



Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 18, 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

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., and Borough Clerk Nancy Tran.

APPROVAL OF MINUTES:

October 4, 2023 Meeting Minutes

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

October 4, 2023 Executive Session Minutes

Motion: Olszewski

Second: Melnyk

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

PUBLIC HEARING ON PROPOSED ORDINANCES

ORDINANCE O-23-21

DESIGNATING RESTRICTED PARKING IN FRONT OF RESIDENCE OCCUPIED BY PERSON WITH DISABILITIES

WHEREAS, N.J.S.A. 39:4-197.6 provides that any municipality may, by ordinance, establish a restricted parking zone in front of a residence occupied by a person with a disability provided such parking is not otherwise prohibited and the permitting thereof would not interfere with the normal flow of traffic.

WHEREAS, Ordinance 18-03 governs applications for restricted parking in front of residences occupied by persons with disabilities; and

WHEREAS, the Highlands Police Department has received an application for on-street resident parking for persons with disabilities, which has been reviewed and approved by the Chief of Police; and

WHEREAS, the governing body of the Borough of Highlands wishes to designate an appropriate space for resident parking for persons with disabilities in accordance with the recommendation of the Chief of Police.

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
October 18, 2023 – Meeting Minutes

SECTION I.

A parking space in front of 2 Rogers Street, Apt. A-4, starting 24.10 feet southwest of utility pole J584B (immediately following the designated handicap parking space for 2 Rogers Street, Apt. A-2) and continuing for a total of 23 feet, is hereby designated as a space for resident parking for persons with disabilities. This space shall be available to the residents of 2 Rogers Street, Apt. A-4. A sign shall be installed specifically identifying the parking space in accordance with Ordinance 18-03.

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.

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

Motion: Mayor Broullon
Second: Chelak
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.

CONSENT AGENDA: Prior to the Council's vote, Mayor Broullon noted that with R 23-211, this will be the last meeting at the Community Center. Councilmember Chelak asked for address of Block 56 Lot 13 referenced in R 23-204. Council President Olszewski asked for clarification of the location of the new water fountains. Resolutions and Consent Agenda vote are as follows:

RESOLUTION 23-204

AUTHORIZING EXECUTION OF A LEASE AGREEMENT FOR MUNICIPAL PROPERTY DESIGNATED AS BLOCK 56, LOT 13 ON THE TAX MAP OF THE BOROUGH OF HIGHLANDS

WHEREAS, the Borough owns the 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 the submission of sealed bids; and

WHEREAS, by way of Resolution 23-173, duly adopted on 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; and

WHEREAS, by way of Resolution 23-195, duly adopted on September 20, 2023, the Borough accepted the bid dated September 11, 2023 from Smoke N Mirrors, LLC. d/b/a The Proving Ground, and awarded the lease of municipal property designated as Block 56, Lot 13 on the Tax Map of the Borough of Highlands 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; and

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 18, 2023 – Meeting Minutes

WHEREAS, by way of Resolution 23-195, the Borough Attorney was directed to prepare a Lease Agreement consistent with the aforesaid terms, wherein the said lease would be for an initial term of one (1) year with an option to continue the said lease for up to four (4) consecutive one (1) year terms; and

WHEREAS, the parties have agreed upon the terms of a Lease Agreement, wherein the aforesaid tenant will use a portion of certain lands designated as Block 56, Lot 13 on the Tax Map of the Borough of Highlands in conformance with the terms set forth above and as contained in the Lease Agreement, wherein the commencement date of the Lease will be November 1, 2023.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the Mayor, Borough Clerk and/or Borough Administrator be and are hereby authorized to execute the aforesaid Lease Agreement permitting the tenant to use a portion of certain property owned by the Borough and designated as Block 56, Lot 13 on the Tax Map of the Borough of Highlands for the purpose of operating a parking lot.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Highlands, that true copies of the aforesaid Lease Agreement permitting the tenant to use a portion of certain property owned by the Borough, which is designated as Block 56, Lot 13 on the Tax Map of the Borough of Highlands, for the purpose of operating a parking lot, will be kept on file at the office of the Borough Clerk.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

**RESOLUTION 23-205
AWARDING CONTRACT FOR THE IMPROVEMENTS TO
BAYSIDE DRIVE AND MARIE AVENUE PROJECT**

WHEREAS, the Borough of Highlands accepted bids on September 26, 2023 for the Improvements to Bayside Drive and Marie Avenue Project; and

