



Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
April 3, 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 was absent.

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

PROCLAMATION: Arbor Day Proclamation Mayor Broullon read the proclamation.

APPROVAL OF MINUTES

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Motion: Olszewski

Second: Chelak

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

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Motion: Chelak

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

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

ORDINANCE O-24-05

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. O-22-07 ADOPTED ON APRIL 6, 2022, PROVIDING FOR THE PHASE I AND II SANITARY SEWER IMPROVEMENTS PROJECTS, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$3,000,000.00 FOR A TOTAL APPROPRIATION OF \$7,500,000.00, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$3,000,000.00 FOR A TOTAL DEBT AUTHORIZATION OF \$7,006,592.44, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough") finally adopted Bond Ordinance No. O-22-07 on April 6, 2022 (the "Prior Ordinance"), authorizing the Phase I and II Sanitary Sewer Improvements Projects; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and bonds and notes

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authorized therefor; and

WHEREAS, the Borough has determined that the \$200,000.00 authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by \$175,000.00 to an aggregate amount of \$375,000.00.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3(a) of this bond ordinance are hereby authorized as Water/Sewer Utility improvements to be undertaken in and by the Borough and were previously authorized by the Borough by the Prior Ordinance. For the improvements or purposes described in Section 3(a), there is hereby appropriated the sum of \$3,000,000.00 in addition to the \$4,500,000.00 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefor, including the \$493,407.56 grant funds expected to be received from the American Rescue Plan and previously appropriated by the Prior Ordinance for said purposes. No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law, as this bond ordinance authorizes obligations solely for purposes which are self-liquidating and deductible from the gross debt of the Borough as set forth in N.J.S.A. 40A:2-7h. Additionally, this bond ordinance authorizes projects intended to be funded through the New Jersey Water Bank.

Section 2. In order to finance the costs of said improvements or purposes, \$3,000,000.00 negotiable bonds are hereby authorized to be issued in addition to the \$4,006,592.44 previously authorized by the Prior Ordinance for a total principal amount not to exceed \$7,006,592.44 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purpose for which the bonds are to be issued consist of the Phase I and II Sanitary Sewer Improvements Projects, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$7,006,592.44 including the \$3,000,000.00 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$7,500,000.00, which is equal to the amount of the \$3,000,000.00 supplemental appropriation herein made therefor and the \$4,500,000.00 appropriation made by the Prior Ordinance.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as Water/Sewer Utility improvements and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is not increased by the authorization of the \$3,000,000.00 bonds and notes provided in this bond ordinance because the purposes authorized herein are self-liquidating and are deductible from the Borough's gross debt in accordance with N.J.S.A. 40A:2-44c and the obligations authorized herein will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$375,000.00, including \$175,000.00 authorized hereby and \$200,000.00 authorized by the Prior Ordinance, for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

(f) This bond ordinance authorizes obligations of the Borough solely for purposes described in subparagraph (h) of §40A:2-7 of the Local Bond Law, and the obligations authorized herein are to be issued for purposes which are self-liquidating within the meaning and limitation of N.J.S.A. 40A:2-45 of said Law and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44c and N.J.S.A. 40A:2-46 of said Law.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. All ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be

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unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Borough Clerk Tran stated motion carried on first reading with a public hearing on April 17, 2024.

ORDINANCE O-24-06
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Highlands, in the County of Monmouth, finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$89,534.70 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$313,371.45, and that the CY 2024 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

Borough Clerk Tran stated motion carried on first reading with a public hearing on April 17, 2024.

RESOLUTIONS

**RESOLUTION 24-091
AUTHORIZING THE BUDGET TO BE READ BY TITLE ONLY**

WHEREAS, N.J.S.A. 40A:4-8 sets forth that the budget may be read by title only at the time of the public hearing, if a resolution is passed by not less than a majority of the full governing body, provided that at least one (1) week prior to the date of hearing and at the hearing, a complete copy of the approved budget:

- (a) shall be made available for public inspection, and
- (b) shall be made available to each person upon request.

WHEREAS, the conditions of N.J.S.A. 40A:4-8(1)(a) and (b), as set forth above, have been met.

