



Highlands Borough Mayor & Council Meeting Minutes  
Municipal Building, 151 Navesink Avenue, Highlands  
December 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 and October 18, 2023. Items listed on the agenda are subject to change.

**PLEDGE OF ALLEGIANCE**

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

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

**APPROVAL OF MINUTES:**

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Motion: Melnyk

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

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Motion: Olszewski

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

**CONSENT AGENDA:** Clerk Tran read the following Resolutions by title and asked for a motion to approve the Consent Agenda. Prior to the vote, Councilmember Chelak asked for clarification on R 23-241 and Councilmember Melnyk asked for clarification on R 23-249. Mayor Broullon answered both their questions. Resolutions and Consent Agenda vote are as follows:

**RESOLUTION 23-240**

**CONFIRMING PERMANENT APPOINTMENT OF PATROLMAN**

**WHEREAS,** pursuant to N.J.S.A. 11A:4-1.3 and Chapter 2-10.17 of the Borough Code, a temporary entry-level law enforcement officer may be appointed by the Borough Administrator upon the recommendation of the Chief of Police without taking a Civil Service examination, so long as the individual successfully completes a full basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level law enforcement officer; and

**WHEREAS,** pursuant to N.J.S.A. 11A:4-1.3 and Chapter 2-10.17 of the Borough code, upon successful completion of the training course, the temporary entry-level law enforcement officer shall be appointed as a permanent entry-level law enforcement officer; and

**WHEREAS,** by way of Resolution 23-216, duly adopted on November 1, 2023, Stanley Wojdylak, IV was temporarily appointed to serve as a Patrolman for the Borough of Highlands Police Department

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pending successful completion of the aforesaid required coursework within nine months; and

**WHEREAS**, the Department of Law and Public Safety Division of Criminal Justice Police Training Commission has certified that Stanley Wojdylak, IV has completed the necessary coursework.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Highlands, that the permanent appointment of Stanley Wojdylak, IV as a Patrolman for the Borough of Highlands Police Department, be and is hereby confirmed, effective immediately.

**BE IT FURTHER RESOLVED**, that the aforesaid permanent appointment of Stanley Wojdylak, IV as a patrolman for the Borough of Highlands Police Department shall be for a salary in accordance with the Collective Bargaining Agreement between the Borough of Highlands and PBA Local 48. This appointment shall be conditioned upon the successful completion of the hiring process including, but not limited to, medical screening requirements.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-241**  
**SUPPORTING THE STATE HOUSE COMMISSION PRE-APPLICATION TO**  
**THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**FOR SNUG HARBOR PARK MINOR DIVERSION**

**WHEREAS**, Block 97, Lot 1 is part of the Borough of Highlands Snug Harbor Park which is encumbered, as a condition of Green Acres funding, with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection; and

**WHEREAS**, in order to provide for stormwater management improvements, it is necessary to remove the Green Acres restrictions from a 0.057 acre portion of Snug Harbor Park; and

**WHEREAS**, the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to N.J.A.C. 7:36-26; and

**WHEREAS**, the Borough of Highlands wishes to apply for approval for Snug Harbor Park as a minor disposal or diversion of parkland under N.J.A.C. 7:36-26; and

**WHEREAS**, the first step in the application process for approval of a minor disposal or diversion of parkland is the filing of a pre-application under N.J.A.C. 7:36-26.4; and

**WHEREAS**, in accordance with N.J.A.C. 7:36-26.4(d)10, it is necessary for the Borough of Highlands to submit as part of the pre-application a Resolution endorsing the application to divert or dispose of parkland;

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey as follows:

1. The Borough of Highlands endorses the filing of a pre-application for the Snug Harbor Park minor diversion, pursuant to N.J.A.C. 7:36-26;
2. The Borough of Highlands hereby finds that Snug Harbor Park minor diversion would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) by providing a means of stormwater management that will aid in reducing flood impacts within the Borough.

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3. The Borough of Highlands acknowledges that in order to obtain the approval of Snug Harbor Park minor diversion, all substantive and procedural requirements of N.J.A.C. 7:36-26 must be met, including compensation requirements at N.J.A.C. 7:36-26.5; and

4. The Borough of Highlands acknowledges that in the event the Department classifies the Snug Harbor Park minor diversion as a major disposal or diversion of parkland, additional application information will be required under N.J.A.C. 7:36-26 before the application can proceed.

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

**RESOLUTION 23-242  
AUTHORIZING APPOINTMENT OF STEVE WINTERS AS FIRE SUBCODE OFFICIAL/INSPECTOR**

**WHEREAS**, it is necessary to appoint a Fire Subcode Official/Inspector for the Building Department; and

**WHEREAS**, the Fire Subcode Official/Inspector position will be a part-time position; and

**WHEREAS**, the salary for the part-time Fire Subcode Official/Inspector position will be \$15,000.00 per year and shall begin on December 21, 2023.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Highlands that Steve Winters be and is hereby appointed to serve as the Borough's Fire Subcode Official/Inspector, as a part-time employee, for an annual salary in the amount of \$15,000.00, effective on December 21, 2023.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the Chief Financial Officer, the Borough Administrator and the appointee.