WHEREAS, four (4) bids were received for the aforesaid project which were reviewed by the Borough Engineer's Office, as follows:

<u>Bidder's Name</u>	<u>Base Bid</u>
KM Construction Corp.	\$233,459.00
Fiore Paving Company	\$291,007.25
D'Avellino Construction	\$291,028.00
Seacoast Construction	\$346,756.30; and

WHEREAS, KM Construction Corp. requested to withdraw its bid by way of correspondence dated September 26, 2023, in accordance with N.J.S.A. 40A:11-23.3; and

WHEREAS, by way of Resolution 23-203, duly adopted on October 4, 2023, the Borough accepted the withdrawal of KM Construction Corp.'s bid; and

WHEREAS, in light of the acceptance of the withdrawal of KM Construction Corp.'s bid, Fiore Paving Company appears to be the lowest responsible bidder for the aforesaid project; and

WHEREAS, the Borough Engineer, CME Associates, by way of correspondence dated September 28, 2023, has made the recommendation that the contract be awarded to Fiore Paving Company, as the lowest responsible bidder, for the Base Bid in the amount of \$291,007.25, subject to the availability of funds by the Chief Financial Officer of the Borough of Highlands as well as the submission of the

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 18, 2023 – Meeting Minutes**

required bonds and insurance certificates for the project and concurrence of the award by the New Jersey Department of Transportation; and

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

I hereby certify funds are available as follows: Acct#: C-04-23-101-000-201



Patrick DeBlasio, Chief Financial Officer

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

1. That the Contract for the Improvements to Bayside Drive and Marie Avenue Project is hereby awarded to Fiore Paving Company in an amount not to exceed \$291,007.25, subject to submission of the required bonds and insurance certificates for the project and concurrence of the award by the New Jersey Department of Transportation.
2. That the Mayor, Borough Administrator and Borough Clerk be and are hereby authorized and directed to take all steps necessary to engage the services of Fiore Paving Company, including executing a contract.
3. A copy of this 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 forward a certified copy of this Resolution to the Borough Engineer and to the unsuccessful bidders.

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

**RESOLUTION 23-206
AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE
BOROUGH OF HIGHLANDS AND BOROUGH OF ATLANTIC HIGHLANDS
FOR BASIC LIFE SUPPORT RESPONSE**

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act (C.40A:65-1 et. seq.) authorizes local units such as this Municipality to enter into Shared Services Agreements with other local units; and

WHEREAS, the Highlands First Aid Squad provides emergency medical services to Borough residents, and such services are supplemented through an agreement with HMM Hospitals Corporation d/b/a JFK University Medical Center (hereinafter referred to as "JFK") for continuous daytime coverage in the Highlands; and

WHEREAS, Highlands' agreement with JFK allows JFK to provide primary Basic Life Support response in Atlantic Highlands pursuant to a shared service agreement between the two municipalities; and

WHEREAS, the Borough of Highlands and Atlantic Highlands wish to enter a shared service agreement to provide for such Basic Life Support response in Atlantic Highlands in exchange for Atlantic Highlands sharing the monthly cost of JFK's services; and

WHEREAS, the Borough of Highlands and the Borough of Atlantic Highlands have reached an agreement for which the cost to provide such services to the Borough of Atlantic Highlands will be

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 18, 2023 – Meeting Minutes**

\$7,500.00 per month; and

WHEREAS, it is in the best interest of the Borough of Highlands to enter into the proposed Shared Services Agreement with the Borough of Atlantic Highlands to provide for such Basic Life Support response in Atlantic Highlands.

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 for Basic Life Support services to be provided by JFK in the Borough of Atlantic Highlands for the period of January 1, 2024 through December 31, 2024.

