



Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
November 1, 2023 – Meeting Minutes

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

Mayor Broullon announced that the Public Hearing on the Amended Snug Harbor Design would not take place as there will be no changes to the current plans.

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 and October 18, 2023. Items listed on the agenda are subject to change.

PLEDGE OF ALLEGIANCE

ROLL CALL: Councilmember Melnyk, Council President Olszewski, and Mayor Broullon were present. Councilmembers Cervantes and Chelak were absent.

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

APPROVAL OF MINUTES:

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Motion: Olszewski

Second: Mayor Broullon

Ayes: Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes, Chelak

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Motion: Melnyk

Second: Mayor Broullon

Ayes: Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes, Chelak

INTRODUCTION OF PROPOSED ORDINANCES

ORDINANCE O-23-22

AMENDING CHAPTER 21, ARTICLE XIV (ESTABLISHMENT OF DISTRICTS) BY ADDING NEW SECTION 21-81A (PRIVATELY OWNED SALT STORAGE) AND AMENDING SECTION 21-81 (OUTDOOR STORAGE) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

WHEREAS, the New Jersey Department of Environmental Protection Stormwater Discharge Master General Permit Renewal requires the adoption of a salt storage ordinance for all Tier A municipalities.

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

!

CHAPTER 21 (Establishment of Districts) is hereby amended by adding the following new Section and amends **Chapter 21, Article XIV (Establishment of Districts), Section 81 (Outdoor Storage)** as follows: (additions are shown in underlines, deletions are shown as ~~strikeovers~~.)

SECTION 21-81 OUTDOOR STORAGE.

A. Residential Districts.

1. Outdoor storage and display of any kind of nature, except storage of those items customarily used in conjunction with a residential occupancy and owned by the occupant or pursuant to Section 21-81A, et seq., of this Chapter, are prohibited in all residence districts.

...

B. Nonresidential Districts.

1. No storage area shall be located in a required front yard or in a required side yard adjoining a street.
2. No article, equipment, vehicle, supplies, or material shall be kept or stored outside the confines of any building unless the same is allowed by this article or pursuant to Section 21-81A, et seq., of this Chapter or is screened by special planting or fencing, as approved by the Board, and maintained in good condition, so that it shall not be visible from any adjacent property or public street. Any outdoor storage area shall meet the location requirements for accessory structures. Storage of trailers or use of trailers for storage is prohibited.

All other provisions of **Section 21-81 (Outdoor Storage)** shall remain unchanged.

II

SECTION 21-81A PRIVATELY OWNED SALT STORAGE.

SECTION 21-81A.1. Purpose.

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Highlands to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION 21-81A.2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

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1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 3. The structure shall be erected on an impermeable slab;
 4. The structure cannot be open sided; and
 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION 21-81A.3. Deicing Material Storage Requirements.

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 5. Containers must be sealed when not in use; and
 6. The site shall be free of all de-icing materials between April 16th and October 14th.

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- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
 - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION 21-81A.4. Exemptions.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section 21-81A.3 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities which are regulated under another NJPDES permit.

SECTION 21-81A.5. Enforcement.

This ordinance shall be enforced by the Code Enforcement Officer and/or other Municipal Officials of the Borough of Highlands during the course of ordinary enforcement duties.

SECTION 21-81A.6. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in the penalties set forth in Chapter 3, §3-9, of this Code.

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.

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

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

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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 23-215

**AUTHORIZING APPOINTMENT OF POLICE OFFICER RYAN SCHOELLNER
TO THE RANK OF SERGEANT**

WHEREAS, Ryan Schoellner is currently serving as a Police Officer in the Highlands Police Department; and

WHEREAS, the Civil Service Commission has promulgated a list of eligible candidates for appointment to the position of Police Sergeant; and

WHEREAS, the Chief of Police has recommended that Officer Ryan Schoellner be promoted to the position of Sergeant; and

WHEREAS, the governing body has determined that Police Officer Ryan Schoellner is qualified for the appointment to the position of Sergeant.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Police Officer Ryan Schoellner be and is hereby promoted to the position of Sergeant in the Highlands Police Department effective November 1, 2023.

BE IT FURTHER RESOLVED that the Borough Clerk shall transmit a Certified Copy of this Resolution to the Chief of Police and Borough Administrator.

