



Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
May 17, 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 Melnyk, Council President Olszewski, and Mayor Broullon were present. Councilmember Chelak was absent.

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

**RESOLUTIONS:**

**RESOLUTION 23-121**

**ACCEPTING THE VOLUNTARY WITHDRAWAL OF RETAIL LIQUOR LICENSE CORPORATE  
STRUCTURE CHANGE APPLICATION FOR INLET CAFE, LICENSE NUMBER 1317-33-007-004**

**WHEREAS**, on June 13, 2022, the applicants Inlet Cafe Inc and My 5 Sons Inlet LLC filed a Corporate Structure Change application for plenary retail consumption license number 1317-33-007-004; and

**WHEREAS**, the Borough's Police Department conducted the necessary background investigation, including but not limited to a source of funds investigation; and

**WHEREAS**, after the applicant's delay in providing necessary records to the Police Department, ultimately financial records including a mortgage statement, bank statements, and tax returns were provided for review; and

**WHEREAS**, the Police Department determined that the source of funds for My 5 Sons Inlet LLC's interest in the license was a Small Business Administration (SBA) Economic Injury Disaster Loan (EIDL), loan number 253638001; and

**WHEREAS**, after review of the documentation and consultation with the SBA, the Police Department determined that the SBA EIDL loan was an ineligible source of funds; and

**WHEREAS**, the Police Department provided months for My 5 Sons Inlet LLC to secure alternate funding and provide proof of same as an eligible source of funds, but no such proof of eligible funding was provided; and

**WHEREAS**, the Borough provided notice to the licensed entities sent on April 17, 2023 via certified and regular mail that the governing body would conduct a public hearing on the invalidation of the corporate structure change at the Mayor and Council Meeting on May 3, 2023; and

**WHEREAS**, after the May 3, 2023 Mayor and Council Meeting, My 5 Sons Inlet LLC through its counsel, Thomas Jannarone, Esq., submitted written confirmation dated May 17, 2023, that the applicant wishes to voluntarily withdraw the corporate structure change application dated June 13, 2022, and resubmit a new corporate structure change application at such time that the applicant secures an eligible source of funds.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Highlands hereby accepts My 5 Sons Inlet LLC's voluntary withdrawal of the Corporate Structure Change application

Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
May 17, 2023 – Meeting Minutes

for plenary retail consumption license number 1317-33-007-004.

**BE IT FURTHER RESOLVED**, that the applicant shall submit a revised Corporate Structure Change application within thirty days.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution will be forwarded to the applicants, Inlet Cafe Inc and My 5 Sons Inlet LLC.

Mr. Ball explained the resolution prior to Council voting.

Motion: Mayor Broullon

Second: Melnyk

Ayes: Melnyk, Olszewski, Mayor Broullon

Recuse: Cervantes

Absent: Chelak

**RESOLUTION 23-122**  
**AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF**  
**HIGHLANDS AND CAPTAIN’S COVE MARINA, LLC CONCERNING THE REPAIR OF**  
**WASHINGTON AVENUE**

**WHEREAS**, Captains Cove Marina (hereafter the “Marina”) has proceeded with efforts to repair the bulkhead located on property known as Block 84, Lot 2.01 in the Borough of Highlands; and

**WHEREAS**, the Borough has alleged that while the bulkhead was installed to the satisfaction of the DEP, portions of the Borough’s Road and curbing along Washington Avenue have been damaged as a result of construction; and

**WHEREAS**, the Borough Engineer has opined that Washington Avenue has been undermined throughout the construction, and especially during a significant storm event in December 2022 when the tide rose through gaps in the bulkhead that were not properly secured and closed during construction; and

**WHEREAS**, the Marina submitted a Mercantile License Application for the year 2023, which was denied by the Borough Administrator due to safety concerns until such time that Washington Avenue is restored; and

**WHEREAS**, the Marina has alleged that the Mercantile License was improperly withheld; and

**WHEREAS**, an agreement has been reached with respect to the restoration of Washington Avenue and operation of the Marina in order to ensure the health, safety and welfare of the residents of the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Highlands hereby authorizes the Mayor and/or the Borough Administrator to execute an Agreement between the Borough of Highlands and Captain’s Cove Marina, LLC concerning the Repair of Washington Avenue, in a form to be approved by the Borough Attorney.

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

**BE IT FURTHER RESOLVED** that the Borough Clerk shall forward a certified copy of this Resolution to the Borough Attorney.

Mr. Ball explained the resolution. Councilmember Melnyk asked if there was a timeline and Mr. Ball answered.



Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
May 17, 2023 – Meeting Minutes

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

**RESOLUTION 23-123**  
**APPROVING AN UPDATED EMERGENCY OPERATIONS PLAN**

**WHEREAS**, P.L. 1989, c. 222 mandates the development and approval of Emergency Operations Plans for all municipalities, counties and the State; and

**WHEREAS**, an Emergency Operations Plan will allow the Borough of Highlands (“the Borough”) in correlation with its Office of Emergency Management to better prepare and manage jurisdiction-wide emergencies; and

**WHEREAS**, the Borough must submit an Emergency Operations Plan through the County Office of Emergency management to the State Office of Emergency Management for recertification every two (2) years; and

**WHEREAS**, the Borough is due to and required to recertify the plan for the year 2023;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands in the County of Monmouth, State of New Jersey that it hereby authorizes and adopts a revised Municipal Emergency Operations Plan attached hereto and made part hereof.

**BE IT FURTHER RESOLVED** that the Municipal Clerk is hereby authorized and directed to send a certified true copy of this Resolution to the Monmouth County Office of Emergency Management Coordinator.

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

**CONSENT AGENDA:** Clerk Tran read the following Resolutions by title and asked for a motion to approve the Consent Agenda. Prior to voting, Councilmember Melnyk asked for clarification of R 23-124. Mayor Broullon explained that the contractor for the Marine Place Walkway Project was not the same contractor for the Marine Place bulkhead painting improvement project and Mr. Muscillo gave an update on the bulkhead painting improvement corrective actions. Resolutions and Consent Agenda vote are as follows:

**RESOLUTION 23-124**  
**APPROVING CLOSEOUT CHANGE ORDER AND DECLARING ACCEPTANCE OF THE CONTRACT FOR CDBG MARINE PLACE WALKWAY WEST PROJECT**

**WHEREAS**, by way of Resolution 22-210 duly adopted on September 7, 2022, Seacoast Construction, Inc. was awarded a contract for the CDBG Marine Place Walkway West Project; and

**WHEREAS**, the contract awarded to Seacoast Construction, Inc. was in the amount of \$539,679.00; 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 decreases in original contract quantities required to complete the project; and



**Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
May 17, 2023 – Meeting Minutes**

**WHEREAS**, CME Associates has advised that the Closeout Change Order results in an increase in the project cost from the original amount of \$539,679.00 to an adjusted total of \$547,721.55, for an increase of \$8,042.55, as specifically set forth in their correspondence dated April 19, 2023; and

**WHEREAS**, in accordance with the requirements of the aforesaid contract, Seacoast Construction, Inc. has submitted a two (2) year Maintenance Bond in the amount of \$82,158.23, 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 \$547,721.55, for an increase of \$8,042.55, 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. B1266701 in the sum of \$82,158.23 issued by Selective 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. B1266701, issued by Selective Insurance Company in the amount of \$539,679.00.

**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 Seacoast Construction, Inc.

Motion: Mayor Broullon

Second: Cervantes

Ayes: Cervantes, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Chelak

**RESOLUTION 23-125**

**AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE  
BOROUGH OF HIGHLANDS AND THE HIGHLANDS BOARD OF EDUCATION**

**WHEREAS**, the New Jersey Uniform Shared Services and Consolidation Act (C.40A:65-1 et. seq.) authorizes local governmental entities to enter into an agreement for, among other things, the sharing of services; and

**WHEREAS**, the Highlands Board of Education has requested that the Borough of Highlands provide Class III Special Law Enforcement Officers to provide security in schools in the State of New Jersey when school normally is in session or when it is occupied by students or staff; and

**WHEREAS**, the Highlands and the Highlands Board of Education wishes to enter a Shared Services Agreement for the procurement of Class III Special Law Enforcement Officers Program; and

**WHEREAS**, the term of the Agreement shall begin on September 1, 2023 and shall continue in effect until June 30, 2024, with the ability to renew the said Agreement upon mutual consent of the parties and the passage of appropriate Resolutions; and



**Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
May 17, 2023 – Meeting Minutes**

**WHEREAS**, the use of Class III Special Law Enforcement Officers shall not supplant the existing duties or responsibilities of law enforcement officers assigned or stationed at the Highlands Elementary School District.

**WHEREAS**, it is in the best interest of the Borough of Highlands to enter into the proposed Shared Services Agreement with the Highlands Board of Education; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Highlands hereby authorizes the Mayor and Borough Clerk to execute a Shared Services Agreement with the Highlands Board of Education, effective September 1, 2023 through June 30, 2024, with the ability to renew the said Agreement upon mutual consent of the parties and the passage of appropriate Resolutions.