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

**RESOLUTION 23-243  
AWARDING BID TO SEA BRIGHT SERVICE CENTER LLC FOR AUTO AND TRUCK REPAIRS**

**WHEREAS**, the Borough of Highlands accepted bids on December 12, 2023 for auto and truck repairs; and

**WHEREAS**, one (1) bid was received for the aforesaid project which was reviewed by the Borough Administrator's Office, as follows:

<u>Bidder's Name</u>	<u>Fee Schedule</u>
Sea Bright Service Center LLC	\$95.00 per hour (auto) \$125.00 per hour (light truck); and

**WHEREAS**, the Borough Administrator has made the recommendation that the contract be awarded to Sea Bright Service Center LLC, 75 Bay Avenue, Highlands, in the hourly amounts listed above, for an amount not to exceed \$15,000.00, subject to the availability of funds by the Chief Financial

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Officer of the Borough of Highlands; 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# 3-01-26-300-000-201

  
\_\_\_\_\_  
Patrick DeBlasio, Chief Financial Officer

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

1. That the Contract for auto and truck repairs is hereby awarded to Sea Bright Service Center LLC, in the amount of \$95.00 per hour for auto repairs and \$125.00 per hour for light truck repairs for an amount not to exceed \$15,000.00.
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 Sea Bright Service Center LLC, 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 successful bidder.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-244**

**AWARDING A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PHASE 1 SANITARY SEWER IMPROVEMENTS PROJECT**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services in connection with the Phase 1 Sanitary Sewer Improvements Project; and

**WHEREAS**, H2M Associates, Inc. has set forth its proposed services in a written proposal dated December 11, 2023; and

**WHEREAS**, the said proposed services and the amount of the contract, consist of the following:

Task 1 – Phase 1 Construction Observation	\$261,500.00
<u>Task 2 – Phase 1 Construction Administration</u>	<u>\$ 78,000.00</u>
<b>Total:</b>	<b>\$339,500.00; and</b>

**WHEREAS**, such professional engineering services can only be provided by licensed professionals and the firm of H2M Associates, Inc., 119 Cherry Hill Road, Suite 110, Parsippany, New Jersey 07054 is so recognized; and

**WHEREAS**, the governing body has determined that it is in the best interest of the Borough to retain H2M Associates, Inc. for professional engineering services in connection with the Phase 1 Sanitary Sewer Improvements Project; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$339,500.00 for professional engineering services as stated in H2M Associates, Inc.'s proposal dated December 11, 2023; and

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**WHEREAS**, H2M Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that H2M Associates, 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 H2M Associates, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, H2M Associates, Inc. has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; 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: C-06-22-101-000-201

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Patrick DeBlasio, Chief Financial Officer

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

1. That the Contract for Professional Engineering Services for the Phase 1 Sanitary Sewer Improvements Project is hereby awarded to H2M Associates, Inc. in an amount not to exceed \$339,500.00.
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 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 publish notice of this award as required by law.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-245  
ACKNOWLEDGING RECEIPT AND REVIEW OF THE LAND USE BOARD CONSISTENCY LETTER  
FOR ORDINANCE 0-23-22**

**WHEREAS**, the Borough of Highlands introduced Ordinance O-23-22, Amending Chapter 21, Article XIV (Establishment of Districts) by Adding New Section 21-81A (Privately Owned Salt Storage) and Amending Section 21-81 (Outdoor Storage)”, on November 1, 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 Letter dated December 18, 2023 and found that the proposed development regulation, revision or amendment thereto is consistent with the Borough’s Master Plan.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council acknowledges receipt of the Land Use Board’s Letter and has reviewed the said Letter 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.

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

**RESOLUTION 23-246  
AUTHORIZING WINDOW CONTRACTS**

Pursuant to N.J.S.A. 19:44A-20.4 et seq. (New Jersey Local Unit Pay-To-Play Laws), the Borough of Highlands must award by resolution all goods and services contracts with a dollar amount between \$17,500 and \$43,999. These contracts are not bid, but vendors are still responsible to provide political contribution and company disclosure information in order to do business with the Borough.

