099	\$	1,393,881.54
Receipts from Delinquent Taxes	15-499	\$	380,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSED (Item 6(a), Sheet 11)	07-190	\$	9,558,429.91
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY		\$	-
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX	07-192	\$	-
Total Revenues	13-299	\$	13,332,311.45

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	XXXXXX	XXXXXXXXXXXXXX
Within "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent	34-201	\$ 8,165,667.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 724,121.00
(g) Cash Deficit	46-885	\$ -
Excluded from "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 1,346,526.36
(c) Capital Improvements	44-999	\$ 350,000.00
(d) Municipal Debt Service	45-999	\$ 1,645,997.09
(e) Deferred Charges - Municipal	46-999	\$ -
(f) Judgments	37-480	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$ -
(g) Cash Deficit	46-885	\$ -
(k) For Local District School Purposes	29-410	\$ -
(m) Reserve for Uncollected Taxes	50-899	\$ 1,100,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 13,332,311.45

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 3rd day of May, 2023. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2023 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 4 day of May, 2023,  , Clerk

CONSENT AGENDA

23-109 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 June 3, 2023, from 1pm – 10pm;

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.

23-110 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 July 23, 2023, from 1pm – 10pm;

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.

23-111 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE 88-6 PORTLAND ROAD DRAINAGE REMEDIATION PROJECT

WHEREAS, the Borough of Highlands has a need for professional services in connection with the 88-6 Portland Road Drainage Remediation Project pursuant to 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 April 26, 2023, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the scope of work includes surveying, engineering, and plan preparation to install a series of inlets, pipes and outletting structures to transmit storm water safely through the culde-sac along the side property of 88-6 Portland Road and out to an outlet structure beyond the homes; and

WHEREAS, the said proposed services includes the following:

Phase 1.0 – Survey Services \$ 3,000.00

Phase 2.0 – Engineering Design Services and

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Drainage Calculations	\$ 8,500.00
Phase 3.0 – SCD Permits	\$ 500.00
Reimbursables	<u>\$ 400.00</u>
Total	\$12,400.00

23-112 RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR BEACH SIFTING AT SNUG HARBOR BEACH AND MILLER STREET BEACH FOR THE SUMMER OF 2023

WHEREAS, the Borough of Highlands has a need for beach sifting services at Snug Harbor Beach and Miller Street Beach for the Summer of 2023 pursuant to the provisions of N.J.S.A. 19:44A20.5; and

WHEREAS, Andrew Fitzpatrick has submitted a proposal in the amount of \$8,905.00 to sift Snug Harbor Beach and Miller Street Beach one time prior to the Memorial Day Weekend and once a week for twelve (12) weeks beginning on June 18, 2023 until Labor Day, September 4, 2023; and

WHEREAS, said proposal will not exceed the Borough's bid threshold; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$8,905.00 for the aforesaid services; and

WHEREAS, the Borough has obtained at least two competitive quotations pursuant to N.J.S.A. 40A:11-6.1; and WHEREAS, the governing body has determined that it is in the best interest of the Borough to retain Andrew Fitzpatrick to perform beach sifting services at Snug Harbor Beach and Miller Street Beach for the Summer of 2023, as his response is most advantageous to the Borough, price and other factors considered; and

WHEREAS, Andrew Fitzpatrick has completed and submitted a Business Entity Disclosure Certification which certifies that he 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 Andrew Fitzpatrick from making any reportable contributions through the term of the contract; and

WHEREAS, Andrew Fitzpatrick has completed and submitted a Political Contribution 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:

Acct # G-02-41-802-000-206 \$2,114,.78 G-02-41-802-000-207 \$5,436.52 G-02-41-802-000-208 \$1,353.70

Patrick DeBlasio, Chief Financial Officer

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

1. Andrew Fitzpatrick is hereby retained to provide beach sifting services at Snug Harbor Beach and Miller Street Beach one time prior to the Memorial Day Weekend and once a week for twelve (12) weeks beginning on June 18, 2023 until Labor Day, September 4, 2023, in an amount not to exceed \$8,905.00.
2. 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.

