



Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
September 6, 2023 – Meeting Minutes

REGULAR MEETING: Meeting came to order at 7:00PM.

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 Dennis Galvin, Esq., Borough Engineer Bennett Matlack, and Borough Clerk Nancy Tran.

OTHER BUSINESS: Police Explorers – Officer Alexander Braswell gave a brief description of the Police Explorers program and then introduced Explorer Sgt. Alanna Koerner and Explorer Chief Michael Del Duca. Explorer Sgt. Koerner reported on the Police Explorers recent experience of the Police Explorers Academy. Explorer Chief Del Duca reported the various awards Highlands Police Explorers won. Officer Braswell gave perspective on their achievements compared with other bigger towns with bigger programs.

APPROVAL OF MINUTES:

May 3, 2023 Meeting Minutes

Motion: Olszewski

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

May 3, 2023 Executive Session Minutes

Motion: Melnyk

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

August 16, 2023 Executive Session Minutes

Motion: Mayor Broullon

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

INTRODUCTION OF PROPOSED ORDINANCES:

ORDINANCE O-23-19

**AMENDING BOROUGH OF HIGHLANDS REVISED GENERAL ORDINANCES CHAPTER 2
(ADMINISTRATION) SECTION 7 (ADMINISTRATIVE ORGANIZATION AND PERSONNEL POLICIES)
SUBSECTION 7.6 (PUBLIC CONTRACTING REFORM)**

WHEREAS, the State of New Jersey enacted the Elections Transparency Act, P.L. 2023, c. 30, which

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made significant changes to New Jersey’s local pay-to-play laws; and

WHEREAS, the New Jersey Local Finance Board has recommended that municipalities repeal ordinances authorized by N.J.S.A. 40A:11-51; and

WHEREAS, the Borough of Highlands currently has a local pay-to-play law in Chapter 2, Section 7, Subsection 7.6 of the Revised General Ordinances of the Borough of Highlands which is authorized by N.J.S.A. 40A:11-51; and

WHEREAS, pursuant to the changes to the law brought forth by P.L. 2023, c. 30, it is in the best interest of the Borough of Highlands to amend its current pay-to-play law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, that Chapter 2, Section 7, Subsection 7.6 of the Revised General Ordinances of the Borough of Highlands be repealed in its entirety and replaced as follows:

I

§ 2-7.6 [Reserved]

III

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

IV

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

V

This Ordinance shall take effect upon adoption and publication according to law.

Prior to his vote, Councilmember Melnyk asked if the DCA approved language and Mr. Muscillo confirmed.

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on September 20, 2023.

PUBLIC HEARING ON PROPOSED ORDINANCES:

BOND ORDINANCE O-23-13

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. O-21-28 ADOPTED ON JUNE 16, 2021, PROVIDING FOR THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING FOR THE BOROUGH OF HIGHLANDS, IN ORDER TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$3,420,000 FOR A TOTAL DEBT AUTHORIZATION OF \$8,170,000, AUTHORIZED IN AND BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Borough of Highlands, in the County of Monmouth, New Jersey (the “Borough”) finally adopted Bond Ordinance No. O-21-28 on June 16, 2021 (the “Prior Ordinance”), providing for the construction of a new municipal building to be undertaken in and by the Borough (the “Project”); and

WHEREAS, the Prior Ordinance appropriated the sum of \$10,000,000 for costs of the Project,

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including \$5,000,000 which was expected to be received from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Borough no longer expects to receive the full amount of \$5,000,000 of said funds from FEMA, and instead expects to receive a lesser amount of \$1,400,000 from FEMA for costs of the Project; and

WHEREAS, the Borough has determined that the amount of debt authorized by the Prior Ordinance is therefore insufficient and has determined to supplement the amount of bonds and notes authorized by the Prior Ordinance in order to adequately finance the costs of the Project.

