



Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
February 15, 2023 – Meeting Minutes

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

MEETING STATEMENT: The following public meetings statement was read.

The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Asbury Park Press and the Two River Times and by posting at the Borough of Highlands Municipal Building and filing with the Borough Clerk all on January 1, 2023. Items listed on the agenda are subject to change.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmember Chelak, Councilmember Melnyk, Council President Olszewski, and Mayor Broullon were present. Councilmember Cervantes was 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: Chelak

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Cervantes

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 23-063
AUTHORIZING THE REFUND OF A TREE PERMIT FEE**

WHEREAS, the Finance Officer of the Borough of Highlands has received a request to refund a fee for a tree permit fee; and

WHEREAS, the Finance Officer has confirmed with the Borough Administrator that the permit was denied and accordingly determined that the fee is to be refunded and is due and payable by the Borough of Highlands; and

WHEREAS, the Finance Officer recommends the immediate refund of the Tree Permit Fee by the Borough of Highlands,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, that the Finance Officer is authorized to immediately refund the Tree Permit Fee to the individual listed below:

<u>NAME</u>	<u>AMOUNT</u>	<u>ADDRESS</u>
Karen Nill	\$50.00	238 Bay Ave., Highlands, NJ 07732

Motion: Mayor Broullon

Second: Melnyk

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Cervantes

RESOLUTION 23-064

**AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT
AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF HIGHLANDS**

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area,” the County is required, pursuant to Federal Aviation Administration Regulation (FAR Par 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Highlands is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follows:

- 1) The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
 - b. such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Motion: Mayor Broullon

Second: Melnyk

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Cervantes

RESOLUTION 23-065

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated February 10, 2023, which totals as follows:

Current Fund	\$ 897,408.23
Sewer Account	\$ 66,069.81
Capital Fund	\$ 157,927.50
Trust-Other	\$ 28,002.22
Federal/State Grants	\$ 0
Total	\$ 1,149,407.76

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ 1,149,407.76 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: Melnyk
Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon
Abstain: None
Absent: Cervantes

RESOLUTION 23-066
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE PREPARATION OF AN ENGINEERING REVIEW OF ON-GOING CONSTRUCTION AT 14 & 32 NORTH PEAK STREET (BLOCK 35, LOTS 8 & 9)

WHEREAS, the Borough of Highlands has a need for professional engineering services in connection with the preparation of an engineering review of on-going construction at 14 & 32 North Peak Street (Block 35, Lots 8 & 9), pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, CME Associates has set forth its proposed services in a written proposal dated February 13, 2023, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the said proposal encompasses a review of Borough files and preparation of a report of events and construction activities to date at the above properties; and

WHEREAS, the proposed amount of the contract with CME Associates is \$4,400.00, consisting of the following:

1. Review files and coordination with Borough offices regarding submission of any plans or permit applications by the developer.
2. Review all violation notices issues by the Borough;
3. Perform a site visit to observe current site conditions and erosion control measures observed; and
4. Prepare an engineer's report with photos and documents discussing the site conditions observed over the course of the last 12-24 months, any engineering reviews/letters issues, and actions the Borough has taken.

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of CME Associates, 1460 Route 9 South, Howell, New Jersey 07731 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 engineering services in connection with the preparation of an engineering review of on-going construction at 14 & 32 North Peak Street (Block 35, Lots 8 & 9) as set forth in its proposal; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$4,400.00 for professional engineering services as stated in CME Associates' proposal dated February 13, 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

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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: 3-01-20-165-000-244



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 engineering services in connection with the preparation of an engineering review of on-going construction at 14 & 32 North Peak Street (Block 35, Lots 8 & 9) as described above and in their proposal dated February 13, 2023, for an amount not to exceed \$4,400.00.
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: Melnyk

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Cervantes

REPORTS:

Councilmember Melnyk: thanked the Mayor for attending their Open Space meeting and gave updates on the Frank Hall Park and the Gertrude Ederle Park. He reported that the update for the Borough website is ongoing.

Council President Olszewski: noted that the boys middle school basketball won the semifinals and are on their way to the Championship tournament. Mayor Broullon added that the last time they went to the Championship was 1996.

Mayor Broullon: summarized the results of the 2022 Mayor’s Wellness Program survey and noted key findings.

Mr. Matlack: reported that CME submitted a joint Action Plan grant application with the County for Safe Streets back in September and County has been awarded a \$1.8 million grant to be split among County, Highlands, Bradley Beach, and Holmdel. This award will open opportunities for potential future construction funding. CME will work with the HPD for their input.

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

PUBLIC PORTION:

Joe Dorin, 102 Valley Ave., thanked the Governing Body.

Brian Adams, 29 Central Ave., shared a print out of various noise regulation materials with the dais. He stated that he bought his property before the original skatepark was built. He stated that he looked forward to the then new skatepark and has since changed his opinion. He noted how

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the noise and activities at the skatepark has disrupted the enjoyment of his property. He noted that he's spoken with County regarding noise ordinance violations and consequences of potential violations. He asked if there was ever a noise assessment done. Councilmember Melnyk noted that funding is from DEP and State who did not have objections to the proposed location. Discussion continued and Mayor Broullon suggested Mr. Adams meet with Councilmember Melnyk separately to continue discussion.

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

EXECUTIVE SESSION: Clerk Tran read the following:

Executive Session will be held following the Regular Council Meeting. Prior to each Executive Session, the Borough Council will convene in open session at which time a resolution will be adopted in accordance with N.J.S.A. 10:4-13. No formal action will be taken during Executive Session.

BE IT RESOLVED that the following portion of this meeting shall not be open to the public,

BE FURTHER RESOLVED that private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

- Attorney-Client Privilege: 124 Bay Avenue, Block 47 Lot 10
- Attorney-Client Privilege: Block 101 Lot 3, Locust Street

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Cervantes

Council entered into Executive Session at 7:29pm and exited at 7:39pm.

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

ADJOURNMENT:

Offered by Mayor Broullon and Seconded by Councilmember Melnyk. All in Favor. None opposed. Meeting adjourned at 7:42pm

Approve: _____

Carolyn Broullon, Mayor

Attest: _____

Nancy Tran, Borough Clerk