NOW THEREFORE BE IT RESOLVED, by a majority of the full membership of the governing body that the Budget for 2024 shall be read by title only at the public hearing currently scheduled for May 1, 2024.

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

R 24-092 MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the _____ BOROUGH _____ of _____ HIGHLANDS _____, County of _____ MONMOUTH _____ for the Fiscal Year 2024

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2024;

Be it Further Resolved, that said Budget be published in the _____ Two River Times _____

in the issue of _____ April 11 _____, 2024

The Governing Body of the _____ BOROUGH _____ of _____ HIGHLANDS _____ does hereby approve the following as the Budget for the year 2024:

RECORDED VOTE

(Insert Last Name)

Motioned - Broullon
Second - Melnyk

Ayes

Chelak
Melnyk
Olszewski
Broullon

Nays

Abstained

Absent

Cervantes

Notice is hereby given that the Budget and Tax Resolution was approved by the _____ COUNCIL MEMBERS _____ of the _____ BOROUGH _____ of _____ HIGHLANDS _____, County of _____ MONMOUTH _____, on _____ April 3 _____, 2024.

A Hearing on the Budget and Tax Resolution will be held at _____ Borough of Highlands _____, on _____ May 1 _____, 2024 at _____ 7:00 _____ o'clock _____ P.M., at which time and place objections to said Budget and Tax Resolution for the year 2024 may be presented by taxpayers or other interested persons.

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EXPLANATORY STATEMENT

SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET

		YEAR 2024
General Appropriations For: (Reference to item and sheet number should be omitted in advertised budget)		XXXXXXXXXXXX
1. Appropriations within "CAPS" -		XXXXXXXXXXXX
(a) Municipal Purposes ((Item H-1, Sheet 19)(N.J.S.A. 40A:4-45.2))		9,841,065.50
2. Appropriations excluded from "CAPS" -		XXXXXXXXXXXX
(a) Municipal Purposes ((Item H-2, Sheet 28)(N.J.S.A. 40A:4-53.3 as amended))		3,267,972.27
(b) Local District School Purposes In Municipal Budget (Item K, Sheet 29)		-
Total General Appropriations excluded from "CAPS" (Item O, Sheet 29)		3,267,972.27
3. Reserve for Uncollected Taxes (Item M, Sheet 29) Based on Estimated	95.02% Percent of Tax Collections	1,100,000.00
4. Total General Appropriations (Item 9, Sheet 29)		14,209,037.77
5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11) (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)		3,991,987.32
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows)		XXXXXXXXXXXX
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)		10,217,050.45
(b) Addition to Local District School Tax (Item 6(b), Sheet 11)		-
(c) Minimum Library Tax		-

Sheet 3

CONSENT AGENDA: Borough Clerk Tran read the following resolutions by title. The consent vote is as noted:

RESOLUTION 24-093

AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE BOROUGH OF SEA BRIGHT FOR STREET SWEEPING SERVICES

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to primary purposes of any of the participating local units; and

WHEREAS, the Borough of Highlands and the Borough of Sea Bright wish to encourage inter-municipal cooperation; and

WHEREAS, the Borough of Highlands has the necessary staffing, equipment and personnel to provide street sweeping services to the Borough of Sea Bright; and

WHEREAS, the Borough of Highlands shall provide street sweeping services to the Borough of Sea Bright during the period of April 1, 2024 through October 31, 2024; and

WHEREAS, the aforesaid street sweeping services shall be performed for the Borough of Sea Bright on Tuesdays and Thursdays; and

WHEREAS, Sea Bright shall be responsible for the disposal of all sweepings, as well as notification to all persons parking on their streets; and

WHEREAS, the Borough of Highlands and the Borough of Sea Bright have agreed that the Borough of Sea Bright will pay the Borough of Highlands \$18,000.00 for the street sweeping services.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Mayor be and is hereby authorized to execute a Shared Services Agreement for the Borough of Highlands to provide street sweeping services to the Borough of Sea Bright, for the period of April 1, 2024 through October 31, 2024, and the Borough of Sea Bright shall pay the Borough of Highlands the amount of \$18,000.00 for said street sweeping services.