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a certified copy of this Resolution, along with the executed Shared Services Agreement to the following:

1. Michelle Clark, Clerk, Borough of Atlantic Highlands.
2. Robert Ferragina, Administrator, Borough of Atlantic Highlands.
3. Patrick DeBlasio, Chief Financial Officer, Borough of Highlands.
4. Elizabeth Perez, Monmouth County Shared Services.
5. NJ Department of Local Government Services.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

**RESOLUTION 23-207
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL
EMERGENCY MEDICAL SERVICES BETWEEN THE BOROUGH OF HIGHLANDS AND JFK MEDICAL
CENTER (“JFK”) FOR EMS SERVICES**

WHEREAS, the Borough of Highlands has a need for professional emergency medical services, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, John F. Kennedy Medical Center Emergency Medical Services (“JFK EMS”) is a licensed provider of Basic Life Support (BLS) and Advanced Life Support (ALS) Services by the New Jersey Department of Health and Human Services Office of Emergency Medical Service; and

WHEREAS, JFK EMS has a long history of supporting municipal BLS agencies by way of providing primary, dedicated back-up or mutual aid BLS assistance; and

WHEREAS, the Borough wishes to enter into an Agreement with JFK EMS, for the period beginning January 1, 2024 through December 31, 2024, wherein JFK shall provide a staffed and dedicated BLS ambulance from the hours of 5am to 5pm, Monday through Friday, based in the Borough of Highlands to provide primary BLS response in the Borough and mutual aid to surrounding municipalities, for a fee of \$15,000 per month; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to enter into a contract with JFK Medical Center for the proposed emergency medical services; and

WHEREAS, JFK Medical Center has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit JFK Medical Center from making any reportable contributions through the term of the contract; and

WHEREAS, JFK Medical Center has completed and submitted a Political Contribution Disclosure

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 18, 2023 – Meeting Minutes

form in accordance with P.L. 2005, c 271; and

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

I hereby certify that funds are available as follows: Account #: 4-01-42-737-000-299



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 governing body of the Borough of Highlands as follows:

1. JFK Medical Center is hereby retained to provide emergency medical services to the Borough of Highlands for an amount not to exceed \$180,000.00.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a). The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

RESOLUTION 23-208

AUTHORIZING ADOPTION OF AMENDMENTS TO THE BOROUGH'S PERSONNEL POLICIES AND PROCEDURES MANUAL AND PERSONNEL POLICIES AND PROCEDURES MANUAL SUPERVISORY SUPPLEMENT AND DISTRIBUTION OF PERSONNEL POLICIES AND PROCEDURES MANUAL AND PERSONNEL POLICIES AND PROCEDURES MANUAL SUPERVISORY SUPPLEMENT

WHEREAS the Borough determined that certain amendments and updates to the Personnel Policies and Procedures Manual are required to incorporate changes in State and Federal law and based on recommendations from the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS the Borough determined that it is necessary to distribute a revised Personnel Policies and Procedures Manual to all employees and a revised Personnel and Policies and Procedures Manual Supervisory Supplement to supervisory employees; and

WHEREAS the adoption and distribution of a revised Personnel Policies and Procedures Manual and a revised Personnel Policies and Procedures Manual Supervisory Supplement will protect the interests and rights of both the Borough and its employees; and

WHEREAS the Borough has made certain amendments and updates to the current Personnel Policies and Procedures Manual and the Personnel and Policies and Procedure Manual Supervisory Supplement to conform with the requirements set forth above; and

WHEREAS the revised Personnel Policies and Procedures Manual will be distributed to all Borough employees and the revised Personnel Policies and Procedures Manual Supervisory Supplement will be distributed to all supervisory Borough employees; and

WHEREAS Borough employees will acknowledge receipt of the revised Personnel Policies and Procedures Manual and revised Personnel Policies and Procedures Manual Supervisory

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 18, 2023 – Meeting Minutes

Supplement, as applicable; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the revised Personnel Policies and Procedures Manual and revised Personnel Policies and Procedures Manual Supervisory Supplement are adopted.

BE IT FURTHER RESOLVED that copies of the revised Personnel Policies and Procedures Manual will be distributed to all employees and the revised Personnel Policies and Procedures Manual Supervisory Supplement will be distributed to all supervisory employees, as applicable.