**WHEREAS**, pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq., when the cost of goods and/or services that fall between \$17,500 and the bid threshold of \$44,000 in the aggregate, an approval by resolution must be in place; and

**WHEREAS**, the Borough of Highlands retained the services of

Corrosion Products & Equipment  
Realty Data Systems, LLC  
Wright National Flood Company

**WHEREAS**, a request for quotes for the required work to be performed was requested from several contractors; and

**WHEREAS**, the above mentioned vendors completed and submitted a Business Entity Disclosure Certification which certifies the business entity has not made any reportable contributions to a political or candidate committee in the Borough in the previous one year, and that the contract will prohibit the above said vendors from making any reportable contributions through the term of the contract.

**NOW THEREFORE, BE IT RESOLVED** that the Council of the Borough of Highlands authorized the Purchasing Agent on behalf of the Borough to issue and execute a Purchase Order for the foregoing to the above vendors with funds certified available by the Chief financial Officer; and

**BE IT FURTHER RESOLVED** that the CFO has been authorized to arrange to pay for the foregoing in accordance with the terms of the purchase order in the amount not to exceed \$44,000.

**PAY TO PLAY VENDOR VALUE DETERMINATION**

The anticipated value of the contract with:

Corrosion Products & Equipment  
Realty Data Systems LLC  
Wright National Flood Company

for goods/services is expected or has exceeded \$17,500 during the life of the contract but expected to be less than the Local Public Bidding Threshold of \$44,000.

Date 12/20/2023  
Kathleen Intravartolo, QPA

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

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**RESOLUTION 23-247  
AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

**WHEREAS**, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

**NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<b>BLOCK</b>	<b>LOT</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>NAME</b>
22	1	2015, 2016	\$4,020.07	Dempsey, Patrick
11.05	7	2015	\$1,029.46	Rogers Croak, Marian
11.06	10	2015	\$85.05	Soares, Carlos
22.1	5.02	2015	\$1,595.65	Keenan, Frank & Sharon
48	2	2015	\$1,251.00	Mistura, Dean

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-248  
AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated December 15, 2023, which totals as follows:

Current Fund	\$	192,466.32
Sewer Account	\$	78,375.50
Capital Fund	\$	156,375.02
Trust-Other	\$	97,690.45
Federal/State Grants	\$	-0-
<b>Total</b>	<b>\$</b>	<b>524,907.29</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ 524,907.29 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: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-249  
ADOPTING CORRECTIVE ACTION PLAN FOR THE 2022 MUNICIPAL AUDIT**

**WHEREAS**, the Audit for the year ending December 31, 2022 has been previously received and reviewed by the members of the Mayor and Borough Council, and

**WHEREAS**, any Recommendations of the Audit requires that a Corrective Action Plan be undertaken, and

**WHEREAS**, the Audit report concluded that there were no audit findings.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Members of the Borough Council hereby adopt the Corrective Action Plan, as submitted by the Borough Chief Finance Officer.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be placed on file in the office of the Borough Clerk and that a copy be electronically forwarded to the State of New Jersey.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-250  
APPOINTING SPECIAL POLICE OFFICER**

**WHEREAS**, the Borough of Highlands from time-to-time has the need to employ Special Police Officers; and

**WHEREAS**, the Chief of Police has made recommendations to the Governing Body regarding appointment of said officers;

**NOW, THEREFORE, BE IN RESOLVED** by the Governing Body of the Borough of Highlands that the following persons be and hereby are appointed Special Officers of the Borough of Highlands for a one-year term from January 1, 2024 through December 31, 2024:

Special Officer Class II          Yanni Gouzouassis

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-251  
AUTHORIZING EXECUTION OF A TRANSPORTATION AGREEMENT WITH THE COUNTY OF  
MONMOUTH FOR THE SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM (SCAT)**

**WHEREAS**, the Monmouth County Board of County Commissioners has established the Special Citizens Area Transportation System (hereinafter referred to as "SCAT"); and

**WHEREAS**, the Borough of Highlands has requested that the County provide such services to eligible residents; and

**WHEREAS**, it is necessary to set forth the responsibilities of both parties in a written agreement outlining the mutual covenants and conditions for consideration; and



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**WHEREAS**, the services to be provided will include transportation to and from local food markets for eligible residents; and

**WHEREAS**, such services will be provided for a half day, at the per diem rate of \$155.00, to be billed on a quarterly basis; and

**WHEREAS**, the contract shall be in effect from January 1, 2024 through December 31, 2024.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Highlands that the Mayor and Municipal Clerk are hereby authorized to execute the Transportation Agreement with the County of Monmouth for the Special Citizens Area Transportation System for the period of January 1, 2024 through December 31, 2024.

**BE IF 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 certified copies of this Resolution be forwarded to the Director of the Monmouth County Division of Transportation.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**PUBLIC HEARING ON PROPOSED ORDINANCES**

**ORDINANCE O-23-22**

**AMENDING CHAPTER 21, ARTICLE XIV (ESTABLISHMENT OF DISTRICTS) BY ADDING NEW SECTION 21-81A (PRIVATELY OWNED SALT STORAGE) AND AMENDING SECTION 21-81 (OUTDOOR STORAGE) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

**WHEREAS**, the New Jersey Department of Environmental Protection Stormwater Discharge Master General Permit Renewal requires the adoption of a salt storage ordinance for all Tier A municipalities.

