



Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
March 06, 2024 – Meeting Minutes

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

MEETING STATEMENT: The Borough Clerk read the public meetings statement.

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, 2024. Items listed on the agenda are subject to change.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmember Cervantes, Councilmember Chelak, Council President Olszewski, and Mayor Broullon were present. Councilmember Melnyk arrived at 7:19pm.

Also in attendance were Administrator Michael Muscillo, Borough Attorney Andrew Ball, Esq., Borough Engineer Joseph Raftery, and Municipal Clerk Nancy Tran.

APPROVAL OF MINUTES

February 21, 2024 Meeting Minutes

Motion: Chelak

Second: Cervantes

Ayes: Cervantes, Chelak, Mayor Broullon

Nays: None

Abstain: Olszewski

Absent: Melnyk

February 21, 2024 Executive Session Minutes

Motion: Mayor Broullon

Second: Cervantes

Ayes: Cervantes, Chelak, Mayor Broullon

Nays: None

Abstain: Olszewski

Absent: Melnyk

INTRODUCTION OF PROPOSED ORDINANCES: Borough Clerk Tran read the following ordinance by title:

ORDINANCE O-24-03

AMENDING CHAPTER 21 (ZONING AND LAND USE REGULATIONS), PART VII (FLOOD DAMAGE PREVENTION) ARTICLE XXIV (FLOOD DAMAGE PREVENTION), SECTION 21-112 (PERMITS)

WHEREAS, the governing body desires to revise Section 21-112 of the Zoning and Land Use Regulations, by adding a new application review fee.

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

SECTION I.

Borough Code Chapter Borough Code Chapter 21 (Zoning and Land Use Regulations), Part VII (Flood Damage Prevention), Article XXIV (Flood Damage Prevention), Section 21-112 (Permits), shall be amended as follows (all additions are shown in **bold with underlines**).

Section 21-112.6 Floodplain Development Permit Fees

The fee for the review of a Floodplain Development Permit Application shall be as follows:
One & Two-Family Dwellings: \$150
Nonresidential & Mixed Use: \$200

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.

Mayor Broullon explained the reason for the ordinance and then made the motion to approve.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Melnyk

Borough Clerk Tran stated motion carried on first reading with a public hearing on March 20, 2024.

RESOLUTION:

RESOLUTION 24-076

APPROVING CHANGE ORDER NO. 3 FOR PHASE I SANITARY SEWER IMPROVEMENTS PROJECT

WHEREAS, by way of Resolution 22-099 duly adopted on April 6, 2022, Roman E&G Corporation was awarded a contract for the Phase I Sanitary Sewer Improvements Project in the amount of \$6,748,648.00; and

WHEREAS, by way of Resolution 23-163 duly adopted on July 19, 2023, Change Order No. 1 changing the scope of work for the Phase I Sanitary Sewer Improvements Project was approved; and

WHEREAS, by way of Resolution 24-058 duly adopted on February 7, 2024, Change Order No. 2 changing the amount allocated to cover the cost of uniformed police officers was approved; and

WHEREAS, as a result of the approval of Change Order No. 2, the contract amount was increased from \$6,748,648.00 to \$7,074,748.00;

WHEREAS, by letter dated February 20, 2024, the Project Engineer, H2M Associates, Inc., advised that a Change Order is necessary to cover the cost of the remaining items from Change Order No. 2; and

WHEREAS, as set forth in the aforesaid letter from the Project Engineer, due to unforeseen conditions encountered during construction, the following items were presented and deemed necessary: drainage conflicts and modifications on Linden Avenue; additional manholes were required on Bay Avenue and Waterwitch Avenue due to bypass pumping requirements and deterioration; water main conflicts on Ralph Street and reconfiguration of the Waterwitch Pump Station forcemain; and

WHEREAS, the scope of work for Change Order No. 3 reflects a change to the contract amount with an increase of \$385,980.92, thereby increasing the Contract amount from \$7,074,748.00 to

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
March 06, 2024 – Meeting Minutes

\$7,460,728.92 to cover the cost of the remaining items from Change Order No. 2; and

WHEREAS, in accordance with the aforesaid letter, the Project Engineer recommended that the Borough approve Change Order No. 3 in order to allow for the Phase I Sanitary Sewer Project to be completed.

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: C-04-14-108-000-555



Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that Change Order No. 3 changing the original contract amount to reflect an increase of \$385,980.92, thereby changing the contract amount from \$7,074,748.00 to \$7,460,728.92 be and is hereby approved.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded to the Chief Financial Officer, the Project Engineer, Purchasing Agent and Roman E&G Corporation.

