



Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 4, 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 Andrew Ball, Esq., Borough Engineer Bennett Matlack, and Borough Clerk Nancy Tran.

PROCLAMATION: Mayor Broullon read the Proclamation for Sister Cities International Day

APPROVAL OF MINUTES:

August 16, 2023 Meeting Minutes

Motion: Olszewski

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

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Motion: Chelak

Second: Melnyk

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: Cervantes

Absent: None

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Motion: Olszewski

Second: Mayor Broullon

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: Cervantes

Absent: None

PUBLIC HEARING ON PROPOSED ORDINANCES

ORDINANCE O-23-20

**AMENDING CHAPTER 21 (ZONING AND LAND USE REGULATIONS), PART VI (FEE SCHEDULE),
ARTICLE XXIII (FEES), SECTION 21-107 (SCHEDULE ESTABLISHED)**

WHEREAS, Chapter 21 (Zoning and Land Use Regulations), Part VI (Fee Schedule), Article XXIII (Fees), Section 21-107 (Schedule Established) sets forth fees for the various applications for developments and other matters; and

WHEREAS, the governing body desires to amend the fees schedule.

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

follows:

SECTION I.

Borough Code Chapter 21 (Zoning and Land Use Regulations), Part VI (Fee Schedule), Article XXIII (Fees), Section 21-107 (Schedule Established) shall be amended as follows: (additions are shown in underlines, deletions are shown as ~~strikeovers~~.)

The following Schedule of Fees is established for the various applications for development and other matters, which are the subject of this chapter. These fees shall be nonrefundable and are for the purpose of offsetting Borough administrative, clerical and meeting costs. Applications requiring a combination of approvals, such as subdivision, site plan and/or variances shall require a fee equal to the sum of the individual fees for each element of the application. Escrow deposits for professional consultants, such as legal, planning, engineering, or other professional fees, costs and expenses, shall also be required in accordance with § 21-108.

All fees and escrow deposits required in §§ 21-107 and 21-108 shall be paid prior to the certification of a complete application.

Schedule of Fees

A. - C. No change.

D. ~~Floodplain review~~ Floodplain Development Permit

| | |
|--|-----------------------------|
| Residential <u>Substantial Improvement/Damage Itemization Package</u> | \$50 <u>\$0</u> |
| Nonresidential <u>Non-Conversion Agreement in the 100 Year Floodplain</u> | \$100 <u>\$0</u> |

E. - G. No change.

H. ~~Zoning permits~~ Zoning Permits Residential/Non-Residential

| | |
|--|------------------------------|
| 1. Single or two-family residential (new) <u>New/Major Construction Plan Review</u> | \$25 <u>\$300</u> |
| 2. Other residential <u>All Other (fences, sheds, signs, additions)</u> | \$50 |
| 3. Residential renovations | \$10 |
| 4. Nonresidential (new) | \$50 |
| 5. Nonresidential renovations | \$25 |

I. - M. 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 immediately upon its passage and publication in accordance with law.

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

Motion: Olszewski

Second: Mayor Broullon

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.

INTRODUCTION OF PROPOSED ORDINANCES:

ORDINANCE O-23-21

DESIGNATING RESTRICTED PARKING IN FRONT OF RESIDENCE OCCUPIED BY PERSON WITH DISABILITIES

WHEREAS, N.J.S.A. 39:4-197.6 provides that any municipality may, by ordinance, establish a restricted parking zone in front of a residence occupied by a person with a disability provided such parking is not otherwise prohibited and the permitting thereof would not interfere with the normal flow of traffic.

WHEREAS, Ordinance 18-03 governs applications for restricted parking in front of residences occupied by persons with disabilities; and

WHEREAS, the Highlands Police Department has received an application for on-street resident parking for persons with disabilities, which has been reviewed and approved by the Chief of Police; and

WHEREAS, the governing body of the Borough of Highlands wishes to designate an appropriate space for resident parking for persons with disabilities in accordance with the recommendation of the Chief of Police.