**BE IT ORDAINED** by the Borough Council of the Borough of Highlands, County of Monmouth and State of New Jersey, as follows:

!

**CHAPTER 21 (Establishment of Districts)** is hereby amended by adding the following new Section and amends **Chapter 21, Article XIV (Establishment of Districts), Section 81 (Outdoor Storage)** as follows: (additions are shown in underlines, deletions are shown as ~~strikeovers~~.)

**SECTION 21-81 OUTDOOR STORAGE.**

A. Residential Districts.

1. Outdoor storage and display of any kind of nature, except storage of those items customarily used in conjunction with a residential occupancy and owned by the occupant or pursuant to Section 21-81A, et seq., of this Chapter, are prohibited in all residence districts.

...

B. Nonresidential Districts.

1. No storage area shall be located in a required front yard or in a required side yard adjoining a street.

2. No article, equipment, vehicle, supplies, or material shall be kept or stored outside the confines of any building unless the same is allowed by this article or pursuant to Section 21-81A, et seq., of this Chapter or is screened by special planting or fencing, as approved by the Board, and maintained in good condition, so that it shall not be visible from any adjacent property or public street. Any outdoor storage area shall meet the location requirements for accessory structures. Storage of trailers or use of trailers for storage is prohibited.

All other provisions of **Section 21-81 (Outdoor Storage)** shall remain unchanged.

**II**

**SECTION 21-81A PRIVATELY OWNED SALT STORAGE.**

**SECTION 21-81A.1. Purpose.**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Highlands to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**SECTION 21-81A.2. Definitions.**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
3. The structure shall be erected on an impermeable slab;
4. The structure cannot be open sided; and
5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

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- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

**SECTION 21-81A.3. Deicing Material Storage Requirements.**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:
  - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  - 4. Loose materials shall be covered as follows:
    - a. The cover shall be waterproof, impermeable, and flexible;
    - b. The cover shall extend to the base of the pile(s);
    - c. The cover shall be free from holes or tears;
    - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
    - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
      - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
  - 5. Containers must be sealed when not in use; and
  - 6. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
  - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

**SECTION 21-81A.4. Exemptions.**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents

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precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section 21-81A.3 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities which are regulated under another NJPDES permit.

**SECTION 21-81A.5. Enforcement.**

This ordinance shall be enforced by the Code Enforcement Officer and/or other Municipal Officials of the Borough of Highlands during the course of ordinary enforcement duties.

**SECTION 21-81A.6. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in the penalties set forth in Chapter 3, §3-9, of this Code.

**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.

There were no public comments.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

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

**ORDINANCE O-23-23  
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**, Chapter 7-3.6B of the Borough Code 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;

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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:

**SECTION I.**

A parking space on Waterwitch Ave., 8 feet north of utility pole #BT40090HB, is hereby designated as a space for resident parking for persons with disabilities. This space shall be available to the resident of 121 Waterwitch Ave., Apt. C-4. A sign shall be installed specifically identifying the parking space in accordance with Chapter 7-3.6B of the Borough Code.

**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.

There were no public comments.

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

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

**REPORTS:**

**Councilmember Melnyk:** Mr. Melnyk noted the schedule change of when update emails were sent out to subscribers. He stated that the Communications Committee was still working on a guide for new volunteer committee members and that the Open Space Committee was still working on the borough-wide map for the website.

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

**PUBLIC PORTION:**

Joseph Dorin, Valley Ave., expressed his continued concern of the project abutting his property. He asked for an update on the new Building Department and asked for clarification of the right of way vacation process. Mayor Broullon and Mr. Ball answered his questions. Mayor Broullon added that she will coordinate with Mr. Muscillo for possible dates and time to set up a meeting with Mr. Dorin.

Douglas Healey, Central Ave., asked about the fence and sound barrier plans at the skate park. Mr. Muscillo answered that the Borough was planting trees along the fence next year in the spring.

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

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adopted in accordance with N.J.S.A. 10:4-13. No formal action will be taken during Executive Session.

**RESOLUTION TO ENTER EXECUTIVE SESSION**

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

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

- Attorney-Client Privilege: Affordable Housing

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

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent:

Council entered into Executive Session at 7:19pm and exited at 7:55pm.

**ADJOURNMENT:**

Offered by Mayor Broullon and seconded by Councilmember Melnyk. All in Favor. None opposed.  
Meeting adjourned at 7:56pm.

Approve: 

Carolyn Broullon, Mayor

Attest: 

Nancy Tran, Borough Clerk