



Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands  
July 6, 2023 – Special Meeting Minutes

**SPECIAL MEETING:** Meeting came to order at 7:00 PM

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 June 30, 2023. Items listed on the agenda are subject to change.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Councilmember Cervantes, Councilmember Chelak, Councilmember Melnyk, Council President Olszewski, and Mayor Broullon were present.

Also in attendance were Borough Administrator Michael Muscillo, Borough Attorney Brian Chabarek, Esq., and Deputy Borough Clerk Heidi Brunt.

**INTRODUCTION OF PROPOSED ORDINANCES:**

**O-23-12 AN ORDINANCE AMENDING CHAPTER 3 (GENERAL POLICE REGULATIONS), SECTION 3-13.19 (USE OF SKATEBOARD PARK, SKATEBOARDS, ROLLER SKATES AND ROLLER BLADES) OF THE CODE OF THE BOROUGH OF HIGHLANDS**

**WHEREAS**, Chapter 3, General Police Regulations, Section 3-13.19, Use of Skateboard Park, Skateboards, Roller Skates and Roller Blades of the Borough Code establishes rules and regulations regarding the use of Skateboard Parks, Skateboards, Roller Skates and Roller Blades; and

**WHEREAS**, the governing body desires to amend the rules and regulations.

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

**SECTION I.** Chapter 3, General Police Regulations, Section 3-13.19, Use of Skateboard Park, Skateboards, Roller Skates and Roller Blades is hereby amended as follows: (additions are shown in underlines, deletions are shown as **strikeovers**.)

**§ 3-13.19, Use of Skateboard Park, Skateboards, Roller Skates and Roller Blades.**

a. Time of Operation. The Skateboard facility shall be open during the following hours:

~~Saturday between 10:00 a.m. until 8:00 p.m. or dusk whichever is earlier~~

~~Sunday between 12:00 p.m. until 5:00 p.m.~~

~~Weekdays (school year) 2:00 p.m. until 7:00 p.m. or dusk whichever is earlier~~

~~Weekdays (non school year) 10:00 a.m. until 8:00 p.m. or dusk whichever is earlier~~

Monday through Sunday 10:00 a.m. until dusk.

The park will be closed during wet, snow or icy conditions, or during park maintenance periods. The Borough reserves the right to close the Skate Park or modify its hours of operation for any reason at the direction and discretion of the Borough Administrator, Chief of Police, or Superintendent of Public Works. There shall be no trespassing when the park is closed.

b. Definitions. The following terms used in this section shall have the following meanings:



#### ROLLER SKATES OR ROLLER BLADES

Shall mean a pair of devices normally worn on the feet with a set of wheels attached regardless of the number or placement of those wheels and used to glide or propel the user over the ground. Devices commonly known as “roller blades” are intended to be included with this definition.

#### SKATEBOARD

Shall mean a device made of material designed primarily to be stood upon, with a set of wheels attached, regardless of the number or placement of those wheels (**wheelbases must be 20 inches or less**) and used to glide or propel the user over the ground, sidewalk or other pavement. **It includes skateboards that are motorized. It also includes skateboards, or similar devices, with a handle commonly referred to as “scooters” or “razor boards.”**

#### SKATE PARK

Shall mean the Borough-owned skate park at the Community Center parking area and any subsequent skate park erected or acquired or areas designated by the borough for skateboarding and/or roller blading.

#### TRASH

Shall mean debris from food or drink that is brought into the park area.

c. **Helmet and Protective Gear Required.** No person shall operate or ride upon a skateboard, roller skates or roller blades on any property open to the public unless that person is wearing on his/her head a properly fitted and fastened safety helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell Memorial Foundation's 1990 Standard for Protective Headgear for Use in Bicycling, or the American Society for Testing and Materials (ASTM) helmet standard or other such standard, as appropriate. **Kneepads, elbow pads, appropriate closed toe footwear and wrist guards are required for skaters within the park.**

d. **Prohibited Manner of Operation.** No person shall operate, or cause to be operated, any skateboard, roller skates, roller blades or the like in a reckless or hazardous fashion or in a manner creating interferences with pedestrian traffic or vehicular traffic, nor shall such person hold onto a motor vehicle or bicycle while such motor vehicle or bicycle is in motion.

e. **Use of the Borough of Highlands Skate Park.**

1. All persons, regardless of age, must wear on his/her head a properly fitted and fastened safety helmet, properly fitted and fastened knee pads and elbow pads which meet the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell Memorial Foundation's 1990 Standard for Protective Headgear for Use in Bicycling, or the American Society for Testing and Materials (ASTM) helmet standard or other such standard, as appropriate.

2. All persons using the skate park must abide by all rules and regulations adopted by the Mayor and Borough Council by resolution or by ordinance.

3. All persons using the skate park must abide by all posted rules and regulations.

4. All persons using the skate park must abide by all directions, commands or orders of any police officer or borough official.

5. Use of bicycles on skateboard equipment or ramps is strictly prohibited.

6. All trash brought into the park by its users will be taken with them when they leave the park or deposited in the appropriate receptacles which will be provided by the borough. Failure by the users to police the park for trash may result in the closing of the park for 48 hour periods.