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

SECTION I.

A parking space in front of 2 Rogers Street, Apt. A-4, starting 24.10 feet southwest of utility pole J584B (immediately following the designated handicap parking space for 2 Rogers Street, Apt. A-2) and continuing for a total of 23 feet, is hereby designated as a space for resident parking for persons with disabilities. This space shall be available to the residents of 2 Rogers Street, Apt. A-4. A sign shall be installed specifically identifying the parking space in accordance with Ordinance 18-03.

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.

Motion: Chelak

Second: Cervantes

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

Nays: None

Abstain: None

Absent: None

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on October 18, 2023.

CONSENT AGENDA: Prior to the Council's vote, Mr. Ball explained R 23-2023 and KM Construction Corp.'s bid withdrawal. Resolutions and Consent Agenda vote are as follows:

**RESOLUTION 23-199
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 |
|--------------|------------|-------------|---------------|----------------------|
| 77 | 6 | 2023 | \$4,942.75 | Stenstrom, Anna Jane |
| 71 | 4 | 2023 | \$1,727.93 | Corelogic |

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-200
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-

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52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Committee of the Borough of Highlands, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-201
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 29, 2023, which totals as follows:

| | | |
|----------------------|-----------|-------------------|
| Current Fund | \$ | 127,840.74 |
| Sewer Account | \$ | 1,365.23 |
| Capital Fund | \$ | 30,745.41 |
| Trust-Other | \$ | 1,007.00 |
| Federal/State Grants | \$ | 16,975.00 |
| Total | \$ | 177,933.38 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ **177,933.38** 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: Olszewski

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-202
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL
ENGINEERING SERVICES IN CONNECTION WITH A FEMA GRANT AWARD**

WHEREAS, the Borough of Highlands has a need for professional engineering services in connection with a FEMA Grant Award for building the Monmouth Hills Storm System, two (2) new pump stations, Valley Street discharge, new bulkheads and piping along Bay Avenue and side streets in the Borough of Highlands pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Colliers Engineering & Design, Inc. has set forth its proposed services in a written proposal dated September 29, 2023, a copy of which is available at the office of the Borough Clerk;

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and

WHEREAS, the scope of work includes professional engineering services for the FEMA Grant Award-Flood Mitigation Design, Permits, Phase 1 Permit Plans and Applications; and

WHEREAS, the said proposal includes topographic survey and right-of-way survey at North Street, Valley Street, Snug Harbor, Central, Waterwitch Drive, Bay Avenue up to Atlantic, and the southbound lanes of Route 36; Rectify right-of-way dispute at the end of North Street and affirm that public infrastructure in fact falls inside 20 foot right-of-way limits; Full permit applications to work at three pump stations, new bulkheads, new piping, inlets; Meetings, Preliminary design engineering-50 percent complete for permit plans only; Expanded permit services to NJDOT and County to cross beneath Route 36; Permits from NJDEP, Green Acres, CAFRA, FHA, ACOE and SCD for working in flood hazard and within open water of Jones Creek and Shrewsbury River for entire FEMA grant scope; Preliminary estimate; Submission of all applications to State, ACOE, Green Acres and County Engineer; and

WHEREAS, the proposed amount of the contract with Colliers Engineering & Design is \$533,750.00 and consists of the following:

| | |
|--|-------------------------------|
| Phase 1.0 – Survey Services | \$ 52,000.00 |
| Phase 2.0 – Geotechnical Explorations, Backhoe Tests and Soil Borings | \$ 74,150.00 |
| Phase 3.0 – Pump Station Calculations | \$ 50,000.00 |
| Phase 4.0 – Permit Plans Only | \$ 140,000.00 |
| Phase 5.0 –NJDOT and County Permits | \$ 12,000.00 |
| Phase 6.0 –Environmental Permitting (Including Green Acres) | \$ 197,600.00 |
| Reimbursables | \$ <u>8,000.00</u> |
| | Total Fee: \$ 533,750.00; and |

