



Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
March 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 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 Drew Pavlick, and Borough Clerk Nancy Tran.

APPROVAL OF MINUTES:

March 1, 2023 Meeting Minutes

Motion: Olszewski

Second: Chelak

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

Abstain: None

Absent: None

March 1, 2023 Executive Session Minutes

Motion: Mayor Broullon

Second: Olszewski

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

Abstain: None

Absent: None

INTRODUCTION OF PROPOSED ORDINANCES:

ORDINANCE O-23-05

AUTHORIZING THE SALE OF A 2009 STRYKER MEDICAL POWER STRETCHER, SERIAL NO. 090741112, IN A PRIVATE SALE TO THE BOROUGH OF ATLANTIC HIGHLANDS PURSUANT TO N.J.S.A. 40A:12-13(B)(1)

WHEREAS, the Borough of Highlands is the owner of personal property identified as a 2009 Stryker Medical Power Stretcher (hereafter the "Property"); and

WHEREAS, the Borough of Atlantic Highlands is a political subdivision in the State of New Jersey and wishes to purchase the Property; and

WHEREAS, the Borough of Highlands desires to privately sell the Property to the Borough of Atlantic Highlands; and

WHEREAS, N.J.S.A. 40A:12-13(b)(1) authorizes the Borough of Highlands to sell municipally owned personal property at a private sale to any political subdivision; and

WHEREAS, the Borough of Highlands has determined that the Property is not needed for public use and the sale of the Property is in the best interests of the Borough of Highlands.

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

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

SECTION I. The Borough of Highlands is the owner of a 2009 Stryker Medical Power Stretcher, Serial No. 090741112 (hereafter the "Property") and said Property is no longer needed for public use and the Borough of Highlands desires to sell the Property in accordance with N.J.S.A. 40A:12-13(b)(1) as follows:

- (a) The Borough of Highlands shall sell the Property to the Borough of Atlantic Highlands.
- (b) The sale price shall be \$7,000.00.
- (c) The Property is being sold in an "AS IS" condition.

SECTION II. The Borough Administrator and any other municipal officials are hereby authorized to undertake any and all acts reasonably necessary to effectuate the sale of the above described Property.

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

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

Councilmember Melnyk asked for clarification of the item and transaction.

Motion: Mayor Broullon

Second: Chelak

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

Abstain: None

Absent: None

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on April 5, 2023.

ORDINANCE O-23-06
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Highlands, in the County of Monmouth, finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$85,917.07 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Borough Council hereby determines that any amount authorized

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

hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$300,709.75, and that the CY 2023 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion: Melnyk

Second: Chelak

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

Abstain: None

Absent: None

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on April 5, 2023.

ORDINANCE O-23-07

ADDING SECTION 21-65.6A OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS TO AUTHORIZE AND ENCOURAGE ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES

WHEREAS, This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the Borough of Highlands of Monmouth County.

WHEREAS, supporting the transition to electric vehicles contributes to the Borough of Highlands' commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Borough of Highlands encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of Borough of Highlands adopted'

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

in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with goals of Economic Development/Redevelopment and Community Facilities and Utility Infrastructure of the Master Plan as well as the land use, circulation, and utilities elements of the Master Plan; and

WHEREAS, the Borough of Highlands encourages greater ownership and use of electric vehicles, thus the Borough of Highlands is amending the Zoning and Land Use Regulations to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

SECTION I. Chapter 21 (Zoning and Land Use Regulations), Section 21-65.6A (Electric Vehicle Supply/Service Equipment) is hereby added as follows:

21-65.6A Electric Vehicle Supply/Service Equipment.

A. Purpose

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Definitions

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of

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

transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

C. Approvals and Permits

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The Zoning Officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Borough of Highlands' land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
 - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
 - a. the application, including the permit fee and all necessary documentation, is determined to be complete,
 - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or

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

- c. a one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
- 7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
- 8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces

- 1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- 2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
 - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
 - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
 - g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

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

E. Minimum Parking Requirements

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Section 21-65.14, Off-Street Parking.
2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
2. Installation:
 - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
 - b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
 - c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
3. EVSE Parking:
 - a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
 - b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
 - c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
 - d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.
4. Safety
 - a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.

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

- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with Borough of Highlands' ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, Borough of Highlands shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
 - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
 - 2) Usage fees and parking fees, if applicable; and
 - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

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

6. Usage Fees

- a. For publicly-accessible municipal EVSE: The fee to use parking spaces within the municipality identified as EVSE spaces shall be an initiation fee of \$2.99 plus \$0.49 per kWh for each hour that the electric vehicle is connected to the EVSE. There shall be no parking fee while vehicle is actively charging, but a parking fee of \$5 per hour shall apply 15 minutes after the electrical vehicle stops charging.
- b. This fee may be amended by a resolution adopted by the governing body.
- c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECTION II. SEVERABILITY.

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION III. REPEAL OF PRIOR ORDINANCES.

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance 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.

Motion: Mayor Broullon

Second: Chelak

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

Abstain: None

Absent: None

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on May 17, 2023.

ORDINANCE O-23-08

ADDING CHAPTER 21 (ZONING AND LAND USE REGULATIONS), SECTION 21-65.19A (“SOLAR ENERGY”) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS RELATED TO SOLAR ENERGY SYSTEMS

WHEREFORE, the Borough of Highlands Revised General Ordinances does not currently regulate solar panel systems; and

WHEREFORE, the Borough of Highlands believe it is in the best interests of the health, safety and welfare of the citizens of the Borough of Highlands for the Borough to regulate this use.

