



Highlands Borough Mayor & Council Meeting Minutes  
Municipal Building, 151 Navesink Avenue, Highlands  
April 17, 2024 – Meeting Minutes

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

**MEETING STATEMENT:** The Municipal 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 Municipal clerk all on January 1, 2024. 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 Administrator Michael Muscillo, Borough Attorney Andrew Ball, Esq., Borough Engineer Joseph Raftery, and Municipal Clerk Nancy Tran.

**PROCLAMATION:** Alcohol Awareness Month 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: Cervantes

Absent: None

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Motion: Chelak

Second: Olszewski

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: Cervantes

Absent: None

**CONSENT AGENDA:** Municipal Clerk Tran read the following resolutions by title. Prior to his vote, Councilmember Melnyk thanked Mr. Muscillo and Chief Burton for their efforts in negotiating the PBA contract. The consent vote is as noted:

**RESOLUTION 24-101**

**AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE BOROUGH OF ATLANTIC HIGHLANDS FOR MUNICIPAL COURT 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**, N.J.S.A. 2B:12-1(c) allows two or more municipalities to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts without establishing a joint municipal court; and

**WHEREAS**, the Borough of Highlands and the Borough of Atlantic Highlands wish to encourage inter-

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municipal cooperation; and

**WHEREAS**, the Borough of Atlantic Highlands and the Borough of Highlands find that it would be in the best interest of both Municipalities to continue to allow for Atlantic Highlands and the Borough of Highlands to share their Court Administrators in order to conserve resources and to provide for a more efficient and more economically sound municipal court system; and

**WHEREAS**, the Municipalities will share their administrators on a reciprocal basis, up to (8) eight hours per month for a period of 2 years, along with two (2) separate one (1) year renewal options; and

**WHEREAS**, the term of this Agreement shall commence upon final execution of the Agreement by the duly authorized representatives of both Municipalities and shall continue for a term ending two years after the effective date unless the two (2) separate one (1) year renewal options are exercised; and

**WHEREAS**, the Shared Services Agreement is subject to review and approval by the Borough Attorney.

**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 between the Borough of Highlands and the Borough of Atlantic Highlands, for the aforesaid municipal court services.

**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 Atlantic Highlands Administrator.

Motion: Mayor Broullon

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 24-102  
ACKNOWLEDGING RECEIPT AND REVIEW OF THE LAND USE BOARD CONSISTENCY REPORT  
FOR ORDINANCE O-24-04**

**WHEREAS**, the Borough of Highlands introduced Ordinance No. O-24-04 and referred it to the Land Use Board pursuant to N.J.S.A. 40:55D-26(a); and

**WHEREAS**, the Land Use Board reported its findings on the Ordinance, by and through the issuance of a Memo dated April 12, 2024; and

**WHEREAS**, in accordance with the aforesaid Report, the Land Use Board found the Ordinance to be consistent with the Borough's Master Plan.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council hereby acknowledges receipt of the Land Use Board's Report finding the Ordinance to be consistent with the Borough's Master Plan.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution certified by the Municipal clerk to be a true copy, be forwarded to the Land Use Board Secretary.

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

**RESOLUTION 24-103  
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 17, 2024, which totals as follows:

Current Fund	\$ 876,267.97
Sewer Account	\$ 5,812.20
Capital Fund	\$ 5,827.28
Trust-Other	\$ 4,238.90
Federal/State Grants	\$ 1,265.03
<b>Total</b>	<b>\$ 893,411.38</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$ 893,411.38** 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: Chelak  
Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon  
Nays: None  
Abstain: None  
Absent: None

**RESOLUTION 24-104  
APPOINTING LISA NATALE TO SERVE IN THE POSITION OF ALTERNATE DEPUTY REGISTRAR**

**WHEREAS**, N.J.S.A. 26:8-17 provides that the Local Registrar, upon acceptance of the appointment, may appoint an Alternate Deputy Registrar for the office to function efficiently and to provide quality service to the public; and

**WHEREAS**, Nancy Tran, the Local Registrar, has made the determination to appoint Lisa Natale to fill the position of Alternate Deputy Registrar and the Governing Body of the Borough of Highlands desires to confirm that appointment by Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Borough of Highlands, that Lisa Natale be and is hereby appointed to serve as Alternate Deputy Registrar.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its enactment.