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

**BE IT FURTHER RESOLVED** that the Borough Clerk shall forward a certified copy of this Resolution to the Highlands Board of Education.

Motion: Mayor Broullon

Second: Cervantes

Ayes: Cervantes, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Chelak

**RESOLUTION 23-126**

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES IN CONNECTION WITH HIGHLANDS' 2024 NJDOT STATE AID APPLICATIONS (HEREAFTER MUNICIPAL AID AND SAFE STREETS TO TRANSIT APPLICATIONS)**

**WHEREAS**, the Borough of Highlands has a need for professional services in connection with Municipal Aid and Safe Streets to Transit Applications, pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Colliers Engineering & Design, Inc., has set forth its proposed services in a written proposal dated May 10, 2023, a copy of which is available at the office of the Borough Clerk; and

**WHEREAS**, the scope of work includes preparation of two (2) grant applications for the 2024 round of the NJDOT State Aid Program, which is due by July 1, 2023; and

**WHEREAS**, the scope of the Municipal Aid application will be for Portland Road, Grand Tour and Jackson Street drainage and road repair, the Safe Streets to Transit application will be for Shore Drive sidewalks on the west side from Huddy Park to the town border; and

**WHEREAS**, such professional services can only be provided by licensed professionals and the firm of Colliers Engineering & Design, Inc., 101 Crawfords Corner Road, Suite 3400, Holmdel, New Jersey 07733 is so recognized; and

**WHEREAS**, the governing body has determined that it is in the best interest of the Borough to retain Colliers Engineering & Design, Inc. for professional services in connection with Municipal Aid and Safe Streets to Transit Applications; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$9,700.00 as stated in Colliers Engineering & Design, Inc.'s proposal dated May 10, 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

**Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
May 17, 2023 – Meeting Minutes**

**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:

\_\_\_\_\_  
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 Municipal Aid and Safe Streets to Transit Applications for the Borough of Highlands as outlined above for an amount not to exceed \$9,700.00.
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: Cervantes

Ayes: Cervantes, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Chelak

**RESOLUTION 23-127  
APPOINTING DONNA CONRAD TO SERVE IN THE POSITION OF DEPUTY REGISTRAR**

**WHEREAS**, the position of Deputy Registrar has been vacant since June 20, 2022; and

**WHEREAS**, N.J.S.A. 26:8-17 provides that the Local Registrar, upon acceptance of the appointment, shall appoint a Deputy Registrar to assist in the normal, day-to-day operation of the office and whose duty shall be to act in the registrar’s stead in case of absence, disability or death of the registrar; and

**WHEREAS**, Nancy Tran, the Local Registrar, has made the determination to appoint Donna Conrad to fill the position of Deputy Registrar and the Governing Body of the Borough of Highlands desires to confirm that appointment by Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Borough of Highlands, that Donna Conrad be and is hereby appointed to serve as Deputy Registrar.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its enactment.

Motion: Mayor Broullon

Second: Cervantes

Ayes: Cervantes, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Chelak



Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
May 17, 2023 – Meeting Minutes

**RESOLUTION 23-128  
AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated May 11, 2023, which totals as follows:

Current Fund	\$ 1,145,974.61
Sewer Account	\$ 53,934.85
Capital Fund	\$ 438,009.34
Trust-Other	\$ 1,441.00
Federal/State Grants	\$ 36,617.08
<b>Total</b>	<b>\$ 1,675,976.88</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ **1,675,976.88** 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](http://www.highlandsborough.org) and on file in the Municipal Clerk's office for reference.

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

**RESOLUTION 23-129  
ACKNOWLEDGING RECEIPT AND REVIEW OF THE LAND USE BOARD CONSISTENCY REPORT  
FOR ORDINANCE 0-23-07**

**WHEREAS**, the Borough of Highlands introduced Ordinance O-23-07, Adding Section 21-65.6A to authorize and encourage electric vehicle supply/service equipment (EVSE) & Make-Ready Parking Spaces, on March 15, 2023; and

**WHEREAS**, the Borough referred the aforesaid Ordinance to the Land Use Board pursuant to N.J.S.A. 40:55D-26(a); and

**WHEREAS**, the Land Use Board reported its findings by and through the issuance of a Report dated May 11, 2023 and found that the proposed development regulation, revision or amendment thereto is consistent with the Borough's Master Plan; and

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council acknowledges receipt of the Land Use Board's Report and has reviewed the said Report which finds the Ordinance to be consistent with the Borough's Master Plan.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Land Use Board Secretary.