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

SECTION I. Borough Code Chapter 21, Section 65.19A entitled “Solar Energy” is hereby added to read as follows:

§ 21-65.19A Solar Energy.

Purpose. The purpose of this section is to provide a regulatory framework for the construction of Solar Energy Systems in the Borough of Highlands, subject to reasonable restrictions, which will preserve the public health, safety, and welfare, while also maintaining the character of the Borough of Highlands.

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

§ 21-65.19A.1 Definitions.

The following terms, when used in this section, shall have the following meanings:

- (1) **SOLAR ENERGY SYSTEM** — A solar energy system consisting of one (1) or more photovoltaic or solar hot water devices either building integrated, roof-mounted, or as a canopy as well as related equipment which is intended for the purpose of reducing or meeting the energy needs of the property's on-site principal use. Solar energy systems may generate energy in excess of the energy requirements of a property only if it is to be sold back to a public utility in accordance with the NJ Net Metering law.
- (2) **SOLAR ENERGY FACILITY** — An energy facility that consists of one or more ground-mounted, free-standing, or building-integrated solar collection devices, solar energy related equipment and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy for primarily off-site use.

§ 21-65.19A.2 General Regulations.

(1) **Regulations Applicable in All Residential Zones.**

(a) **Solar Energy Systems.**

- (i) Solar energy systems shall be considered a permitted accessory use.
- (ii) Permitted types of solar energy systems: roof-mounted in the form of photovoltaic panels or roof tiles, canopy systems, ground-mounted systems.
- (iii) Photovoltaic panels or roof tiles shall be the same color.
- (iv) Edges of photovoltaic panels and arrays shall be parallel to the edges of the rooflines.
- (v) Solar energy systems shall meet all electrical, building and fire safety requirements in the New Jersey Construction Code.
- (vi) For a roof-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached as allowed by bulk requirements.

(2) **Regulations Applicable to All Non-Residential Zones.**

(a) **Solar Energy Systems.**

- (i) Solar energy systems shall be considered an accessory use.
- (ii) Permitted types of solar energy systems: roof-mounted in the form of photovoltaic panels or roof tiles and canopy systems.
- (iii) Photovoltaic panels or roof tiles shall be the same color.
- (iv) Edges of photovoltaic panels and arrays shall be parallel to the edges of the rooflines.
- (v) Solar energy systems shall meet all electrical and fire safety requirements in the New Jersey Construction Code.
- (vi) For a roof-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached as allowed by bulk requirements.
- (vii) For a roof-mounted system installed on a flat roof, the highest point of the system shall be permitted in accordance with Section 21-78.
- (viii) For parking canopies, a solar energy system may exceed the applicable maximum accessory structure height if it will cover an impervious surface parking area. Height may not exceed the height of the primary structure that the parking area serves. Minimum height of the parking canopy must allow clearance for emergency service and service vehicles.

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

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

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

Motion: Mayor Broullon

Second: Melnyk

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

Abstain: None

Absent: None

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on May 17, 2023.

ORDINANCE O-23-09

**VACATING A PORTION OF OCEAN-VIEW AVENUE ADJACENT TO LOT 2, BLOCK 5 IN THE
BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, N.J.S.A. 40:67-1, et seq., authorizes the governing body of every municipality to make, amend, repeal and enforce ordinances to vacate any public street, highway, lane or alley, or any part thereof; and

WHEREAS, pursuant to Section 8-3 of the Borough Code, an application for the instant street vacation was submitted by the adjacent property owner; and

WHEREAS, the portion of Ocean-View Avenue requested to be vacated is a paper street and was never opened by the Borough of Highlands; and

WHEREAS, the governing body of the Borough of Highlands has determined that the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in and to the rights of way known as a portion of Ocean-View Avenue adjacent to Lot 2, Block 5 as shown on Schedule A attached hereto.

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

SECTION I.

A strip of land, ranging between 5.37 feet along Hillside Avenue and 7.64 feet along Thompson Avenue, being a portion of Ocean-View Avenue, more particularly described in the Description of a Portion of Ocean-View Avenue dated March 14, 2023 prepared by Robert K. Sanchez, P.L.S., of CME Associates attached hereto as Schedule A, is not needed for public purposes and, accordingly, all public right, title and interest in that portion of Ocean-View Avenue, subject to the exception for public utilities set forth in Section II below, are hereby abandoned, vacated, released and extinguished. This portion of the right of way shall become part of Block 5, Lot 2 in the Borough of Highlands.

SECTION II.

Pursuant to N.J.S.A. 40:67-1, this Ordinance expressly reserves and excepts from vacation all rights and privileges then possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972, c. 186 (C. 48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as described in Schedule A.

SECTION III.

An approximately 12-foot wide strip of land being a portion of Ocean-View Avenue, more particularly described in the Description of a Portion of Ocean-View Avenue dated March 14, 2023 prepared by Robert K. Sanchez, P.L.S., of CME Associates attached hereto as Schedule A, shall remain a right of way.

SECTION IV.

The Borough Clerk shall file a certified copy of this Ordinance with the Monmouth County

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

Clerk's Office to be recorded in a book with proper index to be provided for the purpose and entitled 'vacations' pursuant to N.J.S.A. 40:67-21.

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

SECTION VII. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage, publication, and recording with the Monmouth County Clerk's Office in accordance with law.

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

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on April 5, 2023.