Motion: Melnyk

Second: Olszewski

Ayes: Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes, Chelak

RESOLUTION 23-216

CONFIRMING TEMPORARY APPOINTMENT OF PATROLMAN

WHEREAS, pursuant to N.J.S.A. 11A:4-1.3 and Chapter 2-10.17 of the Borough Code, a temporary entry-level law enforcement officer may be appointed by the Borough Administrator upon the recommendation of the Chief of Police without taking a Civil Service examination, so long as the individual successfully completes a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level law enforcement officer; and

WHEREAS, pursuant to N.J.S.A. 11A:4-1.3 and Chapter 2-10.17 of the Borough Code, upon successful completion of the training course, the temporary entry-level law enforcement officer shall be appointed as a permanent entry-level enforcement officer; and

WHEREAS, pursuant to Chapter 2-10.2 of the Borough Code, the Police Department may include up to ten patrolmen in their ranks; and

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

WHEREAS, Stanley Wojdylak, IV is a Class Two Special Law Enforcement Officer with the Borough of Highlands; and

WHEREAS, the Chief of Police has made the recommendation to the Borough Administrator with regard to the temporary appointment of Stanley Wojdylak, IV to serve as a Patrolman for the

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Borough of Highlands Police Department pending successful completion of the aforesaid required coursework within nine months.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the temporary appointment of Stanley Wojdylak, IV as a Patrolman for the Borough of Highlands Police Department, effective November 1, 2023, be and is hereby confirmed.

BE IT FURTHER RESOLVED, that the aforesaid temporary appointment of Stanley Wojdylak, IV as a patrolman for the Borough of Highlands Police Department shall be for a salary in accordance with the Collective Bargaining Agreement between the Borough of Highlands and PBA Local 48. This appointment shall be conditioned upon the successful completion of the hiring process including, but not limited to, medical screening requirements.

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

RESOLUTION 23-217

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES IN CONNECTION WITH THE 88-6 PORTLAND ROAD DRAINAGE REPAIRS PROJECT.

WHEREAS, the Borough of Highlands has a need for professional services in connection with the 88-6 Portland Road Drainage Repairs 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 October 20, 2023, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the scope of work includes coordination and attendance at pre-construction meetings, preparation of meeting minutes and the notice to proceed, providing minor plan changes, site visits to ensure contractors compliance with the contract, providing photographs of progress, review of shop drawings provided by the Contractor and/or providing engineering redesign if necessary, review and monitoring of the construction schedule, preparing inspection and progress reports, project closeout, including punch lists and project certifications, and the preparation of change orders/invoice review; and

WHEREAS, the said proposed services includes the following lump sum fee:

Phase 1.0 – Construction Administration/Inspection Services	Total	\$8,000.00
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WHEREAS, such professional services can only be provided by licensed professionals and the firm of Colliers Engineering & Design, Inc., 101 Crawfords Corner Road, Suite 3400, Holmdel, New Jersey 07733 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 professional services in connection with the 88-6 Portland Road Drainage Repairs Project; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$8,000.00 as stated in Colliers Engineering & Design, Inc.'s proposal dated October 20, 2023; and

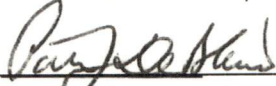
WHEREAS, Colliers Engineering & Design, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Colliers Engineering & Design, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one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

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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

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 services in connection with the 88-6 Portland Road Drainage Repairs Project in the Borough of Highlands as outlined above for an amount not to exceed \$8,000.00.
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: Melnyk
Second: Olszewski
Ayes: Melnyk, Olszewski, Mayor Broullon
Nays: None
Abstain: None
Absent: Cervantes, Chelak

**RESOLUTION 23-218
APPOINTING MEMBER TO THE BOROUGH OF HIGHLANDS HOUSING AUTHORITY**

WHEREAS, the five (5) year appointment for Rebecca Wells to the Highlands Housing Authority expires on November 30, 2023; and

WHEREAS, the governing body desires to fill this position with the Highlands Housing Authority.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands that, effective December 1, 2023, the following appointment to the Highlands Housing Authority be and is hereby made:

Position:	Name:	Term:	Expiration:
Member	Rebecca Wells	5 Years	11/30/2028

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

**RESOLUTION 23-219
AUTHORIZING APPOINTMENT OF STEVE WINTERS AS CONSTRUCTION OFFICIAL**

WHEREAS, by way of Resolution 18-241, duly adopted on December 5, 2018, the Borough authorized the execution of a Shared Services Agreement with the Township of Middletown for building department services, which included the Construction Official; and

WHEREAS, the aforesaid Shared Services Agreement was for a five (5) year term commencing January 1, 2019, consisting of a four (4) year term with a one (1) year renewal option wherein the renewal option was exercised; and