NOW, THEREFORE, 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 and were previously authorized by the Prior Ordinance. For the improvements or purposes described in Section 3 hereof, there is appropriated the sum of \$10,000,000, said sum being inclusive of appropriations heretofore made therefor, including \$1,400,000 expected to be received from FEMA, and the sum of \$430,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. \$250,000 of such down payment was previously appropriated by the Prior Ordinance, and an additional down payment of \$180,000 is authorized hereby and 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, an increase of \$3,420,000 negotiable bonds are hereby authorized in addition to the \$4,750,000 negotiable bonds previously authorized by the Prior Ordinance for a total principal amount not to exceed \$8,170,000 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 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 the construction of a new municipal building for the Borough, together with all purposes necessary incidental or apparent thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, 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 \$8,170,000, including the \$3,420,000 increase authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$10,000,000.

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 report in writing to the governing body at the

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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 thirty (30) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal 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 \$3,420,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$750,000 authorized by the Prior Ordinance, 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. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

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 Municipal 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 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. All ordinances or parts of ordinances in conflict or inconsistent with any of

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the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Motion: Olszewski

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

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

ORDINANCE O-23-14

AMENDING CHAPTER 2 (ADMINISTRATION), SECTION 2-10 (POLICE DEPARTMENT), SUBSECTION 2-10.6 (POLICE HEADQUARTERS) OF THE CODE OF THE BOROUGH OF HIGHLANDS

WHEREAS, Chapter 2, Administration, Section 2-10, Police Department, Subsection 2-10.6 Police Headquarters of the Borough Code sets forth the address for Police Headquarters; and

WHEREAS, due to the construction and completion of the new Municipal Building, it is necessary to update the address in the Borough Code to reflect the new location for Police Headquarters.

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

SECTION I. Chapter 2, Administration, Section 2-10, Police Department, Subsection 2-10.6 Police Headquarters is hereby amended as follows: (additions are shown in underlines, deletions are shown as ~~strikeovers~~.)

§ 2-10.6, Police Headquarters.

The police headquarters are hereby established in the municipal building, situated at ~~171 Bay Avenue~~, 151 Navesink Avenue, Highlands, New Jersey which shall be open for the transaction of business at all hours of the day and night including Sundays.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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

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

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

Motion: Mayor Broullon

Second: Cervantes

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

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Nays: None
Abstain: None
Absent: None

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

ORDINANCE O-23-15
AMENDING CHAPTER 11 (UNIFORM FIRE CODE), SECTION 11-5 (APPOINTMENTS, QUALIFICATIONS; TERM OF OFFICE; REMOVAL)

WHEREAS, Chapter 11, Uniform Fire Code, Section 11-5, Appointments, Qualifications; Term of Office; Removal, establishes regulations regarding the Uniform Fire Code; and

WHEREAS, the governing body desires to amend the regulations.

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

SECTION I. Chapter 11, Uniform Fire Code, Section 11-5, Appointments; Qualifications; Term of Office; Removal, is hereby amended as follows: (additions are shown in underlines, deletions are shown as ~~strikeovers~~.)

§ 11-5 APPOINTMENTS, QUALIFICATIONS; TERM OF OFFICE; REMOVAL.

§ 11-5.1 Appointment and Qualifications of the Fire Official.

The fire official shall be certified by the state and appointed by the governing body ~~from a list of three names submitted by the Chief of the Fire Department~~ after review of credentials submitted to the Borough Administrator.

§ 11-5.2 Appointment and Qualifications of Inspectors and Other Employees.

Inspectors and other employees of the enforcing agency shall be appointed by the governing body ~~upon recommendation of the fire official~~ after review of credentials submitted to the Borough Administrator. All life hazard use inspectors shall be certified by the state.

§ 11-5.3 Reserved. Appointment of Legal Counsel.

~~The governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code.~~

§ 11-5.4 Term of Office. No change.

