



Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
May 15, 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 (arrived at 7:06pm), Councilmember Chelak, Councilmember Melnyk, Council President Olszewski, and Mayor Broullon were present.

Also in attendance were DPW Superintendent Spencer Carpenter, Borough Attorney Andrew Ball, Esq., Borough Engineer Joseph Raftery, CFO Patrick DeBlasio, and Municipal Clerk Nancy Tran.

PROCLAMATION: EMS Week – Mayor Broullon read the proclamation

APPROVAL OF MINUTES

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Motion: Olszewski

Second: Melnyk

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: Cervantes

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Motion: Olszewski

Second: Chelak

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

Nays: None

Abstain: None

Absent: Cervantes

PUBLIC HEARING ON PROPOSED ORDINANCE: Municipal Clerk Tran read the following ordinance by title:

ORDINANCE O-24-07

AMENDING CHAPTER 3 (GENERAL POLICE REGULATIONS) SECTION 3-7A.2.1 (BRUSH AND BRANCH PICKUP) AND SECTION 3-7A.2.2 (LEAF PICKUP), AND ADDING SECTION 3-7A.7 (COMMERCIAL RECYCLING)

WHEREAS, the governing body desires to amend Chapter 3 (General Police Regulations) Section 3-7 (Separation and Collection of Building Materials, Debris, Garbage, Recyclable Material, Paper and Trash) 3-7A (Nonresidential Garbage).

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

SECTION I.

Borough Code Chapter 3 (General Police Regulations), Section 3-7A.2.1 (Brush and Branch Pickup), shall be amended as follows (additions are shown in **bold with underlines**, deletions are shown as **~~strikeovers~~**).

Section 3-7A.2.1 Brush and Branch Pickup

Brush and branches are scheduled to be picked up by zone during the following months: April, May, September, October and December. Brush and branch placement is permitted to be placed a maximum of five (5) days prior to pickup. All brush is to be placed at least ten (10) feet from any storm drain, inlet or stream. Further, all brush is to be placed at least twenty-five (25) feet from any intersection. Branches are to be bundled, not longer than forty-eight (48) inches or greater than four (4) inches in diameter. Additionally, residents **and commercial entities** are permitted to bring brush and branches to the recycling yard. Proof of residency **or association with a commercial entity located within the Borough** is required to bring brush and branches to the recycling yard **~~and no commercial entities are permitted to bring brush and branches to the recycling yard.~~** **Additionally, upon receiving written authorization from the Borough Administrator or his/her designee, a contractor performing work at a Borough residence may bring brush and branches from that residence only to the recycling yard.**

- Zone 1 — The first (1st) Friday of the month.
- Zone 2 — The second (2nd) Friday of the month.
- Zone 3 — The third (3rd) Friday of the month.
- Zone 4 — The fourth (4th) Friday of the month.

Classification of Zones are available on the official Borough of Highlands website and will be available upon request at Borough Hall.

Brush and branches will only be picked up during the months listed above. Additional pickups will not be granted.

SECTION II.

Borough Code Chapter 3 (General Police Regulations), Section 3-7A.2.2 (Leaf Pickup), shall be amended as follows (additions are shown in **bold with underlines**, deletions are shown as **~~strikeovers~~**).

Section 3-7A.2.2 Leaf Pickup

Leaves are scheduled to be picked up by zone during the following months: October, November and December. Leaves are permitted to be placed a maximum of five (5) days prior to pickup. Leaves must be left out loose and placed by the curb. All leaves are to be placed at least ten (10) feet from any storm drain, inlet or stream. Further, all leaves are to be placed at least twenty-five (25) feet from any intersection. Residents **and commercial entities** are permitted to bring leaves to the recycling yard. Proof of residency **or association with a commercial entity located within the Borough** is required to bring leaves to the recycling yard **~~and no commercial entities are permitted to bring leaves to the recycling yard.~~** **Additionally, upon receiving written authorization from the Borough Administrator or his/her designee, a contractor performing work at a Borough residence may bring leaves from that residence only to the recycling yard.**

- Zone 1 — The first (1st) Friday of the month.
- Zone 2 — The second (2nd) Friday of the month.
- Zone 3 — The third (3rd) Friday of the month.
- Zone 4 — The fourth (4th) Friday of the month.

Classification of Zones are available on the official Borough of Highlands website and will be available upon request at Borough Hall.

SECTION III.

Borough Code Chapter 3 (General Police Regulations), Section 3-7A.7 (Commercial Recycling), shall be added as follows (additions are shown in **bold with underlines**).

Section 3-7A.7 Commercial Recycling

Commercial entities located within the Borough are permitted to bring recyclable materials to the recycling yard. Proof of association with a commercial entity located within the Borough is required to bring recyclable materials to the recycling yard.

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

SECTION VI. 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. With no public comment, Mayor Broullon closed the public hearing. There were no comments from the dais.

Motion to adopt: Mayor Broullon
Second: Olszewski
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.