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23-113 EXTENDING THE REVISED EMERGENCY TEMPORARY APPROVAL PROCESS FOR OUTDOOR DINING AND/OR BUSINESS OPERATIONS DUE TO THE COVID-19 PANDEMIC

WHEREAS, by Resolution 22-067 adopted on February 16, 2022, the Borough of Highlands approved the revised emergency temporary approval process for outdoor dining and/or business operations due to the COVID-19 pandemic; and

WHEREAS, by Resolution 21-77 adopted on March 17, 2021, the Borough of Highlands approved the revised emergency temporary approval process for outdoor dining and/or business operations due to the COVID-19 pandemic; and

WHEREAS, by Resolution 20-145 adopted on June 3, 2020, the Borough of Highlands approved the creation and administration of an emergency temporary approval process for outdoor dining and/or business operations due to the COVID-19 pandemic; and

WHEREAS, the Borough of Highlands wishes to extend all previous temporary approvals until November 30, 2024; and

WHEREAS, the Borough of Highlands wishes to update said approval process for outdoor dining for restaurants with an active mercantile license that do not currently have approved outdoor dining, or wish to expand already approved outdoor dining; and

WHEREAS, the Borough of Highlands recognizes that restaurants and businesses are critical to the vibrancy of the Borough and to ensure that our local restaurants remain successful, the governing body has provided opportunities to quickly and easily expand to outdoor dining space to promote compliance with the Governor's orders.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands that all previous approvals for temporary outdoor dining and/or business operations are hereby extended until November 30, 2024; and

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands that the following process must be followed for approval for temporary outdoor dining and/or business operations due to the COVID-19 pandemic, through November 30, 2024, as follows:

1. The governing body authorizes the OEM Coordinator and Deputy OEM Coordinator to implement an abbreviated and emergency application process to allow businesses, at no cost, to quickly, safely and efficiently utilize outdoor areas to conduct operations consistent with the Executive Orders imposed upon those businesses.
2. The process for the abbreviated application will result in an approval by the OEM Coordinator of a temporary and emergency permission to conduct the required operations outdoors, in parking areas, grassed areas and drives, so long as they are consistent with the safety of the public and all patrons, and any promulgated executive order.
3. The OEM Coordinator and/or Deputy OEM Coordinator shall consult with the Police Chief, Fire Marshal and Health Department when applicable to ensure consistency with his/her determination of safety.
4. The Borough Clerk is authorized, upon consultation with the Police Chief, Fire Marshal, and Health Department when applicable to approve expansion of premises applications through the State's system when consistent with current regulations and orders of the ABC.
5. The following guidelines must be followed by all applicants who apply for outdoor dining and/or business operations:
 - a. Submission of a completed application form (to be provided on the Borough website) and diagram to the OEM Coordinator and Deputy OEM Coordinator of the outdoor seating with

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measurements.

b. Outdoor dining must cease at 9pm from Sunday through Thursday, and 10pm on Friday and Saturday.

c. If seating will be utilized after dark, temporary lighting is required to be furnished by the applicant/licensee if the existing lighting is inadequate.

d. If the seating is located within a parking lot, safety bollards or similar protection must be provided, all handicapped parking spaces must be maintained, and sufficient general parking must remain.

e. It is the responsibility of the applicant to verify that its liquor license permits the serving of alcoholic beverages in the proposed outdoor premises, and if not, to receive approval for said premises from the Division of Alcoholic Beverage Control prior to service of alcoholic beverages.

f. If the outdoor dining is proposed within the public rights of way or public property, including sidewalks, streets and municipal parking lots, the Borough of Highlands must be named as an additional insured on the applicant's liability insurance policy in an amount which contains liability limits of at least \$1 million per occurrence and the applicant must enter an indemnification agreement holding the Borough harmless from any accidents or injuries that occur on the premises. Additionally, all such applications within the public rights of way or public property must preserve sufficient access to comply with the requirements of the Americans with Disabilities Act.

g. Applications including open-air tents or tables with umbrellas shall be considered as long as all other requirements are met.

h. The Borough shall consider applications seeking outdoor seating on nearby property not owned by the applicant as long as the applicant submits a written agreement between the applicant and the property owner to allow such use on the property in question.

i. All proposed outdoor dining and/or business operations must not impede emergency access in any way.

BE IT FURTHER RESOLVED that the governing body of the Borough of Highlands does hereby affirm its approval of the outdoor dining provisions, subject to the conditions above, to become effective upon adoption of this Resolution and expiring on November 30, 2024.

BE IT FURTHER RESOLVED, that a copy of this Resolution, certified by the Borough Clerk, to be a true copy, to be forwarded to each of the following:

1. Borough Chief of Police.
2. Borough Health Department.
3. Borough Fire Marshall.
4. Borough OEM Coordinator

23-114 RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE FY2024-FY2026 REVISED AMENDMENT AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and

WHEREAS, a Revised Amendment Cooperation Agreement has been adopted under which the Borough of Highlands and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Borough of Highlands to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the Revised Amendment Agreement between the County of Monmouth and Certain Municipalities located herein for the establishment of a Cooperative Means of Conducting certain Community

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Development Activities, a copy of which is attached, hereto, be and same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and same are hereby authorized to execute said agreement in accordance with the provisions of law; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

