



Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
September 20, 2023 – Meeting Minutes

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

MEETING STATEMENT: The following public meetings statement was read.

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

PLEDGE OF ALLEGIANCE

Mayor Broullon then asked for a moment of silence to remember Former Atlantic Highlands Mayor Helen Marchetti who recently passed away.

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

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

APPROVAL OF MINUTES:

September 6, 2023 Meeting Minutes

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

September 6, 2023 Executive Session Minutes

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

PUBLIC HEARING ON PROPOSED ORDINANCES

ORDINANCE O-23-19

**AMENDING BOROUGH OF HIGHLANDS REVISED GENERAL ORDINANCES CHAPTER 2
(ADMINISTRATION) SECTION 7 (ADMINISTRATIVE ORGANIZATION AND PERSONNEL POLICIES)
SUBSECTION 7.6 (PUBLIC CONTRACTING REFORM)**

WHEREAS, the State of New Jersey enacted the Elections Transparency Act, P.L. 2023, c. 30, which made significant changes to New Jersey's local pay-to-play laws; and

WHEREAS, the New Jersey Local Finance Board has recommended that municipalities repeal ordinances authorized by N.J.S.A. 40A:11-51; and

WHEREAS, the Borough of Highlands currently has a local pay-to-play law in Chapter 2, Section 7, Subsection 7.6 of the Revised General Ordinances of the Borough of Highlands which is authorized by N.J.S.A. 40A:11-51; and

WHEREAS, pursuant to the changes to the law brought forth by P.L. 2023, c. 30, it is in the best interest of the Borough of Highlands to amend its current pay-to-play law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, that Chapter 2, Section 7, Subsection 7.6 of the Revised General Ordinances of the Borough of Highlands be repealed in its entirety and replaced as follows:

I
§ 2-7.6 [Reserved]

III
All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

IV
If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

V
This Ordinance shall take effect upon adoption and publication according to law.

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

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

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

INTRODUCTION OF PROPOSED ORDINANCES:

ORDINANCE O-23-20

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

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

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

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

SECTION I.

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

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

Highlands Borough Mayor & Council Meeting Minutes
 Community Center, 22 Snug Harbor Avenue, Highlands
 September 20, 2023 – Meeting Minutes

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

Schedule of Fees

A. - C. No change.

D. Floodplain review Floodplain Development Permit	
Residential Substantial Improvement/Damage Itemization Package	\$50 \$0
Nonresidential Non-Conversion Agreement in the 100 Year Floodplain	\$100 \$0

E. - G. No change.

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

I. - M. No change.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

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

Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on October 4, 2023.

RESOLUTIONS

RESOLUTION 23-193

ACKNOWLEDGING RECEIPT AND REVIEW OF THE LAND USE BOARD CONSISTENCY REPORT FOR COMMUNITY ENERGY PLAN

WHEREAS, the Borough of Highlands Land Use Board considered a report entitled, “The Borough of Highlands Community Energy Plan,” prepared by Kristin J. Russell, PP, AICP of Colliers Engineering & Design, dated June 2023, on August 10, 2023 (“Report”); and

WHEREAS, the Land Use Board reported its findings by and through the issuance of a Memorandum dated August 16, 2023 and found that the proposed sustainable development and resiliency strategies contained in the aforesaid report are consistent with the Borough’s Master Plan; and

WHEREAS, the Land Use Board also recommended that the governing body adopt the aforesaid Report which demonstrates the Borough’s commitment to a sustainable future which will position

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
September 20, 2023 – Meeting Minutes

the Borough favorably to receive future funding and technical assistance.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council acknowledge receipt of the Land Use Board's Memorandum and have reviewed the said Memorandum which finds the Community Energy Plan 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: Olszewski

Second: Melnyk

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

RESOLUTION 23-194

**ADOPTING COMMUNITY ENERGY PLAN PREPARED BY COLLIERS ENGINEERING & DESIGN, DATED
JUNE 23, 2023**

WHEREAS, the Borough of Highlands is committed to addressing climate change and reducing greenhouse gas emissions for current and future generations; and