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

**RESOLUTION 24-105**

**RATIFYING COLLECTIVE NEGOTIATIONS AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE NEW JERSEY STATE POLICEMAN’S BENEVOLENT ASSOCIATION, SANDY HOOK, LOCAL NO. 48, EFFECTIVE JANUARY 1, 2024 THROUGH DECEMBER 31, 2027**

**WHEREAS**, the Borough of Highlands has reached an agreement with the New Jersey State Policeman’s Benevolent Association, Sandy Hook, Local 48 setting forth the terms of a Collective Negotiations Agreement (“CNA”) for the years 2024, 2025, 2026 and 2027 for Members of the Collective Bargaining Unit; and

**WHEREAS**, the Borough Council does hereby agree to approve and ratify said Collective Negotiations Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highlands that the Collective Negotiations Agreement between the Borough of Highlands and the New Jersey State Police Benevolent Association, Sandy Hook, Local 48 to cover the years 2024, 2025, 2026 and 2027 be and are hereby approved.

**BE IT FURTHER RESOLVED** by the Borough Council of the Borough of Highlands that the Mayor and Borough Administrator be and are hereby authorized to execute the Collective Negotiations Agreement for the years 2024, 2025, 2026 and 2027 between the Borough of Highlands and the New Jersey State Police Benevolent Association, Sandy Hook, Local 48.

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

Motion: Mayor Broullon

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

**PUBLIC HEARING ON PROPOSED ORDINANCES:** Municipal clerk Tran read the following ordinance by title:

**ORDINANCE O-24-04**

**AMENDING CHAPTER 22 (ENVIRONMENTAL PROTECTION) SECTIONS 22-1.2 (PURPOSE), 22-1.3 (DEFINITIONS AND WORD USAGE), 22-1.7 (REVIEW OF APPLICATIONS), ADDING NEW SECTION 22-1.8 (TREE REPLACEMENT REQUIREMENTS) AND APPENDIX A (BOROUGH OF HIGHLANDS SUGGESTED TREES AND SHRUBS) AND RENUMBERING THE REMAINING SECTIONS**

**WHEREAS**, the governing body desires to amend Chapter 22 (Environmental Protection) Sections 22-1.2 (Purpose), 22-1.3 (Definitions And Word Usage), 22-1.7 (Review of Applications), add a new Section 22-1.8 (Tree Replacement Requirements) and renumber the remaining sections.

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

**SECTION I.**

Borough Code Chapter 22 (Environmental Protection), Section 22-1.2 (Purpose), shall be amended as follows (additions are shown in **bold with underlines**).

**Section 22-1.2 Purpose**

A.-B. No Change.

**C. An ordinance to establish requirements for tree removal and replacement in The Borough of Highlands to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the**

soil, and protect the environment, public health, safety, and welfare.

## SECTION II.

Borough Code Chapter 22 (Environmental Protection), Section 22-1.3 (Definitions and Word Usage), shall be amended by adding the following definitions (additions are shown in **bold with underlines**).

### Section 22-1.3 Definitions and Word Usage

#### **CRITICAL ROOT RADIUS (CRR)**

Means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

#### **HAZARD TREE**

Means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees. 1. Has an infectious disease or insect infestation; 2. Is dead or dying; 3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective; 4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or 5. Is determined to be a threat to public health, safety

#### **PLANTING STRIP**

Means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

#### **RESIDENT**

Means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

#### **STREET TREE**

Means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

#### **TREE CALIPER**

Means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

#### **TREE REMOVAL**

Means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

## SECTION III.

Borough Code Chapter 22 (Environmental Protection), Section 22-1.7 (Review of Applications), shall be amended as follows (additions are shown in **bold with underlines**).