23-115 RESOLUTION APPROVING CLOSEOUT CHANGE ORDER AND DECLARING ACCEPTANCE OF CONTRACT FOR IMPROVEMENTS TO GERTRUDE EDERLE PARK

WHEREAS, by way of Resolution 22-171 duly adopted on July 13, 2022, TC Landscape Construction, was awarded a contract for improvements to Gertrude Ederle Park; and

WHEREAS, the contract awarded to TC Landscape Construction, was in the amount of \$181,800.00; and

WHEREAS, on March 15, 2023, the Borough adopted Resolution 23-084 approving Change Order No. 1 increasing the contract amount from \$181,800.00 to \$209,500.00; and

WHEREAS, the Project Engineer, CME Associates, has advised that the project is complete at this time, including all previously issued punch list items. The closeout 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 amount of \$209,500.00 to an adjusted total of \$187,387.50, for a decrease of \$22,112.50, as specifically set forth in their correspondence dated April 21, 2023; and

WHEREAS, in accordance with the requirements of the aforesaid contract, TC Landscape Construction has submitted a two (2) year Maintenance Bond in the amount of \$28,108.13, which is fifteen (15) percent of the final Contract Amount; and

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 contract amount to \$187,387.50, for a decrease of \$22,112.50, 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. BX22022812105129MB in the sum of \$28,108.13 issued by Bondex 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. BX22022812105129, issued by Bondex Insurance Company in the amount of \$181,000.00.

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

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Financial Officer, the Project Engineer, Purchasing Agent and TC Landscape Construction.

23-116 AUTHORIZING THE AWARD OF A CONTRACT TO SPECTROTEL, INC. FOR INTERNET CONNECTIVITY SERVICES

WHEREAS, the Borough of Highlands has a need for internet connectivity for its new municipal building; and

WHEREAS, Spectrotel, Inc., with offices at 3535 Highway 66, Neptune, New Jersey, 07753, has submitted a proposal and has the ability and expertise to perform the services needed by the Borough; and

WHEREAS, said services may be awarded without public advertising for bids or bidding in accordance with N.J.S.A. 40:A11-5(dd); and

WHEREAS, the proposal includes data and voice services, equipment, installation services and calling rates; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to enter into a contract with Spectrotel, Inc., for a term of three (3) years, in an amount not to exceed \$1,448.34 per month for a total of \$52,140.24, plus a one-time fee of \$186.32 in accordance with Spectrotel, Inc.'s proposal; 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: C-04-21-101-000-201

Patrick DeBlasio, Chief Financial Officer

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

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

1. A contract is hereby awarded to Spectrotel, Inc. to provide internet connectivity services for a period of three (3) years in an amount not to exceed \$1,448.34 per month for a total of \$52,140.24, plus a one-time fee of \$186.32.
2. The contract is awarded without competitive bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd). The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of this 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.

23-117 RESOLUTION APPROVING PLANT SALE AT HUDDY PARK

WHEREAS, the Garden Club has requested the use of Huddy Park on Saturday, May 13, 2023, from 9:00 am until sellout to hold a plant sale.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Highlands hereby approves the request of the Garden Club to hold a plant sale at Huddy Park on Saturday, May 13, 2023, from 9:00 am until sellout.

23-118 RESOLUTION AUTHORIZING PAYMENT OF BILLS (Separate Vote)

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WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated April 28, 2023, which totals as follows:

Current Fund	\$ 600,148.26
Sewer Account	\$ 48,578.75
Capital Fund	\$ 29,914.55
Trust-Other	\$ 24,142.79
Federal/State Grants	<u>\$ 51,877.27</u>
Total	\$ 754,661.62

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ 754,661.62 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.

Upon motion by Mayor Broullon, to approve Resolution 23-118 amending the resolution to remove the payment to Sea Coast Construction, seconded by Councilmember Melnyk

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

Deputy Clerk Brunt stated the motion carried to approve Resolution 23-118 as amended.

23-119 RESOLUTION APPROVING FIRST AID SQUAD MEMBERSHIP APPLICATION

WHEREAS, the following individual has submitted a Membership Application to be a Member to the Highlands First Aid Squad:

Jeanette Cuppler

WHEREAS, Warren “Jay” Terwilliger, Captain of the First Aid Squad, has approved the Membership Application;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the First Aid Squad Membership Application of the above listed individual is hereby approved.

23-120 RESOLUTION APPROVING THE DESIGN PLAN FOR THE SNUG HARBOR SKATEPARK

WHEREAS, the Borough of Highlands is constructing a skatepark at Snug Harbor Park to provide an appropriate facility for the use and enjoyment of skateboarders; and

WHEREAS, design plans have been prepared by Spohn Ranch Skateparks dated November 2, 2022; and

WHEREAS, the Borough of Highlands wishes to approve the design plans prepared by Spohn Ranch Skateparks, dated November 2, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Highlands hereby approves the design plans prepared by Spohn Ranch Skateparks, dated November 2, 2022, for the Snug Harbor Skatepark.