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

CONSENT AGENDA: Borough Clerk Tran read the following resolutions by title. Prior to her vote, Council President Olszewski asked for clarification of the condition of the vehicle in R 24-080 and Mayor Broullon answered. The consent vote is as noted:

**RESOLUTION 24-077
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:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
59	18	2021	\$1,858.27	Peter Kopels

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

RESOLUTION 24-078
AUTHORIZING THE RELEASE OF ESCROW FOR A LAND USE BOARD APPLICATION

WHEREAS, Angela Mascia submitted an escrow to the Land Use Board in 2023 in connection with application number LUB 2023-06; and

WHEREAS, the applicant is no longer pursuing this application and has requested that the remaining balance of this escrow be released, and

WHEREAS, the Borough's CFO has recommended the return of the aforementioned balance that is contained in the escrow in account T-03-56-875-000-186.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands that the Borough's Chief Financial Officer be and is hereby authorized to return the remaining escrow deposit in the amount of \$750.00 to Angela Mascia for the property located at 35 Waterwitch Ave, Highlands, NJ 07732.

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a certified copy of this Resolution to the following:

1. Borough CFO
2. Angela Mascia

Motion: Mayor Broullon

Second: Cervantes

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Melnyk

RESOLUTION 24-079
AUTHORIZING EXECUTION OF AN AGREEMENT FOR SNOW REMOVAL AND STREET LIGHTING REIMBURSEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND GATEWAY VILLAS

WHEREAS, the Municipal Services Act, N.J.S.A. 40:67-23.2, et. seq. and amendments thereto, provides in pertinent part that a municipality, in lieu of providing certain municipal services to the private community, may opt to financially reimburse the qualified private communities for the cost of certain municipal services; and

WHEREAS, Gateway Villas is a qualified private community, as defined under the Act, and the Borough of Highlands is a municipality governed by the Act; and

WHEREAS, the Borough and Gateway Villas have mutually agreed that Gateway Villas shall perform its own snow removal and pay the cost for street lighting, and that the Borough shall reimburse Gateway Villas for the cost of those services at a rate not to exceed the cost that would have been incurred by the Borough in providing those services directly; and

WHEREAS, N.J.S.A. 40:67-23.5 requires a written agreement to annually reimburse a qualified private community; and

WHEREAS, the Borough has prepared a written agreement, with an effective date of January 1, 2024, to reimburse the Gateway Villas for snow removal and the cost of street lighting as set forth in the Agreement, and wishes to enter into such an Agreement with Gateway Villas.

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
March 06, 2024 – Meeting Minutes

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the appropriate Municipal officials, including the Mayor and Borough Administrator, be and are hereby authorized to execute an Agreement for Reimbursement for Municipal Services, as prepared and approved by the Borough Attorney and the Chief Financial Officer of the Borough.

BE IT FURTHER RESOLVED, that the Agreement for Reimbursement for Municipal Services shall become effective upon being fully executed, for the dates contained therein, with an effective date of January 1, 2024.

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

RESOLUTION 24-080

ACCEPTING DONATION OF A 2006 JEEP LIBERTY 4X4 FROM THE COUNTY OF MONMOUTH

WHEREAS, the County of Monmouth has offered to donate a 2006 Jeep Liberty 4x4, VIN No. 1J4GL48K56W223086, to the Borough of Highlands in “as is” condition; and

WHEREAS, the Borough of Highlands is authorized to accept and maintain donations of personal property pursuant to N.J.S.A. 40A:5-29; and

WHEREAS, the donation of the aforesaid 2006 Jeep Liberty 4x4, VIN No. 1J4GL48K56W223086, to the Borough of Highlands by the County of Monmouth shall be subject to an Agreement memorializing the terms of the donation.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Highlands, hereby accepts the donation of a 2006 Jeep Liberty 4x4, VIN No. 1J4GL48K56W223086, from the County of Monmouth in “as is” condition.

BE IT FURTHER RESOLVED, that the Borough Administrator be and is hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes of this Resolution, including but not limited to, effectuating the transfer of ownership of the said vehicle.

BE IT FURTHER RESOLVED, that the Mayor, Borough Administrator and Borough Clerk are hereby authorized to execute the Agreement referenced above to accept the donation of the 2006 Jeep Liberty 4x4, VIN No. 1J4GL48K56W223086, as well as any and all documents necessary to effectuate the full intent and purposes of this resolution.

BE IT FURTHER RESOLVED, that the Municipal Clerk forward a certified true copy of this Resolution to the County Commissioner Director, the Borough Administrator, and the Borough CFO.