- a. No change.
- b. When reviewing applications, the Tree Commissioner will, after inspecting the site,

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evaluating soil, location, grading, drainage and other conditions on the site and adjacent properties and consulting with such other officials, agencies, committees, boards and commissions as the Commissioner deems appropriate, determine if the regulated activity proposed is prohibited, permitted or restricted in accordance with this section. **If an application is for activity on a property that has a site plan or subdivision application pending with the Land Use Board, the Tree Commissioner shall not approve of any activity until the Land Use Board has rendered its decision. If no site plan or subdivision application is pending, then the Tree Commissioner shall not approve of any activity until after the Land Use Board provides its recommendation.**

1. Prohibited regulated activities include:

- (a) Clear cutting areas, outside of the limits of removal which collectively exceed forty (40%) percent of a lot.
- (b) Removal of any trees.
- (c) Any action that will substantially increase the potential of erosion.
- (d) Removal of any vegetation, including trees with a DBH less than four (4) inches on a slope.
- (e) Any action that will substantially change drainage patterns.
- (f) Any action inconsistent with other land use approvals or regulations affecting the site.
- (g) Any action that would create a potential hazard to persons or property.

2. Restricted regulated activities include:

- (a) All regulated activities, which are neither prohibited nor permitted, are restricted. Applications may propose a combination of prohibited, permitted and restricted activities. In such cases, the Tree Commissioner may segregate the activities proposed and take the appropriate action on each type of activity.
- (b) Applications for restricted activities shall be referred to the Land Use Board for recommendation to the Tree Commissioner.

c. No change.

d. No change.

#### SECTION IV.

Borough Code Chapter 22 (Environmental Protection), Section 22-1.8, shall be amended by adding a new Section 22-1.8 (additions are shown in **bold with underlines**).

**NOTE TO CODIFIER:** Re-number the following sections.

#### **Section 22-1.8 Tree Replacement Requirements**

##### **A. Tree Replacement Requirements**

- 1. **Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under subsection (C), shall be subject to the requirements of the Tree Replacement Requirements Table below.**
- 2. **Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6" or more per acre, unless otherwise detailed under subsection (C), shall be subject to the requirements of the Tree Replacement Requirements Table.**

**The species type and diversity of replacement trees shall be in accordance with Appendix**

##### **A.**

**Replacement tree(s) shall:**

- 1. **Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;**
- 2. **Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Tree Commissioner;**
- 3. **Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and**
- 4. **Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.**

**Tree Replacement Requirements Table:**

<b><u>Category</u></b>	<b><u>Tree Removed (DBH)</u></b>	<b><u>Tree Replacement Criteria (See Appendix A)</u></b>	<b><u>Replacement Fee</u></b>
<b><u>1</u></b>	<b><u>DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"</u></b>	<b><u>Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed</u></b>	<b><u>\$240.00</u></b>
<b><u>2</u></b>	<b><u>DBH of 13" to 22.99"</u></b>	<b><u>Replant 2 trees with minimum tree calipers of 1.5" for each tree removed</u></b>	<b><u>\$420.00</u></b>
<b><u>3</u></b>	<b><u>DBH of 23" to 32.99"</u></b>	<b><u>Replant 3 trees with minimum tree calipers of 1.5" for each tree removed</u></b>	<b><u>\$840.00</u></b>
<b><u>4</u></b>	<b><u>DBH of 33" or greater</u></b>	<b><u>Replant 4 trees with minimum tree calipers of 1.5" for each tree removed</u></b>	<b><u>\$1,680.00</u></b>

**B. Replacement Alternatives:**

- 1. If the Tree Commissioner determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:**
  - a. Plant replacement trees in a separate area(s) approved by the Tree Commissioner.**
  - b. Pay a fee as set forth in the Tree Replacement Requirements Table per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.**

**C. Exemptions:**

**All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the Tree Commissioner by all persons claiming an exemption:**

- 1. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.**
- 2. Tree farms in active operation, nurseries, fruit orchards, and garden centers; Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Borough;**
- 3. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.**
- 4. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;**
- 5. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;**
- 6. Hazard trees may be removed with no fee or replacement requirement.**

**NOTE TO CODIFIER:** Existing Sections 22-1.8 (Protection of Existing Trees), 22-1.9 (Emergency Action) and 22-1.10 (Violations and Penalties) should be renumbered as 22-1.9 (Protection of Existing Trees), 22-1.10 (Emergency Action) and 22-1.11 (Violations and Penalties).