WHEREAS, Colliers Engineering & Design prepared a report entitled The Borough of Highlands Community Energy Plan, dated June 23, 2023, to bring the Borough into partnership with the State's New Jersey Energy Master Plan goal of achieving 100% clean energy by 2050; and

WHEREAS, many initiatives were considered for the Borough to undertake, looking forward three (3) to five (5) years in the future, targeting community needs and taking advantage of existing opportunities; and

WHEREAS, the following priorities aligning with the Borough's interests, capacity and realistic timeframe were chosen:

Adopt supportive zoning and regulations for EV infrastructure

Train first responders on EVs and EVSE

Install public EV charging infrastructure

Adopt supportive zoning and permitting for solar

Train first responders on solar

Upgrade energy efficiency for municipal facilities

Construct new municipal buildings as model green buildings; and

WHEREAS, the Community Energy Plan is consistent with the Borough's 2016 Master Plan Reexamination Report and Amendments, wherein sustainable development and resiliency is recommended.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that it hereby adopts the Community Energy Plan prepared by Colliers Engineering & Design dated June 23, 2023 demonstrating the Borough's commitment to a sustainable future.

Motion: Melnyk

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

CONSENT AGENDA: Clerk Tran read the following Resolutions by title and asked for a motion to

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
September 20, 2023 – Meeting Minutes

approve the Consent Agenda. Resolutions and Consent Agenda vote are as follows:

**RESOLUTION 23-195
AWARDING LEASE OF MUNICIPAL PROPERTY DESIGNATED AS BLOCK 56, LOT 13 ON THE TAX
MAP OF THE BOROUGH OF HIGHLANDS**

WHEREAS, the Borough owns property designated as Block 56, Lot 13 on the Tax Map of the Borough of Highlands; and

WHEREAS, N.J.S.A. 40A:12-14 sets forth, in relevant part, that a municipality may lease any real property not needed for public use; and

WHEREAS, N.J.S.A. 40A:12-14(a) sets forth, in relevant part, that in the case of a lease to a private person, said lease shall be made to the highest bidder by open public bidding at auction or by the submission of sealed bids; and

WHEREAS, by way of Resolution 18-118, duly adopted on May 16, 2018, the Borough authorized a lease with The Proving Ground for Block 56, Lot 13 and said lease shall expire on October 31, 2023; and

WHEREAS, by way of Resolution 23-173, duly adopted August 16, 2023, the Borough authorized advertisement for and the solicitation of sealed bids for the lease of the property designated as Block 56, Lot 13 on the Tax Map of the Borough of Highlands on a non-exclusive basis for the purpose of operating a parking lot; and

WHEREAS, on September 13, 2023, the Borough of Highlands accepted bids for the lease of Block 56, Lot 13 for an initial term of one (1) year with the option to continue the lease for up to four (4) consecutive additional one (1) year terms at the option of the Borough; and

WHEREAS, the Borough received one (1) response from SmokeNMirrors LLC dba The Proving Ground for the lease of Block 56, Lot 13 in the amount of \$2,000 per month for a total of \$24,000 per year for years 1 through 5; and

WHEREAS, the Borough wishes to accept the proposal, which exceeded the minimum bid requirements contained in the public notice to bidders, and award a lease to SmokeNMirrors LLC dba The Proving Ground.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Borough hereby accepts the proposal dated September 11, 2023 from SmokeNMirrors LLC dba The Proving Ground, for the lease of Borough owned property located at Block 56, Lot 13 on the Tax Map of the Borough of Highlands on a non-exclusive basis for the purpose of operating a parking lot for an amount of \$2,000.00 per month for a total of \$24,000.00 per year.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands, that the Borough Attorney be and is hereby directed to prepare a Lease Agreement in accordance with the aforesaid terms, wherein the said lease will be for an initial term of one (1) year with the option to continue the said lease for up to four (4) consecutive additional one (1) year terms at the option of the Borough.