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7. All participants must skate with due care and circumspection as to avoid accidents or collisions with other skaters and use the equipment in the proper manner. Reckless or dangerous skaters will be requested to leave the skating area and the premises immediately.

8. Participants 10 and under must have a responsible adult present.

9. All bicycles, scooters, motorized vehicles of any kind, and skateboards with wheelbases longer than 20 inches are prohibited.

10. Personal ramps, rails, boxes, or other apparatus or modifications to the skate surface are prohibited.

11. Food, alcoholic beverages and glass containers are prohibited inside the skate park.

12. Spectators and pets are prohibited inside the skate park.

13. All skaters are to act in an orderly, safe and considerate manner while on the premises and in the skating area.

14. Tobacco products, smoking, use of drugs, alcohol, profanity or abusive language or vandalism/graffiti/stickers is strictly prohibited and shall result in automatic and/or permanent expulsion from the facility.

15. Use of radios, stereos or any type of amplified sound is prohibited in the skate park. Head phones are prohibited.

16. Each user of the skate park shall have personal identification that includes name, address and telephone number in his/her possession at all times during use of the skate park.

f. Notification of Parent, Guardian, Adult. Notwithstanding any other action, which a law enforcement office is authorized to take upon probable cause to believe a minor has violated this section, the officer shall cause the minor's parent, guardian or other adult in the minor's household to be notified of the situation and shall request that the parent, guardian or other adult respond to headquarters to take custody of the minor. The Highlands Police Department shall also have 30 days from the date of the violation to determine if a complaint will be signed under this section or other applicable law.

g. Violations. Any person violating the provisions of this subsection shall, upon conviction, be punished by:

1. A fine not to exceed one hundred (\$100.00) dollars; and/or

2. A sentence of community service of not more than 30 days; and/or

3. Removal from the skate park for a period of time not to exceed 14 days on the first offense, 30 days on the second offense and indefinitely at the discretion of the judge on any subsequent offenses.

**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.

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

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

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

Deputy Clerk Brunt stated motion carried to pass this ordinance on first reading with a public hearing to be held on July 19, 2023.

**PUBLIC PORTION:**

Scott ?, Marina Bay Court, Highlands- Requested the status of the completion of construction on Linden Ave. The resident is inconvenienced by the construction and was involved in a traffic accident with his vehicle which he felt was due to the construction. The resident stated that the police should have handled the matter better.

Administrator Muscillo stated the construction was ongoing and would most likely be complete by the end of September.

Doug Healy, Central Ave., requested a summary and explanation of the content of the Skate Park regulations that will go into effect with the final adoption of O-23-12. He also requested information on the spotlight that is in the area and is concerned it will continue to shine bright into his home. Mr. Healy also requested the timeline of adoption of O-23-12.

Mayor Broullon explained the basic rules and hours of the park and informed the resident that the Police would be monitoring and policing the new skate park. The Mayor also informed the resident that the spotlight was part of the construction and will be removed.

The Administrator informed the resident that the ordinance would likely go into effect shortly after final adoption on July 19, 2023.

Doug Davis, Central Ave., gave his support for establishing rules and regulations of the skate park, specifically the hours that regulate the activity and possible loud music that will interfere with his quality of life. Mr. Davis continued to express concern over the current behavior of the children that use the park facilities and requested that a supervisor be hired by the Borough to maintain order in the facility.

Administrator Muscillo discussed the regulations that apply to the activities allowed in the skate park facility and that the Borough has already discussed and is moving forward with the hiring of a supervisor for the location. The Borough is also working on finding appropriate sound deadening devices.

Doug Healy, Central Ave., also wanted to know if the park would be available to out of town residents.

Mayor Broullon stated that the park would be for public use and available to all residents and visitors as are all other park and beach facilities.

Doug Davis, Central Ave., spoke again.



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Bill Cullen, Central Ave., expressed concerns about the supervisor position to maintain\_ the peace and handle the users appropriately. He requested the Borough consider allowing the use of the skate park with an annual pass. Mr. Cullen also expressed his concern about liability in the event of injury.

The Mayor clarified the concerns about the Borough's insurance and informed the resident that the Borough carries adequate liability insurance.

Borough Attorney Chabarek commented on the various offenses that will be regulated under the ordinance to maintain decorum and safety of the skate park users.

Doug Davis, Central Ave., requested information regarding the installation of surveillance cameras on his house and fence near the park and beware of dog signs.

Mayor Broullon suggested he check with his insurance company.

Borough Attorney Chabarek suggested he speak with the zoning officer and follow the Borough sign regulations.

Mayor Broullon closed Public Portion.

**ADJOURNMENT:**

Offered by Mayor Broullon and Seconded by Councilmember Chelak. All in Favor. None opposed. Meeting adjourned at 7:31pm.

Approve: \_\_\_\_\_

Mayor Carolyn Broullon

Attest: \_\_\_\_\_

Heidi Brunt, Deputy Borough Clerk