PUBLIC HEARING ON PROPOSED ORDINANCES:

**ORDINANCE O-23-03
AMENDING CHAPTER VII, SCHEDULE I "NO PARKING" OF THE CODE OF THE BOROUGH OF
HIGHLANDS RELATED TO AREAS OF NO PARKING ON VALLEY STREET**

WHEREAS, Chapter 7, Section 3.4 of the Borough Code establishes the streets or parts of streets where there shall be no parking; and

WHEREAS, the Chief of Police has analyzed and evaluated the Borough Code and has recommended certain changes; and

WHEREAS, the governing body finds that these recommendations should be adopted for the general safety, health and welfare of the Borough.

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

SECTION I.

Borough Code Section 7-3.4 entitled "Parking Prohibited at All Times on Certain Streets", Schedule I, Section 7A-1 entitled "No Parking", shall be amended by adding the following:

SCHEDULE I: NO PARKING

<i>NAME OF STREET</i>	<i>SIDES</i>	<i>LOCATION</i>
<i>Valley Street</i>	<i>West</i>	<i>From the northwest corner of Bay Avenue to a point 80 feet north.</i>
<i>Valley Street</i>	<i>West</i>	<i>From the southwest corner of 4th Street to a point 90 feet south.</i>

NOTE TO CODIFIER: All other portions of this Section remain the same.

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.

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

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 as provided by law.

Mayor Broullon opened to Public. There were no comments from the public. Public Portion was closed. Council President Olszewski asked how many number of spots would be affected. Mayor Broullon answered.

Motion: Mayor Broullon

Second: Chelak

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

Abstain: None

Absent: None

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

ORDINANCE O-23-04

AUTHORIZING THE PRIVATE SALE OF BLOCK 101, LOT 3.03 IN THE BOROUGH OF HIGHLANDS, STATE OF NEW JERSEY PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the Borough of Highlands (hereafter the "Borough") is the owner of real property known as Block 101, Lot 3 located on Locust Street in the Borough of Highlands, County of Monmouth, State of New Jersey and is in the process of subdividing the lot into four lots, with one of the lots to be known as Block 101, Lot 3.03; and

WHEREAS, approval for the subdivision has been received by the Borough, and perfecting of the subdivision is pending adoption of a Resolution memorializing said approval by the Land Use Board; and

WHEREAS, the newly created Lot 3.03 will be an undersized, undevelopable and landlocked parcel and is located in the WC-2 Zone (hereinafter the "Property"); and

WHEREAS, the only property contiguous to Lot 3.03 aside from Borough-owned property is Block 101, Lot 4; and

WHEREAS, the Borough entered into a Memorandum of Understanding and First Amendment to Memorandum of Understanding with the owners of Block 101, Lot 4 which is contiguous to the newly created Lot 3.03 for the sale of the Property to the contiguous property owners; and

WHEREAS, in accordance with the terms of the Memoranda of Understanding, the Borough intends to sell Lot 3.03 to the owners of the contiguous lot, subsequent to the adoption of the Resolution by the Land Use Board and perfecting of the subdivision; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the Township to sell municipally owned real property at a private sale to an owner of real property contiguous thereto where municipally owned property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

WHEREAS, due to the fact that there is one contiguous property owner, public bidding for the sale of the Property is not necessary; and

WHEREAS, the governing body of the Borough of Highlands has determined that the Property is not needed for public use, the sale of the Property will return the Property to the tax rolls, and it is in the best interests of the Borough to offer the Property for sale at a private sale to the owner of the

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

contiguous property.

NOW THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

SECTION I. The Borough of Highlands is the owner of the about to be newly created Block 101, Lot 3.03 which will be an undersized, undevelopable, landlocked parcel located in the WC-2 Zone.

SECTION II. In accordance with the Memorandum of Agreement and First Amendment to Memorandum of Agreement, it is the intention of the Borough to sell the Property to the owners of Block 101, Lot 4 which is contiguous to the newly created Lot 3.03 subsequent to adoption of a Resolution by the Borough of Highlands Land Use Board memorializing approval of the subdivision and perfecting of the subdivision. The purchase price shall be the agreed-upon fair market value of \$20,000.

SECTION III. The Borough of Highlands hereby authorizes the sale of newly created Block 101, Lot 3.03 to the owners of Block 101, Lot 4 upon completion of perfecting the subdivision, and further authorizes the Mayor, Municipal Clerk and Administrator to execute any and all documents necessary in order to effectuate the sale of the Property.

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

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

Mayor Broullon opened to Public.

Robert Munck, Shore Dr., questioned relating to the Borough's recent subdivision application with Land Use and asked for clarifications. Mr. Ball explained and described the property. Councilmember Melnyk added that purpose is to increase public enjoyment of public space rather than limiting it. Mayor Broullon added that public access will still be there.

Michael Cannon, Central Ave., asked about considerations for possible complications of future stormwater study of remaining Borough lot. Councilmember Melnyk replied that property was previously on ROSI (Recreation and Open Space Inventory) and Mayor Broullon added that once encumbrance is cleared that property will go back on ROSI.

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

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

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

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

RESOLUTIONS:

**RESOLUTION 23-078
AUTHORIZING THE BUDGET TO BE READ BY TITLE ONLY**

WHEREAS, N.J.S.A. 40A:4-8 sets forth that the budget may be read by title only at the time of the public hearing, if a resolution is passed by not less than a majority of the full governing body, provided that at least one (1) week prior to the date of hearing and at the hearing, a complete copy of the approved budget:

- (a) shall be made available for public inspection, and
- (b) shall be made available to each person upon request.

WHEREAS, the conditions of N.J.S.A. 40A:4-8(1)(a) and (b), as set forth above, have been met.