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

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

RESOLUTION 23-209

AUTHORIZING ADOPTION OF AMENDMENTS TO THE BOROUGH'S DRUG AND ALCOHOL POLICY FOR EMPLOYEES REQUIRED TO POSSESS A COMMERCIAL DRIVER'S LICENSE, RENAMED ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES REQUIRED TO POSSESS A COMMERCIAL DRIVER'S LICENSE AND DISTRIBUTION OF ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES REQUIRED TO POSSESS A COMMERCIAL DRIVER'S LICENSE

WHEREAS the Borough determined that certain amendments and updates to the Drug and Alcohol Policy for Employees required to Possess a Commercial Driver's License renamed Alcohol and Drug-Free Workplace Policy for Employees Required to Possess a Commercial Driver's License are required to incorporate changes in State and Federal law and based on recommendations from the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS the Borough determined that it is necessary to distribute the revised Alcohol and Drug-Free Workplace Policy for Employees Required to Possess a Commercial Driver's License to all employees whose positions require them to possess a Commercial Driver's License; and

WHEREAS the adoption and distribution of a revised Alcohol and Drug-Free Workplace Policy for Employees Required to Possess a Commercial Driver's License will protect the interests and rights of both the Borough and its employees; and

WHEREAS the Borough has made certain amendments and updates to the current Drug and Alcohol Policy for Employees required to Possess a Commercial Driver's License renamed Alcohol and Drug-Free Workplace Policy for Employees Required to Possess a Commercial Driver's License to conform with the requirements set forth above; and

WHEREAS the revised Alcohol and Drug-Free Workplace Policy for Employees Required to Possess a Commercial Driver's License will be distributed to all Borough employees whose position requires them to possess a Commercial Driver's License; and

WHEREAS Borough employees whose position requires them to possess a Commercial Driver's License will acknowledge receipt of the revised Alcohol and Drug-Free Workplace Policy for Employees Required to Possess a Commercial Driver's License; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the revised Alcohol and Drug-Free Workplace Policy for Employees Required to Possess a Commercial Driver's License is adopted.

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 18, 2023 – Meeting Minutes**

BE IT FURTHER RESOLVED that copies of the revised Alcohol and Drug-Free Workplace Policy for Employees Required to Possess a Commercial Driver’s License will be distributed to all employees whose position requires them to possess a Commercial Driver’s License.

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

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

**RESOLUTION 23-210
AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated October 16, 2023, which totals as follows:

Current Fund	\$ 901,694.90
Sewer Account	\$ 25,051.96
Capital Fund	\$ 220,329.70
Trust-Other	\$ 51,798.35
Federal/State Grants	\$ –
Total	\$ 1,198,874.91

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$ 1,198,874.91** 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: Chelak, Melnyk, Olszewski, Mayor Broullon
Nays: None
Abstain: None
Absent: Cervantes

**RESOLUTION 23-211
AMENDING THE SCHEDULE FOR MEETINGS OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
HIGHLANDS FOR THE REMAINDER OF THE CALENDAR YEAR 2023 AND FOR THE 2024
REORGANIZATION MEETING**

WHEREAS, in accordance with N.J.S.A. 10:4-18 and by way of Resolution 23-015, duly adopted January 1, 2023, the schedule for meetings of the Mayor and Council of the Borough of Highlands for the calendar year 2023 was established; and

WHEREAS, due to the construction and completion of the new Municipal Building, it is necessary to update the location and address of the meetings of the Mayor and Council of the Borough of Highlands for the remainder of calendar year 2023 and for the 2024 Reorganization Meeting.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, and State of New Jersey, that Regular Meetings of the Borough Council will be held at 7:00pm for the remainder of calendar year 2023, at the new Highlands Municipal Building, 151 Navesink Ave., Highlands New Jersey 07732 in the Court Room/Council Chambers, on the following dates:

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 18, 2023 – Meeting Minutes**

1. Regular Meetings shall be held on the following dates:

November 1

December 6

December 20

Formal action will be taken at all Regular Meetings. Public comments will be permitted at designated periods during all meetings. Executive Sessions, which are closed to the public, may be held to discuss matters authorized for closed sessions under N.J.S.A. 10:4-12. Executive Session will be held following the Regular Council Meeting during the year 2023. 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. Regular or Special meetings may be adjourned, rescheduled, or held on different dates providing such are duly noticed as provided by law.

2. The Reorganization Meeting for 2024 shall be held at 12:00 noon on January 1, 2024, at the new Highlands Municipal Building, 151 Navesink Ave., Highlands, New Jersey 07732 in the Court Room/Council Chambers.
3. The Municipal Clerk shall post this Notice on the official bulletin board in the Municipal Building, transmit it to the **Asbury Park Press** and **Two River Times**, and file this notice in the Office of the Municipal Clerk of the Borough of Highlands, all in accordance with the "Open Public Meetings Law."