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of Colliers Engineering & Design, Inc., 2000 Midlantic Drive, Suite 100, Mount Laurel, New Jersey 08054 is so recognized; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to retain Colliers Engineering & Design, Inc. for the proposed professional engineering services in connection with the Highlands' FEMA Grant Award; and

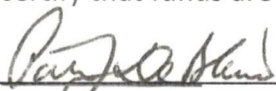
WHEREAS, this contract is to be awarded for an amount not to exceed \$533,750.00 for professional engineering services as stated in Colliers Engineering & Design, Inc.'s proposal dated September 29, 2023; and

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

WHEREAS, Colliers Engineering & Design, Inc. has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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-04-14-108-000-555



Patrick DeBlasio, Chief Financial Officer

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WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

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

1. Colliers Engineering & Design, Inc. is hereby retained to provide professional engineering services in connection with a FEMA Grant Award for the Monmouth Hills Storm System, two (2) new pump stations, Valley Street discharge, new bulkheads, and piping along Bay Avenue and side streets in the Borough of Highlands.
2. The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a). The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**RESOLUTION 23-203
ACCEPTING THE WITHDRAWAL OF KM CONSTRUCTION CORP.’S BID FOR IMPROVMENTS TO
BAYSIDE DRIVE AND MARIE AVENUE**

WHEREAS, on September 26, 2023, bids were received for the improvements to Bayside Drive and Marie Avenue; and

WHEREAS, KM Construction Corp.’s bid exceeded the maximum allowable bid price for Item 6 “Clearing Site (Maximum Bid Price \$15,000.00)”; and

WHEREAS, due to this error and rather than utilizing the maximum bid price of \$15,000.00, KM Construction Corp. requested to withdraw its bid by way of correspondence dated September 26, 2023 in accordance with N.J.S.A. 40A:11-23.3.

WHEREAS, it was also determined that KM Construction Corp.’s bid omitted page C-8, the non-collusion affidavit, and would have been rejected regardless of its request to withdraw due to such noncompliance with the bid specifications.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Highlands hereby accepts the withdrawal of KM Construction Corp.’s bid for improvements to Bayside Drive and Marie Avenue.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to KM Construction Corp.

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



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REPORTS:

Mayor Broullon reported construction updates on the municipal building, Waterwitch pump station, sanitary sewer, EV charging station, Jones Creek dredging, Bayside Dr. & Marie St. project, Veterans Park, Overlook Park, Frank Hall Park, and Marine Place Walkway East. Mr. Matlack added details for the water main at Linden and Waterwitch for the sanitary sewer project. Mr. Muscillo added permitting details for the Jones Creek dredging.

Mayor Broullon gave updates on the 2021 Resiliency Plan, Regionalization, total grant awarded and the Community Rating System (CRS).

Mr. Muscillo reported that the new sound system is currently being installed and that the skatepark fence installation will begin next week.

Council President Olszewski asked when meetings can be held at the new building. Councilmember Melnyk asked for sanitary sewer updates.

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

PUBLIC PORTION:

Joe Dorin, Valley Ave., asked questions and expressed his concerns regarding the project at 14 North Peak. Mayor Broullon stated that she would ask the Land Use attorney about application deadlines and Mr. Muscillo stated that he's waiting to hear back from the Land Use engineer about the application.

With no 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:

- Contracts – Bayside Drive and Marie Avenue Improvements Project
- 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: Melnyk

Second: Mayor Broullon

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

Nays: None

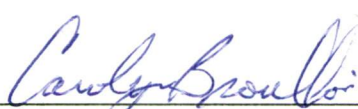
Abstain: None

Absent: None

Council entered into Executive Session at 7:28pm and exited at 7:48pm.

ADJOURNMENT:

Offered by Mayor Broullon and seconded by Councilmember Chelak. All in Favor. None opposed. Meeting adjourned at 7:49pm.

Approve: 
Carolyn Broullon, Mayor

Attest: 
Nancy Tran, Borough Clerk