NOW THEREFORE BE IT RESOLVED, by a majority of the full membership of the governing body that the Budget for 2023 shall be read by title only at the public hearing currently scheduled for May 3, 2023.

Motion: Mayor Broullon

Second: Olszewski

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

Abstain: None

Absent: None

**RESOLUTION 23-079
Introduction of 2023 Municipal Budget**

Mr. Muscillo summarized the budget.

Motion: Mayor Broullon

Second: Olszewski

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

Abstain: None

Absent: None

Clerk Tran noted that a public hearing will be held on May 3, 2023.

R 23-079 MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the BOROUGH of HIGHLANDS, County of MONMOUTH for the Fiscal Year 2023

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023;

Be it Further Resolved, that said Budget be published in the Two River Times

in the issue of March 30th, 2023

The Governing Body of the BOROUGH of HIGHLANDS does hereby approve the following as the Budget for the year 2023:

RECORDED VOTE

(Insert Last Name)

Introduced - Mayor Broullon

Seconded - Olszewski

Ayes

Cervantes
Chelak
Melnyk
Olszewski
Mayor Broullon

Nays

None

Abstained

None

Absent

None

Notice is hereby given that the Budget and Tax Resolution was approved by the COUNCIL MEMBERS of the BOROUGH of HIGHLANDS, County of MONMOUTH, on March 15th, 2023.

A Hearing on the Budget and Tax Resolution will be held at Borough of Highlands, on May 3rd, 2023 at 7:00 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons.

EXPLANATORY STATEMENT

SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET

			YEAR 2023
General Appropriations For: (Reference to item and sheet number should be omitted in advertised budget)			XXXXXXXXXXXX
1. Appropriations within "CAPS" -			XXXXXXXXXXXX
(a) Municipal Purposes {(Item H-1, Sheet 19)(N.J.S.A. 40A:4-45.2)}			8,890,148.00
2. Appropriations excluded from "CAPS" -			XXXXXXXXXXXX
(a) Municipal Purposes {(Item H-2, Sheet 28)(N.J.S.A. 40A:4-53.3 as amended)}			3,342,163.45
(b) Local District School Purposes in Municipal Budget (Item K, Sheet 29)			-
Total General Appropriations excluded from "CAPS" (Item O, Sheet 29)			3,342,163.45
3. Reserve for Uncollected Taxes (Item M, Sheet 29) Based on Estimated	94.71%	Percent of Tax Collections	1,100,000.00
		Building Aid Allowance 2023 - \$	
		for Schools-State Aid 2022 - \$	13,332,311.45
4. Total General Appropriations (Item 9, Sheet 29)			3,773,881.54
5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11) (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)			XXXXXXXXXXXX
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows)			9,558,429.91
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)			-
(b) Addition to Local District School Tax (Item 6(b), Sheet 11)			-
(c) Minimum Library Tax			-

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

**RESOLUTION 23-080
AUTHORIZING SELF-EXAMINATION OF BUDGET**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Highlands has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Highlands that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Motion: Melnyk

Second: Olszewski

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

Abstain: None

Absent: None

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

RESOLUTION 23-081
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR PULTE HOMES
(HARBORSIDE AT HUDSON'S FERRY), BLOCK 101, LOT 27.02

WHEREAS, the Borough of Highlands Land Use Board Engineer performed an on-site review of the conditions of the Harborside at Hudson's Ferry, Block 101, Lot 27.02 and found the work has been completed in conformance with the approved plans; and

WHEREAS, the Land Use Board Engineer has, in a letter dated March 2, 2023, recommended that the remaining performance guarantees be released; and

WHEREAS, by way of Resolution R-16-63 duly adopted on February 3, 2016, and Resolution R-16-164 duly adopted August 17, 2016, the performance guarantees were reduced as follows:

Original Guarantee:	\$1,928,490.00
Performance Bond Amount:	\$1,735,641.00
Cash Bond Amount:	\$ 192,849.00
First Bond Reduction:	\$1,128,510.00
Performance Bond Amount:	\$1,015,659.00
Cash Bond Amount:	\$ 112,851.00
Second Bond Reduction:	\$ 881,324.00
Performance Bond Amount:	\$ 793,192.00
Cash Bond Amount:	\$ 88,132.00; and

WHEREAS, the Land Use Board Engineer, in his letter dated March 2, 2023, recommended that no maintenance guarantee be posted due to the fact that the overall site improvements have been in place for over two years.

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

1. It has reviewed, agrees with and hereby adopts all recommendations by the Borough Land Use Board Engineer as set forth in his letter dated March 2, 2023.
2. It hereby authorizes the release of the performance guarantees in accordance with the second Bond Reduction in the reduced amount of \$881,324.00 as follows:

Reduced Performance Bond in the amount of:	\$793,192.00
Reduced Cash Bond in the amount of:	\$ 88,132.00

3. Due to the fact that the overall site improvements have been in place for over two years, the requirement for a maintenance guarantee is hereby waived.

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

- A. Borough Land Use Board Engineer;
- B. Borough Chief Financial Officer;
- C. Developer;
- D. Borough Construction Official;
- E. Borough Attorney;
- F. Borough Land Use Board Secretary.