**SECTION V.**

Borough Code Chapter 22 (Environmental Protection), Appendix A, shall be added as follows:

**Borough of Highlands Suggested Trees and Shrubs**

**Shrubs**

Boxwood  
Yew (dense yew)  
Emerald Green Arborvitae  
Laurel  
Scarlet Firethorn  
Red Twig Dogwood  
Privet hedge  
Japanese black pine  
Leyland Cypress  
Holly  
Euonymus

**Medium Trees [under 30 feet]**

Eastern Redbud  
Japanese Tree Lilac  
Purple leaf plum  
Crabapple

**Large trees [over 30 feet]**

Magnolia  
Dogwood  
Hornbeam  
Linden  
Zelkova  
Hackberry

Replacement trees shall be planted in the fall prior to mid-October when possible, or at such other time as directed by the Tree Commissioner. Replacement trees shall not be planted in the winter.

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

**SECTION VIII. EFFECTIVE DATE.** This ordinance shall take effect immediately upon its passage and publication in accordance with law.

Mayor Broullon opened the floor for public comment. Mr. Dorin hopes this is a good thing. With no further public comment, Mayor Broullon closed the public hearing.

Mr. Ball noted an amendment for a non-substantive change of inserting the term “Replacement Fee” for the potentially confusing term “Application Fee” as 4<sup>th</sup> column header in the Tree Replacement Requirements Table. Mayor Broullon moved to amend the Ordinance accordingly.

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



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Motion to adopt: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

Municipal Clerk Tran stated the ordinance was adopted on second and final hearing.

**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 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

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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 Municipal 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.

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

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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 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.

Mayor Broullon opened the floor for public comment. Michael Cannon, Central Ave., asked for the reason for the increase and asked about the debt service cost and its impact on the budget. Mr. Muscillo answered that there were unforeseen infrastructure issues and that the Borough was still waiting for FEMA monies to pay down its debts.

With no further public comment, Mayor Broullon closed the public hearing and motioned to adopt the ordinance.

Motion: Mayor Broullon

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

Municipal Clerk Tran stated the ordinance was adopted on second and final hearing.

**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,

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**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.

Mayor Broullon opened the floor for public comment. With no public comment, she closed the public hearing and motioned to adopt the ordinance.

Motion: Mayor Broullon

Second: Melnyk

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

Municipal Clerk Tran stated the ordinance was adopted on second and final hearing.

**REPORTS:**

Councilmember Melnyk: reported on the recent, ongoing, and upcoming events that the Recreation Department organized. He also reported on the communications efforts by the Borough.

Council President Olszewski: invited everyone to go see the elementary school play.

Councilmember Chelak: reported that the Coast Guard has given their temporary approval and looks forward to a resolution at the next meeting. She also noted a recent Two River Times article regarding the County's tax credit rating.

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With no further reports, Mayor Broullon opened public portion.

**PUBLIC PORTION:**

Michael Cannon, Central Ave., asked about the paving schedule for his street. Mr. Muscillo answered that he's been pushing for paving to begin before summer.

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

- 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

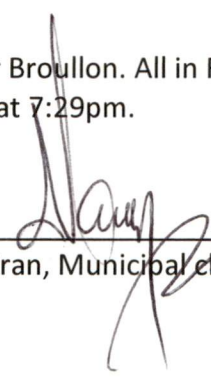
All in favor. None opposed.

Council entered into Executive Session at 7:24pm and exited at 7:28pm.

**ADJOURNMENT:**

Offered by Councilmember Melnyk and seconded by Mayor Broullon. All in Favor. None opposed. Councilmember Cervantes was absent. Meeting adjourned at 7:29pm.

Approve:   
Carolyn Broullon, Mayor

Attest:   
Nancy Tran, Municipal clerk