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

RESOLUTION 23-212

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL
ENGINEERING SERVICES IN CONNECTION WITH CONSTRUCTION PHASE SERVICES
TO BAYSIDE DRIVE AND MARIE AVENUE**

WHEREAS, the Borough of Highlands has a need for professional engineering services in connection with Construction Phase Services to Bayside Drive and Marie Avenue, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Colliers Engineering & Design has set forth its proposed services in a written proposal dated October 17, 2023, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the scope of work for the project encompasses the resurfacing of Bayside Drive and Marie Avenue including curb, sidewalk, drainage improvements and other associated improvements; and

WHEREAS, the Construction Phase Services contained in the proposal consists of the following:

1. Coordinate and attend a project pre-construction meeting, prepare meeting minutes and the Notice to Proceed;
2. Provide minor plan changes, discussions and/or negotiations with authoritative agencies based upon actual field conditions;
3. Provide site visits at a frequency necessary to ensure Contractor's compliance with the Contract Documents;
4. Provide photographs of work in progress;
5. Review shop drawings provided by the Contractor and/or provide engineering redesign if needed to adapt to actual field conditions;
6. Review and monitor the construction schedule provided by the Contractor. Coordinate progress meetings as necessary with all stakeholders;
7. Prepare inspection reports and regular progress reports;

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 18, 2023 – Meeting Minutes**

8. Project Closeout, including punchlists, final submittals, project certifications, etc.;
9. Prepare change orders and invoice review; and
10. Provide Grant Closeout with NJDOT Local Aid; and

WHEREAS, the proposed amount of the contract with Colliers Engineering & Design is \$31,650.00; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of Colliers Engineering & Design, 101 Crawfords Corner Rd., Ste. 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 for the proposed professional engineering services in connection with Bayside Drive and Marie Avenue Improvement Project as set forth in its proposal; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$31,650.00 for professional engineering services as stated in Colliers Engineering & Design's proposal dated October 17, 2023; and

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

WHEREAS, Colliers Engineering & Design has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify that funds are available as follows: Acct#: C-04-23-101-000-201



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 is hereby retained to provide professional engineering services in connection with construction phase services to the Bayside Drive and Marie Avenue Improvements Project as described above and in their proposal dated October 17, 2023, for an amount not to exceed \$31,650.00.
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: Chelak, Melnyk, Olszewski, Mayor Broullon

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 18, 2023 – Meeting Minutes

Nays: None
Abstain: None
Absent: Cervantes

RESOLUTION 23-213
AWARDING A FAIR AND OPEN CONTRACT FOR DRAINAGE REPAIR SERVICES FOR
88-6 PORTLAND ROAD

WHEREAS, the Borough of Highlands accepted bids on October 17, 2023 for the Drainage Repair Services For 88-6 Portland Road; and

WHEREAS, two (2) bids were received for the aforesaid project which were reviewed by the Borough Engineer's Office, as follows:

<u>Bidder's Name</u>	<u>Total Amount Bid</u>
Seacoast Construction, Inc.	\$124,520.00
Berto Construction, Inc.	\$176,020.00

WHEREAS, Seacoast Construction, Inc. appears to be the lowest responsible bidder; and

WHEREAS, the Borough Engineer, Colliers Engineering & Design, by way of correspondence dated October 17, 2023 revised October 17, 2023, has made the recommendation that the contract be awarded to Seacoast Construction, Inc., as the lowest responsible bidder, for the Total Amount Bid in the amount of \$124,520.00, subject to the availability of funds by the Chief Financial Officer of the Borough of Highlands as well as the submission of the required bonds and insurance certificates for the project and review by the New Jersey Department of Community Affairs; and

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

I hereby certify funds are available as follows: Acct#: C-04-14-108-000-555



Patrick DeBlasio, Chief Financial Officer

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

1. That the Contract for the Drainage Repair Services For 88-6 Portland Road is hereby awarded to Seacoast Construction, Inc. in an amount not to exceed \$124,520.00 for the total amount bid subject to submission of the required bonds and insurance certificates for the project as well as review by the New Jersey Department of Community Affairs.
2. That the Mayor, Borough Administrator and Borough Clerk be and are hereby authorized and directed to take all steps necessary to engage the services of Seacoast Construction, Inc. including executing a contract.
3. A copy of this 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 forward a certified copy of this Resolution to the Borough Engineer and to the unsuccessful bidders.