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

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

RESOLUTION 23-082

**AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF \$11,832,306 BOND
ANTICIPATION NOTES OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW
JERSEY TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY, AND DETERMINING VARIOUS
MATTERS IN CONNECTION THEREWITH**

WHEREAS, the Borough of Highlands, in the County of Monmouth, New Jersey (the “Borough”) has heretofore adopted, from time to time, various bond ordinances (the “Bond Ordinances”) authorizing various capital improvements, and the issuance and sale, from time to time, of its bonds and bond anticipation notes in order to finance such capital improvements; and

WHEREAS, the Bond Ordinances authorize the Chief Financial Officer to sell any bond anticipation notes thereunder at public or private sale, as determined by the Chief Financial Officer; and

WHEREAS, the Borough has applied to The Monmouth County Improvement Authority (the “MCIA”) to participate in its pooled governmental note financing program (the “Program”); and

WHEREAS, under the Program, the MCIA will issue and sell its pooled notes (the “MCIA Notes”), which MCIA Notes will be secured by (i) payments by various governmental entities located in Monmouth County (including the Borough) under various notes issued by such entities to the MCIA and (ii) the unconditional guaranty of the County of Monmouth (the “County”); and

WHEREAS, on March 8, 2023, the New Jersey Local Finance Board held a hearing and issued positive findings in respect of the issuance of the MCIA Notes by the MCIA; and

WHEREAS, the Borough wishes to participate in the Program, and to issue and sell all or a portion of its bond anticipation notes to the MCIA; and

WHEREAS, the Borough will receive a proposal for the purchase of such bond anticipation notes from the MCIA, which purchase will be effected through a note purchase agreement to be entered into between the Borough and the MCIA; and

WHEREAS, the Borough acknowledges that the MCIA intends to execute a contract of purchase with an underwriter pertaining to the sale of the MCIA Notes, the proceeds of which shall be used by the MCIA, inter alia, to purchase the such bond anticipation notes of the Borough; and

WHEREAS, the Borough now wishes to authorize the issuance and sale of its bond anticipation notes, and the issuance and sale of all or a portion thereof to the MCIA;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, as follows:

SECTION 1. The Chief Financial Officer is hereby authorized to cause all or a portion of its bond anticipation notes (the “Program Notes”) to be issued and sold to the MCIA in accordance with the Program.

SECTION 2. The terms and conditions of the sale of the Program Notes to the MCIA shall be set forth in a Note Purchase Agreement to be dated on or about the date of pricing of the MCIA Notes, between the MCIA and the Borough. The execution and delivery by the Mayor, the Business Administrator or the Chief Financial Officer of the Borough (each, an “Authorized Officer”) of the Note Purchase Agreement, in such form as shall be approved by such officer, is

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

hereby authorized, such approval to be conclusively evidenced by such officer's execution thereof.

SECTION 3. The Borough hereby authorizes the use of certain information concerning the Program Notes and the Borough in the Preliminary Official Statement and final Official Statement of the MCIA, to be used in connection with the marketing and sale of the MCIA Notes.

SECTION 4. The execution and delivery by an Authorized Officer of a Continuing Disclosure Agreement, if any, to be dated as of the date of closing of the MCIA Notes, between the Borough and the trustee for the MCIA Notes, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer's execution thereof.

SECTION 5. A portion of the proceeds of sale of the Program Notes to the MCIA may be retained by the MCIA as payment for the Borough's allocable share of issuance expenses and expenses related to the County Guaranty. Any Authorized Officer is hereby authorized and directed to pay all of the costs associated with the sale and issuance of the Program Notes.

SECTION 6. The Authorized Officers and any other officer of the Borough, and the staff and consultants of the Borough, are hereby authorized and directed to take all actions and execute any other agreement which may be necessary or convenient to effectuate the terms of this resolution in connection with the issuance, sale and delivery of the Program Notes, which includes the review and delivery of a preliminary official statement and official statement on behalf of the Borough, and the execution of the Note Purchase Agreement, the Continuing Disclosure Agreement, if any, and any other agreement to be executed in connection with the issuance of the Program Notes or the MCIA Notes.

SECTION 7. This resolution shall take effect immediately.

Mr. Muscillo explained that the Borough wants to take advantage of the recently dropped interest rate by MCIA. Councilmember Melnyk asked for confirmation that this is just refinancing of existing liabilities and Mr. Muscillo confirmed so.

Motion: Chelak

Second: Olszewski

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

Abstain: None

Absent: None

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 23-083
CERTIFYING AND APPROVING 2021 LOSAP CONTRIBUTIONS**

WHEREAS, the Length of Service Award Program (LOSAP) has been implemented in accordance with Chapter 388 of the Laws of 1997 (*N.J.S.A 40A: 14-183 et seq.*), to reward members of the Highlands First Aid Squad for their loyal, diligent and devoted services to the residents of the Borough of Highlands; and,

WHEREAS, LOSAP shall provide for annual contributions, by the Borough of Highlands, to a deferred income account, for each eligible member that meets the criteria as outlined in Ordinance 04-09; and,

WHEREAS, the following First Aid and Fire Department members have met all criteria required to receive a LOSAP contribution in the amount set opposite their name.

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

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the LOSAP annual contributions, from the Borough of Highlands, to a deferred income account for each volunteer member listed below, having met the criteria, be made in accordance with the plan established by the Borough of Highlands pursuant to P.L. 1997, c. 388.

BE IT FURTHER RESOLVED that a certified copy of this resolution be returned to each emergency service organization, where it shall be posted for no less than 30-days, as well as in the office of the Municipal Clerk.