§ 11-5.5 Removal from Office. No change.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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

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

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

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

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

ORDINANCE O-23-16

AMENDING BOROUGH OF HIGHLANDS REVISED GENERAL ORDINANCES ADDING CODE SECTION 2-24.6 (REPORTS) TO REQUIRE THE BOROUGH FIRST AID SQUAD TO PROVIDE MONTHLY REPORTS TO THE BOROUGH ADMINISTRATOR

WHEREAS, the Borough of Highlands has a First Aid Squad to provide emergency medical services to the residents of the Borough; and

WHEREAS, the Borough of Highlands believes that it is in the best interest of the Borough and its residents for the Highlands First Aid Squad to submit reports detailing the substance of their calls during the month to the Borough Administrator including, but not limited to: the number of calls related to health emergencies, fire assistance, car accidents, and police assistance; all training completed by each member by course name, course agency, member name, date and time; and a listing of all vehicles by make, model, year and mileage.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

SECTION I.

Borough Code Section 2-24 "Highlands First Aid Squad", shall be amended as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics***~~.) Code Sections 2-24.1 through 2-24.5 shall remain unchanged and are omitted below.

Section 2-24.6

- a. **On the first day of each month, the Highlands First Aid Squad shall provide a written report to the Borough Administrator which provides the following information:**
1. **The number of calls from the Highlands First Aid Squad related to health emergencies;**
 2. **The number of calls from the Highlands First Aid Squad assisting the Borough of Highlands Fire Department;**
 3. **The number of calls from the Highlands First Aid Squad related to car accidents;**
 4. **The number of calls from the Highlands First Aid Squad related to assisting the Borough of Highlands Police Department;**
 5. **A list of all training completed by each member of the Highlands First Aid Squad including the course name, course agency, member name, and the date and time of the training.**
 6. **A list of all vehicles owned and/or utilized by the members of the Highlands First Aid Squad during volunteer duties and obligations. This does not include a member's personal vehicle used outside of the duties and obligations of the Highlands First Aid Squad. The list must include the make, model, year and mileage of each vehicle.**

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 immediately upon its passage and publication in accordance with law.

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

Motion: Mayor Broullon

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

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

ORDINANCE O-23-17

AMENDING BOROUGH OF HIGHLANDS REVISED GENERAL ORDINANCES TO ADD CODE SECTION 2-11.6 (REPORTS) TO REQUIRE THE BOROUGH FIRE DEPARTMENT TO PROVIDE MONTHLY REPORTS TO THE BOROUGH ADMINISTRATOR

WHEREAS, the Borough of Highlands has a Fire Department to protect the residents from structure, brush, car and boat fires and to extinguish such fires, as well as to provide mutual assistance to the various emergency services within the Borough; and

WHEREAS, the Borough of Highlands believes that it is in the best interest of the Borough and its residents for the Highlands Fire Department to submit reports detailing the substance of their calls during the month to the Borough Administrator including, but not limited to: the number of calls related to fire emergencies, car accidents, police assistance, first aid squad assistance, and boat rescues; all training completed by each member by course name, course agency, member name, date and time; and a listing of all vehicles by make, model, year and mileage.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

SECTION I.

Borough Code Section 2-11 "Fire Department", shall be amended as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~strikeovers in bold italics~~). Code Sections 2-11.1 through 2-11.5 shall remain unchanged are omitted below.

Section 2-11.6

- b. **On the first day of each month, the Highlands Fire Department shall provide a written report to the Borough Administrator which provides the following information:**
7. **The number of calls from the Highlands Fire Department related to fire emergencies;**
 8. **The number of calls from the Highlands Fire Department related to car accidents;**
 9. **The number of calls from the Highlands Fire Department related to assisting the Borough of Highlands Police Department;**
 10. **The number of calls from the Highlands Fire Department related to assisting the Borough of Highlands First Aid Squad;**
 11. **The number of calls from the Highlands Fire Department related to boat rescues;**
 12. **A list of all training completed by each member of the Highlands Fire Department including the course name, course agency, member name, and the date and time of the training.**
 13. **A list of all vehicles owned and/or utilized by the members of the Highlands Fire Department during volunteer duties and obligations. This does not include a member's personal vehicle used outside of the duties and obligations of the Highlands Fire Department. The list must include the make, model, year and mileage of each vehicle.**

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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 immediately upon its passage and publication in accordance with law.