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

**RESOLUTION 23-130  
ACKNOWLEDGING RECEIPT AND REVIEW OF THE LAND USE BOARD CONSISTENCY REPORT  
FOR ORDINANCE O-23-08**

**WHEREAS**, the Borough of Highlands introduced Ordinance O-23-08, Adding Chapter 21 (Zoning and Land Use Regulations), Sections 21-65.19A (“Solar Energy”) of the Revised General Ordinances of the Borough of Highlands related to Solar Energy Systems, on March 15, 2023; and

**WHEREAS**, the Borough referred the aforesaid Ordinance to the Land Use Board pursuant to N.J.S.A. 40:55D-26(a); and

**WHEREAS**, the Land Use Board reported its findings by and through the issuance of a Report dated May 11, 2023 and found the proposed development regulation, revision or amendment thereto is consistent with the Borough’s Master Plan; and

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council acknowledges receipt of the Land Use Board’s Report and has reviewed the said Report which finds the Ordinance to be consistent with the Borough’s Master Plan.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Land Use Board Secretary.

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

**RESOLUTION 23-131  
APPROVING FIRST AID SQUAD APPLICATION**

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

Douglas Ziegler

**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.

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

**RESOLUTION 23-132  
FORMAL RECOGNITION OF ARTISTS AND LOCAL ORGANIZATIONS IN THE COMMUNITY**

**WHEREAS**, creative thinkers and makers provide their communities with joy, interaction, and inspiration; and

**WHEREAS**, local Artisans are a vital element to the lives blood of the Borough of Highlands; and

**WHEREAS**, the Borough of Highlands has a strong commitment to foster local artisans and



**Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
May 17, 2023 – Meeting Minutes**

organizations to share their art to help beautify the Borough; and

**WHEREAS**, the Borough actively engages with organizations and individuals who actively support, promote and beautify our community; and

**WHEREAS**, Artisans are encouraged to promote their events in cooperation with the Highlands Recreation Department and in parks throughout the Borough; and

**NOW THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Highlands, formal recognition is hereby given to the following organizations that help to beautify our community:

Highlands Art Collective  
Highlands Borough Arts Council  
Highlands Business Partnership  
Highlands Film Fest  
Highlands Garden Club  
Highlands Historical Society  
Highlands Lions Club

Motion: Mayor Broullon

Second: Cervantes

Ayes: Cervantes, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Chelak

**RESOLUTION 23-133  
APPROVING DISCHARGE OF FIREWORKS BY SERPICO PYROTECHNICS**

**WHEREAS**, Serpico Pyrotechnics, Toms River, NJ has applied for a permit to conduct a fireworks display on May 20, 2023 for a private wedding at the Seafarer on Atlantic Street; and

**WHEREAS**, a Resolution of the governing body is required to grant permission for the public display of fireworks; and

**WHEREAS**, the contracted designated fireworks company, Serpico Pyrotechnics, has submitted a permit application, certificate(s) of insurance, a site diagram and other pertinent information, in conjunction with a fireworks display that will take place at the Seafarer on Atlantic Street on May 20, 2023 as part of a wedding celebration.

**WHEREAS**, the Borough's Fire Marshal has reviewed the application and requests that the governing body approve said fireworks display subject to the following conditions:

1. The fireworks will be discharged from a float on the water and controlled by remote on Honey Suckle Lodge Beach.
2. The Fire Permit Application and Site Plan supplied in the May 13, 2023 Serpico Pyrotechnics Fire Permit – Fireworks application must be adhered to and may only be modified by prior approval of the Fire Marshal.
3. Application fee of \$427.00 is submitted.
4. The display will occur between 9:15pm and 9:45pm and for a period of no longer than 5 minutes in duration on May 20, 2023.
5. Arrangements for the Highlands Fire Department to be on standby will be made.
6. All required insurance/coverages will remain in-effect during the display activity as provided in the May 13, 2023 application.
7. An appropriate Hold Harmless Agreement is completed.
8. All local, state and federal regulations that apply to this display event will be adhered to including, but not limited to: ICC Fire Code NJ Edition 2015 and NFPA-1123/1124/1126, as applicable.

**Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
May 17, 2023 – Meeting Minutes**

9. A post-display search will be conducted of the display area to ensure no burning debris or embers remain.
10. An operations report detailing any issues and confirming the after-display search was conducted shall be sent to the Fire Marshal within 48 hours of completion of the fireworks display; and

**WHEREAS**, the applicant must comply with all Federal, State, and local laws as they pertain to the said discharge of fireworks from the location set forth in their application; and

**WHEREAS**, the applicant must provide the appropriate Certificates of Insurance naming the Borough as an additional insured to the satisfaction of the Borough Administrator.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Highlands, does hereby approve the discharge of fireworks by Serpico Pyrotechnics for a private wedding at the Seafarer on Atlantic Street, on May 20, 2023, subject to the applicant's compliance with all Federal, State, and local laws as well as the issuance of any and all permits necessary from the said entities; providing appropriate Certificates of Insurance naming the Borough as an additional insured to the satisfaction of the Borough Administrator; meeting all of the conditions of the Borough's Fire Marshal subject to satisfactory inspection by the Borough's Fire Marshal, as well as the issuance of a Fire Permit by the Borough's Fire Marshal pursuant to the requirements of the New Jersey Fire Code.

**BE IT FURTHER RESOLVED**, that the Borough officials, including but not limited to, the Borough Administrator and the Borough Fire Marshal be and are hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes of this Resolution.

**BE IT FURTHER RESOLVED**, that the Borough Clerk forward a certified copy of this Resolution to Serpico Pyrotechnics and the Fire Marshal.

Motion: Mayor Broullon

Second: Cervantes

Ayes: Cervantes, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Chelak

**RESOLUTION 23-134**

**APPROVING CLOSEOUT CHANGE ORDER AND DECLARING ACCEPTANCE OF CONTRACT FOR IMPROVEMENTS TO SNUG HARBOR PARK PROJECT**

**WHEREAS**, by way of Resolution 22-097 duly adopted on April 6, 2022, Whirl Construction, Inc., was awarded a contract for the Improvements to Snug Harbor Park Project; and

**WHEREAS**, the contract awarded to Whirl Construction, Inc. was in the amount of \$278,814.00 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 closeout change order reflects increases and 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 amount of \$278,814.00 to an adjusted total of \$270,609.79, for a decrease of \$8,204.21, as specifically set forth in their correspondence dated May 12, 2023; and

**WHEREAS**, in accordance with the requirements of the aforesaid contract, Whirl Construction, Inc. has submitted a two (2) year Maintenance Bond in the amount of \$40,591.47, which is fifteen (15) percent of the final Contract Amount; and

**WHEREAS**, the Project Engineer, CME Associates, has recommended authorizing the aforesaid



**Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
May 17, 2023 – Meeting Minutes**

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 contract amount to \$270,609.79, for a decrease of \$8,204.21, 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. 56368 in the sum of \$40,591.47 issued by The Service Insurance Company, Inc.

**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. 53295, issued by The Service Insurance Company, Inc. in the amount of \$278,814.00.

**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 Whirl Construction, Inc.

Motion: Mayor Broullon

Second: Cervantes

Ayes: Cervantes, Melnyk, Olszewski, Mayor Broullon

Abstain: None

Absent: Chelak

**REPORTS:**

Mayor Broullon: noted the upcoming Craft Fair and Farmer's market schedule.

Councilmember Melnyk: noted the upcoming Lions Club pancake breakfast and upcoming Recreation Department events and activities.

Council President Olszewski: gave an update on the elementary school.

Mayor Broullon stated that there is a joint Regionalization meeting in Atlantic Highlands and gave a report of the Green Team,

Mr. Matlack: gave an update on the Sanitary Sewer project.

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

**PUBLIC PORTION:**

Tina Kemmer, Linden Ave., asked about access for the residents of Linden and Waterwitch Avenues during the Sanitary Sewer work. Mr. Matlack assured her that notice will be properly given to the residents of construction work to ensure access to their homes. Mayor Broullon added that work would only be done between the hours of 7am – 5pm. She shared a recent story of her mom's positive interaction with a Highlands police officer and a NJ American Water worker and expressed gratitude for the kindness shown to her mom.

Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
May 17, 2023 – Meeting Minutes

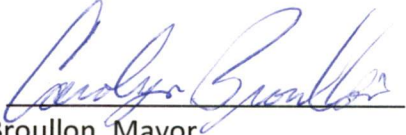
With no further comments from the public, Mayor Broullon closed the Public Portion.

**ADJOURNMENT:**

Offered by Mayor Broullon and seconded by Council President Olszewski. All in Favor. None opposed. Meeting adjourned at 7:19pm

Approve:

Carolyn Broullon, Mayor



Attest:

Nancy Tran, Borough Clerk