Department	Name	Points	Amount
First Aid Squad	Christian Castro	120	1,150.00
	Larry Chesal	136	1,150.00
	Neriko Doerr	147.5	1,150.00
	Bryan Foeri	112	1,150.00
	Billy Mount	177.5	1,150.00
	Marci Mount	148.5	1,150.00
	Rosemary Ryan	186.5	1,150.00
	Warren Terwilliger	229	1,150.00
	Nancy Tran	155.5	1,150.00
	Cody Valkos	142.5	1,150.00
	Nicole Ziegler	200.5	1,150.00
TOTAL First Aid Squad			\$12,650.00
Fire Department	Michael Armstrong	141	1,150.00
	Mark Bedford	136	1,150.00
	Joseph Blewett Sr.	198	1,150.00
	Gary Branin, Sr.	120	1,150.00
Department	Name	Points	Amount
Fire Department	Joseph B. Branin	134	1,150.00
	Joseph M. Branin	126	1,150.00
	Kevin Branin	109	1,150.00
	Brian Burton	141	1,150.00
	William Caizza	340	1,150.00
	Christopher Creighton	155	1,150.00
	Richard Diebold	130	1,150.00
	Edward Edelbach	204	1,150.00
	Wallace Hartsgrove	152	1,150.00
	Martin Hawley Sr.	222	1,150.00
	Matthew Kane	191	1,150.00
	Rebecca Kane Wells	227	1,150.00
	William Kane	361	1,150.00
	Peter Lynch	162	1,150.00
	Patrick Mason	173	1,150.00
	Matthew Mezey	209	1,150.00
	Stephanie Mezey	122	1,150.00
	Paul Murphy	197	1,150.00
	Kevin O'Donnell Sr.	183	1,150.00
	Wayne Occipinto	139	1,150.00
	David Parker	237	1,150.00
	Charles Roemmele	148	1,150.00
	Thomas Snow	315	1,150.00
	Andrew Soyka	207	1,150.00
	Dennis Soyka	185	1,150.00
	Edward Sulkowski	204	1,150.00
	Rudolph Trivett Jr.	315	1,150.00

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

	Rudolph Trivett Sr.	304	1,150.00
	Eugene Ventimiglia	127	1,150.00
	Charles Wells	216	1,150.00
Total Fire Department			\$39,100.00

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

RESOLUTION 23-084

APPROVING CHANGE ORDER NO. 1 FOR IMPROVEMENTS TO GERTRUDE EDERLE PARK PROJECT

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

WHEREAS, in accordance with the aforesaid contract award, the amount of the contract that was awarded to TC Landscape Construction was in the amount of \$181,800.00; and

WHEREAS, by letter dated March 1, 2023, the Project Engineer, CME Associates, advised that it was necessary to reconstruct the tiered landscape bed as requested by the Highlands Garden Club and approved by the Borough; and

WHEREAS, Change Order No. 1 reflects an increase of \$27,700.00, thereby increasing the Contract amount from \$181,800.00 to \$209,500.00; and

WHEREAS, in accordance with the aforesaid letter, the Project Engineer recommended that the Borough approve Change Order No. 1 in order to allow for the tiered landscape bed reconstruction to be completed.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, that based on the recommendation from the Project Engineer, CME Associates, Change Order No. 1 changing the Contract amount from \$181,800 to \$209,500.00, which is an increase of \$27,700.00, 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 TC Landscape Construction.

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

RESOLUTION 23-085

APPROVING CLOSEOUT CHANGE ORDER AND DECLARING ACCEPTANCE OF THE CONTRACT FOR SOUTH BAY AVENUE AND HILLSIDE AVENUE IMPROVEMENTS PROJECT

WHEREAS, by way of Resolution 22-098 duly adopted on April 6, 2022, Jo-Med Contracting Corp. was awarded a contract for the South Bay Avenue and Hillside Avenue Improvements Project; and

WHEREAS, the contract awarded to Jo-Med Contracting Corp. was in the amount of \$657,065.22; and

WHEREAS, the Project Engineer, CME Associates, has advised that the project is complete at this time, including all previously issued punch list items. The change order reflects increases and

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

decreases in original contract quantities required to complete the project; and

WHEREAS, CME Associates has advised that the Closeout Change Order results in a decrease in the project cost from the original amount of \$657,065.22 to an adjusted total of \$576,482.41, for a decrease of \$80,582.81, as specifically set forth in their correspondence dated March 3, 2023; and

WHEREAS, in accordance with the requirements of the aforesaid contract, Jo-Med Contracting Corp. has submitted a two (2) year Maintenance Bond in the amount of \$86,472.36, which is fifteen (15) percent of the final Contract Amount; and

WHEREAS, the Project Engineer, CME Associates, has recommended authorizing the aforesaid Change Order, releasing the Performance Bond and accepting the project.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that based on the above recommendations from the Project Engineer, CME Associates, that the Closeout Change Order changing the original contract amount to \$576,482.41, for a decrease of \$80,582.81, be and is hereby approved.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands, that it hereby acknowledges that this project has been satisfactorily completed and accepts same.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands that it authorizes the acceptance of the two (2) year Maintenance Bond No. BX22009591000178MB in the sum of \$86,472.36 issued by Bondex Insurance Company.

BE IT FURTHER RESOLVED, that any lien claims filed more than sixty (60) days after the adoption of this Resolution shall be ineffective pursuant to N.J.S.A. 2A:44-132.

BE IT FURTHER RESOLVED, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed, the Borough of Highlands shall release Performance Bond No. BX22009591000178, issued by Bondex Insurance Company in the amount of \$657,065.22.

BE IT FURTHER RESOLVED, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed, a voucher authorizing final payment of any sums due to the Contractor may be listed upon the bill list for action.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded to the Chief Financial Officer, the Project Engineer, Purchasing Agent and Jo-Med Contracting Corp.