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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.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Chief Financial Officer, the Borough of Highlands Administrator and the Borough of Sea Bright Administrator.

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

RESOLUTION 24-094

AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE BOROUGH OF SEA BRIGHT FOR THE PROVISION OF LIFEGUARD OPERATIONS FROM THE BOROUGH OF SEA BRIGHT

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to primary purposes of any of the participating local units; and

WHEREAS, the Borough of Highlands and the Borough of Sea Bright wish to encourage inter-municipal cooperation; and

WHEREAS, the Borough of Sea Bright has the necessary staffing and certifications to provide Lifeguard Operations by and through Sea Bright Ocean Rescue which is a nationally certified ocean rescue agency; and

WHEREAS, the Borough of Sea Bright has the staffing and personnel to provide Lifeguard Operations to the Borough of Highlands at two (2) beaches, commonly referred to as Snug Harbor and Miller Street, for the period of June 15, 2024 through and including September 2, 2024; and

WHEREAS, a total of four (4) Lifeguards will be assigned to the Highlands beaches (with a roving supervisor) for the aforesaid period; and

WHEREAS, Snug Harbor Beach will be assigned two (2) USLA qualified open water beach lifeguards and the Miller Street Beach will be assigned two (2) USLA qualified open water beach lifeguards, however, between August 19th through Labor Day, staffing may drop to one (1) lifeguard per beach during the weekdays depending upon available personnel; and

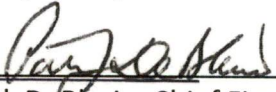
WHEREAS, the Borough of Highlands and the Borough of Sea Bright have reached an agreement for which the cost to provide such services to the Borough of Highlands will equate to \$43,845.00 consisting of the following:

• Lifeguard Rescue Equipment and Medical Supplies:	\$7,205
• Rescue Personnel:	\$48,640
• Borough of Sea Bright Administrative Fee:	<u>\$6,000</u>
• Total Sea Bright:	\$61,845
<i>Less Street Sweeping:</i>	<u>\$18,000</u>
• <u>GRAND TOTAL:</u>	<u>\$43,845</u> ; and

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

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I hereby certify that funds are available as follows: #4-01-42-730-000-299



Patrick DeBascio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Mayor be and is hereby authorized to execute a Shared Services Agreement with the Borough of Sea Bright for the provision of Life Guard Services for the period between June 15, 2024 through September 2, 2024, wherein the cost for the said services will equate to \$43,845.00.

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.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Chief Financial Officer, the Borough of Highlands Administrator and the Borough of Sea Bright Administrator.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

**RESOLUTION 24-095
PERMITTING THE PLACEMENT OF A REMEMBRANCE PLAQUE AT MILLER BEACH**

WHEREAS, the family of Florence Hartsgrove Gauthier has requested that the Borough of Highlands allow them to place a small remembrance plaque on the bench in the gazebo at Miller Beach; and

WHEREAS, pursuant to N.J.S.A. 40:10-1, when any person or organization shall offer to provide or erect any monument, statue, tablet or public drinking fountain upon the condition that such municipality provide a site for the location thereof, the governing body of any such municipality may, by resolution adopted by a majority vote, accept the same on behalf of such municipality; and

WHEREAS, pursuant to N.J.S.A. 40:10-1, upon the acceptance of any such monument, statute, tablet or public drinking fountain already erected or constructed and located as hereinbefore provided, or if not erected or constructed then upon its completion, it shall be the property of the municipality dedicated to public use; and

WHEREAS, Florence Hartsgrove Gauthier was a life-long resident of the Borough of Highlands who provided the Borough with a tremendous amount of support; and

WHEREAS, the Borough desires to permit the family of Florence Hartsgrove Gauthier to place a remembrance plaque on the bench in the gazebo at Miller Beach, at the family's cost and expense.

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

1. That it hereby permits the family of Florence Hartsgrove Gauthier to place a small remembrance plaque on the bench in the gazebo at Miller Beach, at the family's cost and expense, and the Borough accepts the said plaque.
2. That the plaque, once installed, shall become the property of the Borough of Highlands dedicated to public use.