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

RESOLUTION 24-081

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE FY23 FEMA ASSISTANCE TO FIREFIGHTERS GRANT

WHEREAS, the Borough of Highlands has a need for professional services to assist with the preparation and submission of the FY23 FEMA Assistance to Firefighter Grant through the FEMA GO system pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the proposed project for funding is for new radio equipment for the Borough of Highlands Fire Department; and

WHEREAS, Colliers Engineering & Design, Inc. has set forth its proposed services in a written proposal dated February 28, 2024, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the scope of work for the project includes client project coordination; FEMA GO setup and completion of forms; narratives include: Critical Infrastructure, Financial Need, Organization/Community Description, Project Description, and, Statement of Effect and Cost/Benefit; and

WHEREAS, the Borough requires such professional services to assist with the preparation and submission of the aforesaid Grant; and

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

WHEREAS, the governing body has determined that it is in the best interest of the Borough to retain Colliers Engineering & Design, Inc. for professional services in connection with the FY23 FEMA Assistance to Firefighter Grant; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$6,000.00 as stated in Colliers Engineering & Design, Inc.'s proposal dated February 28, 2024; and

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

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

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# 4-01-20-165-000-299



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 Borough Council of the Borough of Highlands as follows:

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
March 06, 2024 – Meeting Minutes

1. Colliers Engineering & Design, Inc. is hereby retained to provide professional services in connection with the FY23 FEMA Assistance to Firefighters Grant as outlined above for an amount not to exceed \$6,000.00.
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 Borough Administrator and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Motion: Mayor Broullon

Second: Cervantes

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Melnyk

RESOLUTION 24-082
AUTHORIZING SUBMISSION OF A GRANT APPLICATION FOR THE
FY23 FEMA ASSISTANCE TO FIREFIGHTERS GRANT

WHEREAS, the Borough of Highlands has a need to purchase new radio equipment for the Borough of Highlands Fire Department; and

WHEREAS, the Federal Emergency Management Agency (FEMA) offers an Assistance to Firefighters Grant program which provides financial assistance directly to eligible fire departments; and

WHEREAS, it is in the best interest of the Borough of Highlands to apply for the FY23 FEMA Assistance Grant program.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Highlands hereby authorizes submission of the FY23 FEMA Assistance to Firefighters Grant application.

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator and Municipal Clerk be and are hereby authorized to sign any and all documents relating to submission of the grant application referenced above.

Motion: Mayor Broullon

Second: Cervantes

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Melnyk

RESOLUTION 24-083
APPROVING FIRST AID SQUAD APPLICATION

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

Jessica Hathaway

WHEREAS, Warren “Jay” Terwilliger, Chief of the First Aid Squad, has approved the aforesaid

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
March 06, 2024 – Meeting Minutes

Membership Application;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the First Aid Squad Membership Application of the above listed individual is hereby approved.

Motion: Mayor Broullon

Second: Cervantes

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Melnyk

**RESOLUTION 24-084
AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated February 29, 2024, which totals as follows:

Current Fund	\$	100,195.29
Sewer Account	\$	7,313.36
Capital Fund	\$	77,674.29
Trust-Other	\$	22,769.23
Federal/State Grants	\$	10,979.66
Total	\$	218,931.83

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$ 218,931.83** 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: Cervantes

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Melnyk

OTHER BUSINESS: Roar on the River: Mayor Broullon shared that there was interest for Highlands to host a boating event the weekend of May 17-19 with boat races on that Sunday. The Highlands Business Partnership and the Jersey Shore Racing Club support this first event of its kind in Highlands. Councilmember Chelak gave further details of the event, committee members, and support of marina owners. Mayor Broullon added that the event is before peak season so attendees can take advantage of the ample parking on Sandy Hook to view the race from that side. Councilmember Chelak noted special consideration that will be taken for fishing and other boating traffic. The Board discussed the event and its impact on Highlands. A resolution for the event will be considered at the next meeting.

REPORTS:

Mayor Broullon reported on the Elementary and High School news, gave updates on emergency services, departments, and projects. She announced that the Highlands Fire Department received the first grant of the year.

Mr. Muscillo shared that he's working with Sanitary Sewer project engineer, Stephanie DeCotiis, in organizing a meeting with Central Ave. residents regarding the planned road restoration.

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
March 06, 2024 – Meeting Minutes

Mr. Raftery reported on the Portland Rd. project.
Councilmember Melnyk arrived at 7:19pm.

Councilmember Cervantes reported on upcoming Highlands Business Partnership events.

With no further reports, Mayor Broullon opened public portion.

PUBLIC PORTION:

Joseph Dorin, Valley Ave., shared his ongoing concerns and recent activities regarding his neighbor's project and asked for any updates.

With no further 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.

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:

- PBA Contract

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: all in favor

Nays: None

Abstain: None

Absent: None

Council entered into Executive Session at 7:26pm and exited at 7:46pm.

ADJOURNMENT:

Offered by Mayor Broullon and seconded by Councilmember Chelak. All in Favor. None opposed. Meeting adjourned at 7:46pm.

Approve: Carolyn Broullon
Carolyn Broullon, Mayor

Attest: Nancy Tran
Nancy Tran, Borough Clerk