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

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

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

**ORDINANCE O-23-18
ACCEPTING STORM DRAINAGE EASEMENT FOR BLOCK 3, LOT 7.02**

WHEREAS, as part of the Portland Road Storm Water Remediation Project, a Storm Drainage Easement is necessary from Block 3, Lot 7.02, located at 88-6 Portland Road; and

WHEREAS, the owners of Block 3, Lot 7.02 have agreed to convey the Storm Drainage Easement to the Borough of Highlands for the sum of \$1.00; and

WHEREAS, the Borough Council desires to accept the conveyance of the Storm Drainage Easement for Block 3, Lot 7.02.

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

SECTION I. The Borough of Highlands hereby accepts the Storm Drainage Easement for Block 3, Lot 7.02.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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

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

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

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

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

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 23-186
AUTHORIZING REFUND OF TAX OVERPAYMENT**

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

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

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

BLOCK	LOT	YEAR	AMOUNT	NAME
26	21	2023	\$1,377.38	Shaheen, Christina

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

**RESOLUTION 23-187
AWARDING A FAIR AND OPEN CONTRACT FOR THE IMPROVEMENTS
TO VETERANS MEMORIAL PARK PROJECT**

WHEREAS, the Borough of Highlands accepted bids on August 3, 2023 for the Improvements to Veterans Memorial Park Project; and

WHEREAS, four (4) bids were received for the aforesaid project which were reviewed by the Borough Engineer’s Office, as follows:

<u>Bidder's Name</u>	<u>Base Bid</u>	<u>Add/Alt Item 1</u>	<u>Add/Alt Item 2</u>
Thor Construction	\$211,015.00	\$215,039.00	\$257,039.00
Shore Top Construction	\$188,360.00	\$189,200.00	\$297,700.00
TC Landscape Construction	\$256,016.00	\$266,224.00	\$406,224.00
Seacoast Construction	\$392,905.00	\$385,333.00	\$500,833.00; and

WHEREAS, Thor Construction appears to be the lowest responsible bidder for the base bid with the addition of alternate items number 1 and 2 for the aforesaid project; and

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WHEREAS, the Borough Engineer, CME Associates, by way of correspondence dated August 4, 2023 revised August 23, 2023, has made the recommendation that the contract be awarded to Thor Construction, as the lowest responsible bidder, for the Base Bid with the addition of alternate items number 1 and 2 in the amount of \$257,039.00 for base bid items 1 through 17, with the addition of alternate items 1-1 through DEL-1 and alternate item 2 item 2-1 inclusive, subject to the availability of funds by the Chief Financial Officer of the Borough of Highlands as well as the submission of the required bonds and insurance certificates for the project and review by the New Jersey Department of Community Affairs; and

WHEREAS, a certification of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows: Acct# C-04-23-101-000-206



Patrick DeBlasio, Chief Financial Officer

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

1. That the Contract for the Improvements to Veterans Memorial Park Project is hereby awarded to Thor Construction in an amount not to exceed \$257,039.00 for the base bid with the addition of alternate items number 1 and 2, subject to submission of the required bonds and insurance certificates for the project as well as review by the New Jersey Department of Community Affairs.
2. That the Mayor, Borough Administrator and Borough Clerk be and are hereby authorized and directed to take all steps necessary to engage the services of Thor Construction, including executing a 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 forward a certified copy of this Resolution to the Borough Engineer and to the unsuccessful bidders.