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

RESOLUTION 24-096
RECOGNIZING NJ LOCAL GOVERNMENT WEEK APRIL 7-13, 2024, AND ENCOURAGING ALL
CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES

WHEREAS, local government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, local government provides services and programs that enhance the quality of life for residents, making their municipality their home; and

WHEREAS, local government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

WHEREAS, the NJ State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities.

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

Section 1. That the Borough of Highlands encourages all citizens, local government officials, and employees to participate in events that recognize and celebrate NJ Local Government Week.

Section 2. That the Borough of Highlands encourages educational partnerships between local government and schools, as well as civic groups and other organizations.

Section 3. That the Borough of Highlands supports and encourages all New Jersey local governments to actively promote and sponsor NJ Local Government Week.

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

RESOLUTION 24-097
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL
ENGINEERING SERVICES IN CONNECTION WITH THE MARINE PLACE EAST PEDESTRIAN
WALKWAY PROJECT

WHEREAS, the Borough of Highlands has a need for professional engineering services in connection with the Marine Place East Pedestrian Walkway Project pursuant to N.J.S.A. 19:44A-20.5; and

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WHEREAS, Colliers Engineering & Design, Inc. has set forth its proposed services in a written proposal dated March 14, 2024, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the professional engineering services pertain to improvements to establish an elevated pedestrian walkway at the existing bulkhead along Marine Place East; and

WHEREAS, the project includes the addition of handicap accessible ramps as well as benches, bike racks, and other amenities; and

WHEREAS, the scope of work to be performed by Colliers Engineering & Design Inc. includes a roadway topographic survey of Marine Place East, preparation of a topographic survey map, preparation of engineering design and construction plans as well as bid services; and

WHEREAS, the said proposed engineering services includes the following schedule of fees:

Phase 1.0 – Roadway Topographic Survey Services	\$ 4,800.00
Phase 2.0 – Design Services	
2.1 Engineering Design & Construction Documents	\$36,500.00
2.2 Bidding Services	\$ 2,750.00
Reimbursable Expenses	\$ <u>250.00</u>
Total Fee	\$44,300.00

WHEREAS, such professional engineering 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 engineering services in connection with the Marine Place East Pedestrian Walkway Project; and


WHEREAS, this contract is to be awarded for an amount not to exceed \$44,300.00 as stated in Colliers Engineering & Design, Inc.'s proposal dated March 14, 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# 4-01-20-165-000-244



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, Inc. is hereby retained to provide professional engineering services in connection with the Marine Place East Pedestrian Walkway in the Borough of Highlands as outlined above for an amount not to exceed \$44,300.00.

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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 24-098
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL
ENGINEERING SERVICES IN CONNECTION WITH
THE SHORE DRIVE PEDESTRIAN IMPROVEMENTS PROJECT

WHEREAS, the Borough of Highlands has a need for professional engineering services in connection with the Shore Drive Pedestrian Improvement Project pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, Colliers Engineering & Design, Inc. has set forth its proposed services in a written proposal dated March 27, 2024, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the project includes installing sidewalks on the east and west side of Shore Drive to improve pedestrian access through this vital route; and

WHEREAS, the scope of work to be performed by Colliers Engineering and Design Inc. includes a roadway topographic survey of a portion of Shore Drive, preparation of a topographic survey map, preparation of construction plans and coordination of the Borough regarding bidding services; and

WHEREAS, the said proposed engineering services includes the following schedule of fees:

Phase 1.0 – Roadway Topographic Survey Services	\$18,950.00
Phase 2.0 – Design Services	
2.1 Engineering Design & Construction Documents	\$42,800.00
2.2 Bidding Services	\$ 2,500.00
Reimbursable Expenses	<u>\$ 250.00</u>
Total Fee	\$64,500.00

WHEREAS, such professional engineering 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 engineering services in connection with the Shore Drive Pedestrian Improvements Project; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$64,500.00 as stated in Colliers Engineering & Design, Inc.’s proposal dated March 27, 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

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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# 4-01-20-165-000-244