WHEREAS, pursuant to the provisions of N.J.S.A. 52:27D-126, the Borough is in need of a Construction Official as the Shared Services Agreement with the Township of Middletown expires December 31, 2023; and

WHEREAS, Steve Winters is qualified to serve as the Construction Official; and

WHEREAS, it is in the best interest of the Borough to appoint Steve Winters to serve as the Borough's Construction Official, as a part-time employee without benefits, for an annual salary in the amount of \$52,000.00, effective December 1, 2023; and

WHEREAS, the Township of Middletown will continue to provide support and transition services to the Borough through the expiration date of the Shared Services Agreement for building department services through December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that Steve Winters be and is hereby appointed to serve as the Borough's Construction Official as a part-time employee without benefits, for an annual salary in the amount of \$52,000.00, effective December 1, 2023.

BE IT FURTHER RESOLVED, that a Certified Copy of this Resolution be forwarded to the Chief Financial Officer, the Borough Administrator, the Department of Community Affairs and the appointee.

Motion: Melnyk

Second: Olszewski

Ayes: Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes, Chelak

**RESOLUTION 23-220
AUTHORIZING PAYMENT OF BILLS**

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

Current Fund	\$ 1,430,184.78
Sewer Account	\$ 52,696.56
Capital Fund	\$ 446,713.70
Trust-Other	\$ 26,736.71
Federal/State Grants	\$ -
Total	\$ 1,956,331.75

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ **1,956,331.75** 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

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Clerk's office for reference.

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

PROCLAMATIONS/OATH OF OFFICE

90th Anniversary of Holodomor – Mayor Broullon read the proclamation.

Oath of Office - Rebecca Wells – Ms. Wells was joined by her daughter.

Oath of Office - Sgt. Ryan Schoellner – Officer Shoellner was joined by his family.

Oath of Office - Patrolman Stanley Wojdylak IV – Officer Wojdylak was joined by his family.

Prior to Reports, Mayor Broullon announced that the scheduled public hearing for the Highlands FEMA Project – Amended Snug Harbor Design was not happening as there would be no change to the current pump station design. She briefly fielded some residents' questions.

REPORTS:

Mayor's Report: Mayor Broullon gave updates on the Municipal Building, the EV charging station, the Waterwitch pump station, the sanitary sewer project, the improvement project of Bayside Dr. and Marie St., the Veterans Park improvement project, the dredging of Jones Creek, and the Portland Rd. guard rail project. She noted 2024 construction projects for Overlook Park, Marine Place east walkway, Frank Hall Park, resiliency plans at Veterans Park, and the Snug Harbor pump station and Monmouth Hills project. She reported that the regionalization transition is underway and reported on the CRS coordinator's progress.

Administrator's Report: Mr. Muscillo gave updates on the rebuilding of the Borough's Building and Zoning Department and progress in bringing the Court system back.

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

PUBLIC PORTION:

Tom Reed, Snug Harbor Ave., asked for clarification on the Snug Harbor pump station project.

Bill Osborn, Bay Ave., asked for clarification on shared services with Middletown.

Mike Cannon, Central Ave., shared his concerns regarding the pump station.

With no comments from the public, Mayor Broullon closed the Public Portion. She thanked all the residents for coming out to the first council meeting in the new municipal building.

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.

RESOLUTION TO ENTER 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:

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- 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: Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes, Chelak

Council entered into Executive Session at 7:35pm and exited at 8:15pm.

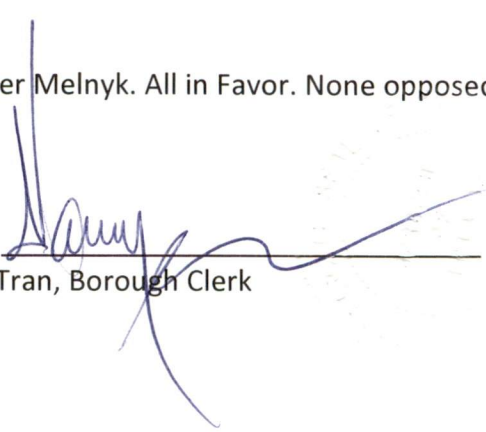
ADJOURNMENT:

Offered by Mayor Broullon and seconded by Councilmember Melnyk. All in Favor. None opposed.
Meeting adjourned at 8:15pm.

Approve:


Carolyn Broullon, Mayor

Attest:


Nancy Tran, Borough Clerk