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

**RESOLUTION 23-086
AUTHORIZING REFUND OF CURB CUT DEPOSIT**

WHEREAS, the Borough of Highlands has reviewed the following deposit account:

<u>Account #</u>	<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
T-03-56-850-000-001	Jacob Fry	25	5	\$500.00

WHEREAS, no further review is needed for the above account and the applicant has requested that the remaining funds be refunded; and

WHEREAS, the Superintendent of the Department of Public Works has inspected the

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

opening and has deemed the work completed satisfactory.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund the above referenced applicant their remaining deposit funds.

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

**RESOLUTION 23-087
AUTHORIZING PAYMENT OF BILLS**

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

Current Fund	\$ 866,311.94
Sewer Account	\$ 54,057.64
Capital Fund	\$ 771,643.58
Trust-Other	\$ 28,519.30
<u>Federal/State Grants</u>	<u>\$ 54.50</u>
Total	\$ 1,720,586.96

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$ 1,720,586.96** 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
Abstain: None
Absent: None

**RESOLUTION 23-088
EXTENDING SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF MIDDLETOWN FOR
BUILDING DEPARTMENT SERVICES**

WHEREAS, the Borough of Highlands entered into a Shared Services Agreement with the Township of Middletown for Building Department Services for a period of four (4) years beginning January 1, 2019 and ending December 31, 2022, with a one (1) year renewal option; and

WHEREAS, in accordance with the terms of the said Shared Services Agreement, the Township of Middletown would provide the following building department services to the Borough of Highlands; (a) Construction Official, (b) Building Subcode Official, (c) Fire Subcode Official, (d) Electrical Subcode Official, (e) Plumbing Subcode Official; (f) Zoning Officer; (g) Floodplain Manager, (h) Inspectors for each Subcode and Certificate of Occupancy and (i) related clerical and technical support staff; and

WHEREAS, the Borough of Highlands would provide part-time Code Enforcement services for the Leonardo and Monmouth Hills sections of Middletown; and

WHEREAS, as set forth in the Shared Services Agreement, the fee for the above services provided by Middletown Township would be \$192,500.00 per year paid on a quarterly basis by the Borough of Highlands in increments of \$48,125.00 per quarter and should the one (1) year renewal option be

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

exercised, the rate would increase three percent (3%) for the renewal year; and

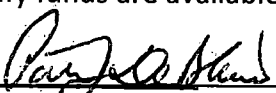
WHEREAS, the Borough of Highlands desires to extend the terms of the Shared Services Agreement for a period of one (1) year ending on December 31, 2023; and

WHEREAS, in accordance with the terms of the extension of the aforesaid Shared Services Agreement, the Borough of Highlands shall pay the Township of Middletown \$198,275.00 in quarterly payments of \$49,568.75; and

WHEREAS, the Borough of Highlands notified the Township of Middletown of its desire to extend the terms of the Shared Services Agreement for a period of one (1) year ending on December 31, 2023; and

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

I hereby certify funds are available as follows: Acct# 3-01-42-735-000-299



Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Borough of Highlands hereby approves an extension of the Shared Services Agreement with the Township of Middletown for Building Department Services as set forth above, for a period of one (1) year ending December 31, 2023, in an amount not to exceed \$198,275.00 payable in quarterly payments of \$49,568.75.

BE IT FURTHER RESOLVED, that the Borough of Highlands will provide part-time Code Enforcement Services for the Leonardo and Monmouth Hills sections of Middletown Township until December 31, 2023.

BE IT FURTHER RESOLVED that the Mayor and Borough Administrator are hereby authorized to execute any and all documents necessary to effectuate the purpose of this Resolution.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Borough of Highlands Chief Financial Officer, Administrator and Municipal Attorney, the Middletown Township Administrator and the Municipal Clerk of Middletown Township.

Motion: Mayor Broullon

Second: Olszewski

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

Abstain: None

Absent: None

**RESOLUTION 23-089
APPROVING FIRST AID SQUAD APPLICATION**

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

Russell Karshmer

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

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

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

Motion: Mayor Broullon

Second: Olszewski

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

Abstain: None

Absent: None

**RESOLUTION 23-090
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR PROFESSIONAL SERVICES IN CONNECTION WITH
THE CONGRESSIONAL DIRECTED SPENDING APPLICATIONS PROJECT**

WHEREAS, the Borough of Highlands has a need for Professional Services in connection with the Congressional Directed Spending Applications Project 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 March 13, 2023, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the said proposal is for Professional Services in connection with the Congressional Directed Spending Applications Project and includes the following:

- Preparation and submittal of six (6) FY2023 Congressional Directed Spending Applications to Congressman Pallone, Senator Booker and Senator Menendez, as well as assistance with providing cost details, coordinate items needed, provide letters of support, and prepare and submit applications. The scope and fee does not include developing new materials in response to Requests for Information (RFI) from the granting agencies, such as new Benefit Costs Analyses (BCA); one application will be submitted to each of the three (3) offices for each of the following two (2) projects:
 1. Highlands & Monmouth Hills Flood Mitigation and Green Infrastructure Project (application pending with FEMA); and
 2. Veterans Memorial Park – Living Shoreline (USDOD REPI grant awarded for design and permitting).