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, Inc. is hereby retained to provide professional engineering services in connection with the Shore Drive Pedestrian Improvements Project in the Borough of Highlands as outlined above for an amount not to exceed \$64,500.00.
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 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 24-099
ACCEPTING DONATION OF HOMETOWN HEROES BANNERS FOR BAY AVENUE

WHEREAS, the Highlands First Aid Squad has offered to donate to the Borough of Highlands Hometown Heroes banners for Bay Avenue; and

WHEREAS, the Borough of Highlands is authorized to accept gifts and empowered to utilize such gifts in the manner set forth in the condition of the gift pursuant to N.J.S.A. 40A:5-29; and

WHEREAS, the donation of the aforesaid Hometown Heroes banners by the Highlands First Aid Squad to the Borough of Highlands shall be installed by the Department of Public Works; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Highlands, hereby accepts the donation from the Highlands First Aid Squad of the Hometown Heroes banners for Bay Avenue.

Motion: Mayor Broullon

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

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Nays: None
Abstain: None
Absent: Cervantes

**RESOLUTION 24-100
AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated April 3, 2024, which totals as follows:

Current Fund	\$ 101,404.68
Sewer Account	\$ 423.46
Capital Fund	\$ 164,251.03
Trust-Other	\$ 1,298.75
Federal/State Grants	\$ 10,178.66
Total	\$ 277,556.58

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$ 277,556.58** 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

OTHER BUSINESS: CRS Coordinator Presentation: Kathy Shaw introduced herself and stated her role. She went through her presentation that was projected on the main TV and explained Floodplain Management, NFIP, CRS, the Forerunner platform, elevation certificates, and substantial improvements. She shared that the Floodplain Management and the Redevelopment Areas will be a challenge. Ms. Shaw summarized her timeline and progress made so far. She added that she will be at the Meet & Greet event at the Municipal Building on Monday night.

Boat Parade: Councilmember Chelak reported on the weekend long event planned for May 17-19.

REPORTS:

Mayor's Report: Mayor Broullon reported on Elementary School and Henry Hudson Regional School happenings. She gave numbers served by the First Aid, Fire Department, and Police, and she gave updates on some of the Borough Departments – Code Enforcement, Building, DPW, and Recreation. Mayor Broullon reported on the Sanitary Sewer Project and the Veterans Park Project.

Administrator's Report: Mr. Muscillo reported on his public meeting with H2M and the residents of Central Ave., Beach Blvd, and Ocean Ave. regarding the street paving and sidewalk improvements. Mayor Broullon added that she got some positive feedback from residents who attended the meeting.

With no further reports, Mayor Broullon opened public portion.

PUBLIC PORTION:

Joseph Dorin, Valley Ave., shared his recent email exchange with his neighbor. Mayor Broullon asked him to share the video that he received and Mr. Dorin stated that he will.

With no further comments from the public, Mayor Broullon closed the Public Portion.

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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 IT 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: Olszewski

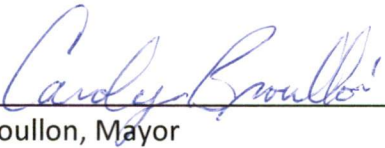
All in favor. None opposed. Councilmember Cervantes was absent.

Council entered into Executive Session at 8:08pm and exited at 8:11pm.

ADJOURNMENT:

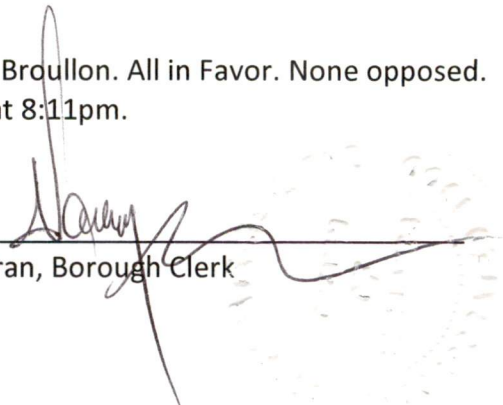
Offered by Councilmember Melnyk and seconded by Mayor Broullon. All in Favor. None opposed. Councilmember Cervantes was absent. Meeting adjourned at 8:11pm.

Approve: _____



Carolyn Broullon, Mayor

Attest: _____



Nancy Tran, Borough Clerk