Motion: Mayor Broullon

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

RESOLUTION 23-188

AUTHORIZING THE AWARD OF A CONTRACT TO NEXTREQUEST FOR ANNUAL RENEWAL OF RECORDS REQUEST MANAGEMENT SOFTWARE LICENSE

WHEREAS, the Borough of Highlands utilizes NextRequest, 548 Market Street, Suite PMB 77522, San Francisco, California for its records request management software; and

WHEREAS, NextRequest has submitted a proposal, dated June 21, 2023, for its annual license in the amount of \$6,945.75, for the term of one (1) year, beginning October 1, 2023 through September 30, 2024; and

WHEREAS, such annual renewal for the support or maintenance of proprietary computer hardware and software 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 the following:

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Record Request Management Module & Document Module
Up to 15 users
500 GB Storage
Redaction (unlimited licenses across NextRequest users)
Premium Email Monitoring Suite
Task assignment and tracking
Training and Onboarding
Ongoing Email Support
JLARC Reporting (in Washington); and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to enter into a contract with NextRequest, for the term of one (1) year, beginning October 1, 2023 through September 30, 2024 for renewal of its records request management software annual license, in an amount not to exceed \$6,945.75 in accordance with NextRequest's proposal dated June 21, 2023; 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#3-01-20-120-000-252



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 NextRequest for the annual renewal of the records request management software license, for the term of one (1) year, beginning October 1, 2023 through September 30, 2024, as outlined above for an amount not to exceed \$6,945.75.
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 the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.

The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

RESOLUTION 23-189
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES IN CONNECTION WITH ENVIRONMENTAL SITE INVESTIGATION TO OVERLOOK PARK

WHEREAS, the Borough of Highlands has a need for professional environmental consulting services in connection with environmental site investigation at Overlook Park, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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WHEREAS, CME Associates has set forth its proposed services in a written proposal dated August 9, 2023, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the said proposal encompasses environmental property site investigation; and

WHEREAS, the proposed amount of the contract with CME Associates is \$22,640.00, consisting of the following:

Task	Cost
1. Health and Safety Plan and Quality Assurance Project Plan	\$ 3,330.00
2. Site Investigation Activities	\$ 11,920.00
3. Site Investigation Report	<u>\$ 7,390.00</u>
Total	\$ 22,640.00

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of CME Associates, 3759 Highway 1 South, Suite 100 Monmouth Junction, New Jersey 08852 is so recognized; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to retain CME Associates for the proposed environmental consulting services in connection with Overlook Park as set forth in its proposal; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$22,640.00 for professional engineering services as stated in CME Associates' proposal dated August 9, 2023; and

WHEREAS, CME Associates has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit CME Associates from making any reportable contributions through the term of the contract; and

WHEREAS, CME Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify that funds are available as follows: Acct#C-04-23-101-000-204



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. CME Associates is hereby retained to provide environmental consulting services in connection with site inspection at Overlook Park as described above and in their proposal dated August 9, 2023, for an amount not to exceed \$22,640.00.
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: Chelak
Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon
Nays: None
Abstain: None
Absent: None

RESOLUTION 23-190
APPROVING CHANGE ORDER NO. 3 FOR IMPROVEMENTS TO
WATERWITCH WASTEWATER PUMP STATION

WHEREAS, by way of Resolution 22-152 duly adopted on June 15, 2022, Shorelands Construction, Inc. was awarded a contract for Improvements to Waterwitch Wastewater Pump Station; and

WHEREAS, in accordance with the aforesaid contract award, the amount of the contract that was awarded to Shorelands Construction, Inc. was \$861,000.00; and

WHEREAS, by way of Resolution 23-160 duly adopted on June 21, 2023, the Borough of Highlands approved Change Order No. 2 reflecting no change in the contract amount, but an extension on the original contract time placing an additional 195 days onto the contract; and

WHEREAS, by letter dated August 22, 2023, Shorelands Construction, Inc. advised it was necessary to supply one additional spare pump changing the allocation of \$17,614.80 within the original contract price with an attached breakdown of costs as follows:

\$10,000.00 to be drawn from the hazardous material allowance;
\$2,815.23 to be drawn from the general allowance;
\$4,799.57 to be drawn from the testing allowance; and

WHEREAS, in accordance with the aforesaid letter, the Project Engineer recommended that the Borough approve Change Order No. 3 in order to allow for the Waterwitch Wastewater Pump Station Improvements Project to be completed.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, that Change Order No. 3 reflecting no change to the Contract time or Contract amount from Change Order No. 2 be and is hereby approved.

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 Shorelands Construction, Inc.

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

RESOLUTION 23-191
AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated September 1, 2023, which totals as follows:

Current Fund	\$ 142,755.71
Sewer Account	\$ 4,728.89
Capital Fund	\$ 276,915.46

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Trust-Other	\$ 6,990.99
Federal/State Grants	\$ -
Total	\$ 431,391.05

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ **431,391.05** 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.

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

RESOLUTION 23-192
AUTHORIZING ADVERTISEMENT AND SOLICITATION OF SEALED BIDS FOR
IMPROVEMENTS TO BAYSIDE DRIVE AND MARIE AVENUE PROJECT

WHEREAS, it is necessary for the Borough of Highlands to make improvements to Bayside Drive and Marie Avenue; and

WHEREAS, the project shall consist of the reconstruction of Bayside Drive and Marie Avenue including curb, roadway and drainage improvements.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Highlands hereby authorizes the advertisement and solicitation of sealed bids for the improvements to Bayside Drive and Marie Avenue project.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands, that the Borough hereby reserves the right to reject all bids.

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

REPORTS: Mayor's Report: Mayor Broullon gave updates on the municipal building move-in date, Waterwitch pump station, sanitary sewer project, EV charging station, Portland guard rail, the Bayside/Marie project, Veterans Park project, the Overlook Park project, and regionalization.

She noted the Special Board of Education Election on September 26th, from 12pm to 8pm and asked the Council Members to share their opinion. Each member stated their intended vote and their reasons for doing so. The Mayor and Council all support Regionalization but as Sea Bright is excluded from the BOE's special election proposal and the funding formula is 100% based on equalized value, they shared they will all be voting "no".

Mayor Broullon concluded her report with total grants awarded so far and the progress of the CRS Coordinator.

Borough Administrator's Report: Mr. Muscillo thanked everyone for their efforts while he was out for Jury Duty. He noted his recent meeting with the Risk Manager and the Affordable Housing Alliance. He gave an update on the Jones Creek dredging project and his on-going conversation with NJDEP and County.

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

PUBLIC PORTION:

Carla Cefalo, Gravelly Point Rd., thanked Mayor and Council for all the borough projects and the hiring of the CRS Coordinator.

With no additional comments from the public, Mayor Broullon closed the 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:

- Litigation
- Potential 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: Melnyk

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

Nays: None

Abstain: None

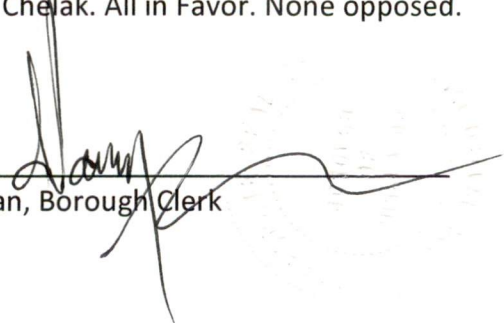
Absent: None

Council entered into Executive Session at 7:25pm and exited at 7:39pm.

ADJOURNMENT:

Offered by Mayor Broullon and seconded by Councilmember Chelak. All in Favor. None opposed. Meeting adjourned at 7:39pm.

Approve: 
Carolyn Broullon, Mayor

Attest: 
Nancy Tran, Borough Clerk