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

RESOLUTION 23-214

AUTHORIZING THE AWARD OF A CONTRACT TO MITCHELL HUMPHREY & CO. FOR PROPRIETARY SOFTWARE PRODUCT LICENSE AND MAINTENANCE SUPPORT

WHEREAS, the Borough of Highlands wishes to enter into a contract with Mitchell Humphrey & Co., 1285 Fern Ridge Parkway, St. Louis, Missouri for a proprietary software product license and maintenance support related to its FastTrackGov documentation software; and

WHEREAS, Mitchell Humphrey & Co. has submitted a proposed contract, dated September 29, 2023, for its license for an annual fee not to exceed \$11,134.00 for a term of five (5) years; and

WHEREAS, such proprietary software product license and maintenance support may be awarded without public advertising for bids or bidding in accordance with N.J.S.A. 40A:11-5(dd); and

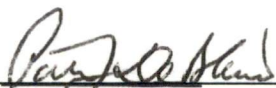
WHEREAS, the proposal includes the following consulting services:

- Training
- Portal Branding
- Integration/Interfaces
- Testing; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to enter into a contract with Mitchell Humphrey for its proprietary software product license and maintenance support, in an annual amount not to exceed \$11,134.00 in accordance with the Mitchell Humphrey & Co. proposed contract dated September 29, 2023; and

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

I hereby certify that funds are available as follows: Acct#: 3-01-26-310-000-295



Patrick DeBlasio, Chief Financial Officer

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

1. A contract is hereby awarded to Mitchell Humphrey & Co. for the proprietary software product license and maintenance support related to its FastTrackGov documentation software as outlined above for an annual amount not to exceed \$11,134.00. The contract shall be in a form to be reviewed and approved by the Borough Attorney.
2. The contract is awarded without competitive bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd). 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.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Gervantes

Prior to Reports, Mayor Broullon stated that a resident, Greg Wells, offered to volunteer to supply and plant trees on Bayside Dr. Council would be agreeable as long as he coordinates with the Tree Commissioner and DPW prior to any planting.

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
October 18, 2023 – Meeting Minutes

REPORTS:

Mr. Muscillo reviewed the Best Practices report, highlighting some areas of improvements.

Councilmember Chelak shared a letter from the Environmental Commission that the Council may want to lend support. She remarked about the light spotted lantern fly season and the continued offshore windmills efforts.

Councilmember Melnyk reported on the Communications, the Shade Tree and Open Space Committees. Councilmember Chelak asked for more information regarding the Naval Weapons Station Earle event.

Council President Olszewski reported on the school's efforts on the regionalization transition and the impact COVID had on students' development.

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

PUBLIC PORTION:

Joe Dorin, Valley Ave., asked questions and expressed his concerns regarding the project at 14 North Peak. He thanked Mr. Muscillo for providing the Land Use Board engineer's latest review. Mayor Broullon reported that the Land Use attorney stated that the Board has no enforcement authority.

Mike Cannon, Central Ave., asked for update on the paving schedule and more information on the recent BRIC grant award. Mayor Broullon answered that the grant application did not deviate from the presentation Colliers had made and noted that the permitting could take as long as 12-16 months.

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

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: Chelak

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

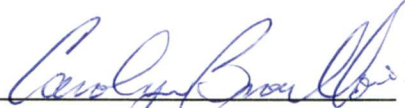
Abstain: None

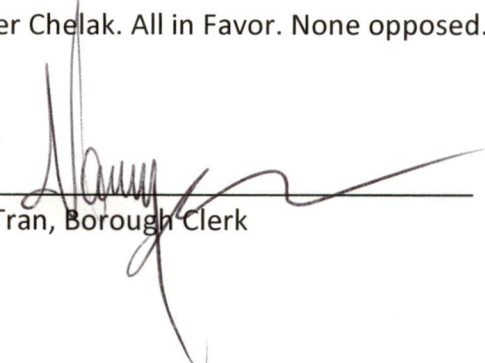
Absent: Cervantes

Council entered into Executive Session at 7:36pm and exited at 7:47pm.

ADJOURNMENT:

Offered by Mayor Broullon and seconded by Councilmember Chelak. All in Favor. None opposed. Meeting adjourned at 7:47pm.

Approve: 
Carolyn Broullon, Mayor

Attest: 
Nancy Tran, Borough Clerk