Upon motion by Mayor Broullon, seconded by Councilwoman Chelak, motion carried to adopt the consent agenda which included Resolutions 23-109 through 23-120, removing Resolution 23-118

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for a separate vote.

Motion: Mayor Broullon

Second: Chelak

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

Abstain: None

Absent: None

Deputy Clerk Brunt stated motion carried to approve the consent agenda.

OTHER BUSINESS:

2023 Diversity of Boards Report – Mayor Broullon summarized the report done for the Sustainable Jersey Action and reported some key data. The report is done every year with the idea that the composition of the various boards reflect the community.

Community Equity and Diversity Profile – Mayor Broullon gave an overview of the report and noted some key points. Council President Olszewski thanked Mayor Broullon for the great work.

Sandsaver – Mayor Broullon encouraged everyone to check out the Sandsaver website for more information for a low-cost option to save our beaches. Councilmember Chelak asked if swimming would be prohibited, and Mayor Broullon answered that installation would happen at low tide in the off season. Council President Olszewski thought the design was clever and a plus that it didn't require any additional power source. Councilmember Melnyk asked if Councilmember Chelak could bring this up at the next Environmental Commission meeting and get their thoughts about adding more plastic to the water. He also asked if the Borough would get a discount for being used for their promotional materials. Mayor Broullon thought that bringing it to the Council was a good first step to open discussions.

OTHER BUSINESS:

Invalidation of Inlet Café ABC Corporate Structure Change- Hearing on License 1331-33-007-003

Mayor Broullon asked the HPD Chief Robert Burton to give a background on the matter.

Chief Robert Burton spoke on the background of the application from Licensee 1317-33-007-003 regarding the source of funds which is required to be investigated by the Police Department. Discussion was held regarding an SBA Loan received by the new proposed partner in the Limited Liability Corporation (LLC). The process of obtaining the funds was found to be ineligible for this transaction. Borough Attorney Andy Ball discussed the legal process of a corporate structure change through the Division of Alcoholic Beverage Control.

Michael Halfacre, Esq who represents the current licensee, Mr. Lentz, requested an explanation on the process of the license after the invalidation of the corporate structure change. Attorney Ball explained that there would be a process of another 12-page application and the license will revert back to the License owner.

Upon motion by Mayor Broullon to approve the invalidation of the corporate structure change effective May 3, 2023 and requested a resolution memorializing this decision for the next Council Meeting, seconded by Mr. Melnyk for roll call vote.

Motion: Mayor Broullon

Second: Melnyk

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

Abstain: None

Absent: None

REPORTS: Mayor's Report: Mayor Broullon gave updates on the municipal building construction, Also, updated the completion of the snug harbor Park courts, Waterwitch pump station, skate park pending for Memorial Day, sanitary sewer project, EV charging station waiting on JCP&L for further

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progress, Jones Creek dredging DEP permit in process, Portland guard rail, regionalization update as to some positive movement in the process, and CRS coordinator. The Mayor also noted that the Bay Avenue Reconstruction project will go to bid, as well as park landscaping moving forward. Mayor Broullon also commented on the elevated walkway on Marine Place was waiting on some open space transactions. Mayor Broullon announced the receipt of \$2.6million in grants for 2023- for open space and infrastructure. The Mayor also announced the Fiesta in Highlands on May 5, 2023.

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

PUBLIC PORTION:

Joseph Dorin spoke about the mudslide on the hill by Peach Street. Mr. Dorin objected to the way the Borough is handling his complaints regarding the steep slope activity on the Peach Street hill.

The Mayor stated that the plan submitted by the property owner was deemed insufficient.

Mr. Dorin spoke with Freehold Soil agency, and they have stated they have limited jurisdiction over the area in Mr. Dorin's complaint. Borough Attorney Ball stated the steep slope burden of proof is high and that the newly amended ordinance may allow the Borough to act on some issues.

Resident on Portland Road informed the council that the road flooded the last storm. The resident also requested more information on resolution 23-111. He then asked for information and a timeline on the completion of the work for Portland Road.

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

EXECUTIVE SESSION: Deputy Clerk Brunt 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:

- 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: Chelak

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

Abstain: None

Absent: None

Council entered into Executive Session at 7:55pm and exited at 8:09pm.

ADJOURNMENT:

Offered by Mayor Broullon and seconded by Council President Olszewski. All in Favor. None opposed. Meeting adjourned at 8:09pm.

Approve: _____

Carolyn Broullon, Mayor

Attest: _____

Heidi R. Brunt, Deputy Borough Clerk