Total Fee Estimate: \$5,950.00; and

WHEREAS, such Professional Services can only be provided by licensed professionals and the firm of Colliers Engineering & Design, Inc., 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701 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 Services in connection with the Congressional Directed Spending Applications Project; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$5,950.00 for professional services as stated in Colliers Engineering & Design, Inc.'s proposal dated March 13, 2023; and

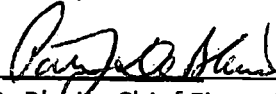
WHEREAS, Colliers Engineering & Design, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Colliers Engineering & Design, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one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

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

I hereby certify that funds are available as follows: Acct# 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. Colliers Engineering & Design, Inc. is hereby retained to provide Professional Services in connection with the Congressional Directed Spending Applications Project as outlined above for an amount not to exceed \$5,950.00.
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: Olszewski

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

Abstain: None

Absent: None

RESOLUTION 23-091

AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH MONMOUTH HILLS, INC. REGARDING A COOPERATIVE EFFORT FOR IMPROVING STORM WATER SYSTEMS AND GREEN INFRASTRUCTURE TO SATISFY NJDEP RULES

WHEREAS, by Resolution 22-207 the Borough of Highlands retained the services of Colliers Engineering & Design, Inc. in connection with its Monmouth Hills/Snug Harbor Combined Storm Water Mitigation-Permit Plans; and

WHEREAS, by Resolution 22-220 the Borough of Highlands previously authorized the application for a Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) grant in connection with the Borough of Highlands and Monmouth Hills flood mitigation and green infrastructure project; and

WHEREAS, the Borough of Highlands and Monmouth Hills, Inc. desire to enter into a memorandum of understanding providing for the cooperation of the two entities in support of the flood mitigation and green infrastructure project and grant process, and further providing for the responsibility of both entities for the cost and maintenance of the project; and

WHEREAS, each party agrees to share in the costs and responsibilities of making formal applications to the NJDEP and FEMA for obtaining permits to construct and maintain new infrastructure for purposes of improving storm water facilities and flood mitigation features, and

WHEREAS, the memorandum of understanding shall include that the Borough of Highlands will take full maintenance responsibility for all new structures within Highlands property, and that Monmouth Hills will take full responsibility for all structures and non-structural features inside the Monmouth Hills Land. The Borough will engage its Department of Public Works and/or third party

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

vendors to be responsible for inspection and maintenance of a new underground storage facility and new pump stations; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Mayor and Borough Administrator be and are hereby authorized to execute Memorandum of Understanding with Monmouth Hills, Inc. outlining the parties' cooperation in support of the flood mitigation and green infrastructure project and grant process, and further providing for the responsibility of both entities for the cost and maintenance of the project, in a form to be reviewed and approved by the Borough Attorney.

BE IT FURTHER RESOLVED, that the Mayor and Borough Administrator are hereby authorized to execute such documents and to undertake such acts as are reasonable and necessary to accomplish the purposes of this Resolution.

Motion: Mayor Broullon

Second: Olszewski

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

Abstain: None

Absent: None

REPORTS:

Mayor Broullon: reported that the Borough received a \$1.3 million grant from NJDOT toward the collaborative storm water improvement project with Monmouth Hills

Councilmember Melnyk: noted the upcoming Beach Sweeps event.

Councilmember Chelak: reported on the recent Environmental Commission meeting and their desire to meet with the Borough Engineer regarding the steep slope ordinance. She asked Mr. Pavlick about the status of Overlook Park project. Mr. Pavlick answered that they were waiting for announcements of grants.

Councilmember Cervantes: reminded everyone about the upcoming St. Patrick's Day parade on the weekend.

Mayor Broullon summarized the change orders for the Ederle Park project and the South Bay & Hillside Avenues Improvement project. She added that they submitted a letter of intent for a grant proposal for Huddy Park.

Mr. Pavlick reported on the status of the Sanitary Sewer project.

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

PUBLIC PORTION:

Tina Kemmer, Linden Ave., asked about the status of the solid waste and recycling RFP. Mr. Muscillo answered that it would be posted shortly. Ms. Kemmer asked about the status of trailer park. Mr. Ball answered that the Borough is in talks with the property owner.

Angelo Vorvolakos, Hillside Ave., asked about next steps for O-23-09 and Mr. Ball explained about the procedure and the public hearing for April 5th.

Joe Dorin, Valley Ave., inquired about the Borough Engineer's report on 14th North Peak. Mr. Pavlick answered that it would be ready shortly. Mr. Dorin summarized his ordeal with the property.

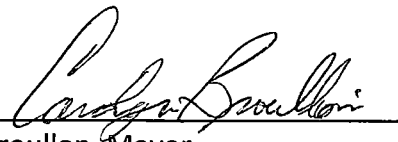
Michael Cannon, Central Ave., stated that he was looking forward to the completion of the Sanitary Sewer Improvement project and asked if updates could be posted on the Borough website. He asked if R 23-081 included public easement.

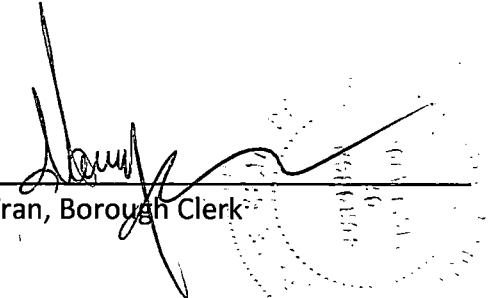
Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
March 15, 2023 – Meeting Minutes

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

ADJOURNMENT:

Offered by Mayor Broullon and Seconded by Councilmember Chelak. All in Favor. None opposed.
Meeting adjourned at 7:48pm

Approve: 
Carolyn Broullon, Mayor

Attest: 
Nancy Tran, Borough Clerk