Motion: Mayor Broullon

Second: Chelak

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

RESOLUTION 23-196
AUTHORIZING MEMBERSHIP IN THE NEW JERSEY ASSOCIATION OF FLOODPLAIN MANAGERS
FOR HIGHLANDS BOROUGH

WHEREAS, Highlands Borough has undertaken a FEMA National Flood Insurance Program CRS Community Rating System initiative to provide credits and credit criteria of the CRS Community activities and programs that go above and beyond the minimum requirement for participation in FEMA’s National Flood Insurance Program NFIP; and

WHEREAS, the New Jersey Association of Floodplain Managers, NJAFM, provides training and certification as a Floodplain Manager and Highlands Borough has identified a CRS Team to implement flood mitigation activities; and

WHEREAS, training and certifications will reduce and avoid flood damage to insurable property; strengthen and support the insurance aspects of the National Flood Insurance Program NFIP and foster comprehensive floodplain management; and

WHEREAS, Annual Membership in the New Jersey Association of Floodplain Mangers, NJAFM, will facilitate training and educational sessions at an annual conference and with online testing for certifications; and

NOW, THEREFORE BE IT RESOLVED, that membership in the New Jersey Association of Floodplain Managers, NJAFM, is required to meet the goals of the FEMA Community Rating System CRS and the National Flood Insurance Program NFIP; and

BE IT FURTHER RESOLVED, that two members of the Highlands Administration – Kevin Rooney and Spencer Carpenter are authorized to become members of the New Jersey Association of Floodplain Managers NJAFM and to utilize all training, networking and certification activities in concert with the Association of State Floodplain Managers which has established a national program for certifying floodplain managers. This program recognizes continuing education and professional development that enhances the knowledge and performance of local state, federal and private-sector floodplain management professionals.

Motion: Mayor Broullon

Second: Chelak

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

RESOLUTION 23-197
AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated September 18, 2023, which totals as follows:

Current Fund	\$	909,063.98
Sewer Account	\$	63,597.08
Capital Fund	\$	628,115.88
Trust-Other	\$	5,813.97
Federal/State Grants	\$	720.25
Total	\$	1,607,311.16

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ **1,607,311.16** 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.

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
September 20, 2023 – Meeting Minutes

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

RESOLUTION 23-198
PROPERTY TAX CANCELLATION AND REFUND

WHEREAS, Block 3, lot 11.01 has been sub-divided and is currently tax exempt, and

WHEREAS, this property was billed taxes for the 2022 and 2023 tax years, and

WHEREAS, the Tax Collector is recommending that taxes be cancelled as follows:

2022 \$ 312.47
2023 \$ 688.06

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, that the Tax Collector cancel taxes as set forth above.

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

REPORTS:

Councilmember Chelak and Council President Olszewski had nothing to report. Councilmember Melnyk noted that Highlands Day may be cancelled due to possible rainstorm.

Mr. Muscillo reported that he'll find out tomorrow if we will get the TCO for the new municipal building. If so, then IT will start moving the computers Friday and everything should be operational by Monday afternoon.

Mr. Matlack noted that he had a preconstruction meeting for Veterans Park and that construction should start after Oktoberfest.

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

PUBLIC PORTION: None. With no comments from the public, Mayor Broullon closed the Public Portion.

EXECUTIVE SESSION: Clerk Tran read the following:

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

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

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

- Potential Litigation

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
September 20, 2023 – Meeting Minutes


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

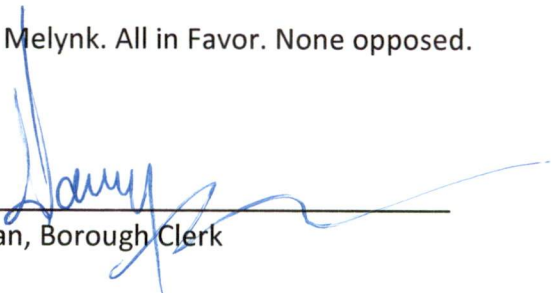
Motion: Mayor Broullon
Second: Melnyk
Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon
Nays: None
Abstain: None
Absent: Cervantes

Council entered into Executive Session at 7:07pm and exited at 7:11pm.

ADJOURNMENT:

Offered by Mayor Broullon and seconded by Councilmember Melnyk. All in Favor. None opposed.
Meeting adjourned at 7:11pm.

Approve: 
Carolyn Broullon, Mayor

Attest: 
Nancy Tran, Borough Clerk