INTRODUCTION OF PROPOSED ORDINANCE: Municipal Clerk Tran read the following ordinance by title:

**ORDINANCE O-24-08
AMENDING CHAPTER 16 (HEALTH), SECTION 16-3 (RETAIL FOOD HANDLING ESTABLISHMENT CODE), SECTION 16-3.5 (GREASE TRAP)**

WHEREAS, the governing body desires to amend Chapter 16 (Health) Section 16-3 (Retail Food Handling Establishing), Section 16-3.5 (Grease Trap) in order to update reference to the National Standard Plumbing Code, update the Borough’s address, and to require semiannual inspections to be requested by the owner, tenant, lessee and/or occupant of any facility or food establishment.

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

SECTION I.

Borough Code Chapter 16 (Health), Section 16-3 (Retail Food Handling Establishment Code), Section 16-3.5 (Grease Trap), shall be amended as follows (additions are shown in **bold with underlines**, deletions are shown as **strikeovers**).

Section 16-3.5 Grease Trap
a.-d. No change.

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e. Design Criteria

1. Construction. Grease traps shall be constructed in accordance with the National Standard Plumbing Code ~~(2015)~~, as adopted and amended pursuant to the N.J.A.C. 5:23-3.15, et seq., and shall have a minimum of two (2) compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the plumbing subcode official. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.
2. No change.
3. No change.
4. No change.
5. Grease Trap Sizing. All grease traps shall have a capacity of not less than one thousand (1,000) gallons nor exceed a capacity of three thousand (3,000) gallons. Grease traps shall be sized in accordance with the National Standard Plumbing Code ~~(2015)~~, as adopted and amended pursuant to the N.J.A.C. 5:23-3.15, et seq., Chapter 6.2.10. If the calculated capacity exceeds three thousand (3,000) gallons, multiple units plumbed in series shall be installed.

f. Grease Trap Maintenance

1.-4. No change.

5. Submittal of Records

(a)-(f). No change.

(g) The user shall be required to submit maintenance records to the plumbing subcode official and to the Department of Public Works on a ~~biannual~~ semiannual basis (twice per year). Records shall be submitted by March 1 and September 1 of each year. The records shall be submitted to:

Plumbing Subcode Official Borough of Highlands
~~42 Shore Drive~~ 151 Navesink Avenue
Highlands, NJ 07732

and

Department of Public Works Borough of Highlands
~~42 Shore Drive~~ 151 Navesink Avenue
Highlands, NJ 07732

(h) The plumbing subcode official, construction official or their designees within the Department of Buildings and Housing, and/or the Department of Public Works, ~~will~~ may perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the plumbing subcode official, construction official or their designees within the Department of Buildings and Housing, or the Department of Public Works, the user shall be required to perform the maintenance and provide records of said maintenance within fourteen (14) calendar days. Upon inspection by the plumbing subcode official, construction official or their designees within the Department of Buildings and Housing the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

(i) The owner(s), tenant(s), lessee(s) and/or occupant(s) of any facility or food establishment in the Borough of Highlands shall have semiannual inspections (twice per year) of their grease trap(s). At least one of the semiannual inspections shall be performed between Memorial Day and Labor Day each year. Semiannual inspections shall be performed at least three months apart. A semiannual inspection performed within three months of a prior semiannual inspection will not be considered as having performed the second semiannual inspection for the year. The owner(s), tenant(s), lessee(s) and/or occupant(s) of the facility or food establishment shall schedule their semiannual inspection in accordance with this Section.

(j) Semiannual inspections by the Plumbing Subcode Official or other Township official shall be requested by the owner(s), tenant(s), lessee(s) and/or occupant(s) of the facility or food establishment, in writing or online, to the Department of Buildings and Housing, which shall schedule said inspection(s) of the grease trap(s) at its discretion. The fee for each semiannual inspection shall be \$75.

g.-j. No change.

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 ordinance and added that the more grease we trap the less grease goes into our sanitary sewer.

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

Ms. Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on June 5, 2024.

**ORDINANCE O-24-09
AMENDING CHAPTER 25 (STORMWATER MANAGEMENT AND CONTROL)**

WHEREAS, the governing body desires to amend Chapter 25 (Stormwater Management and Control)

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

SECTION I.

Borough Code Chapter 25 (Stormwater Management and Control), **is hereby deleted in its entirety and replaced with the following:**

Chapter 25 Stormwater Management

Section 25-1 Scope and Purpose:

a. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

b. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 25-2.

c. Applicability

1. This ordinance shall be applicable to the following major developments:

- (a) Non-residential major developments and redevelopment projects; and
- (b) Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Highlands.

3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

d. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section 25-2 Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number

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include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

Section 25-3 Design and Performance Standards for Stormwater Management Measures:

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

Section 25-4 Solids and Floatable Materials Control Standards:

a. Site design features identified under Section 25-3 above, or alternative designs in accordance with Section 25-3 above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 25-4 a.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

(b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

(c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in Section 25-4 a.1. above does not apply:

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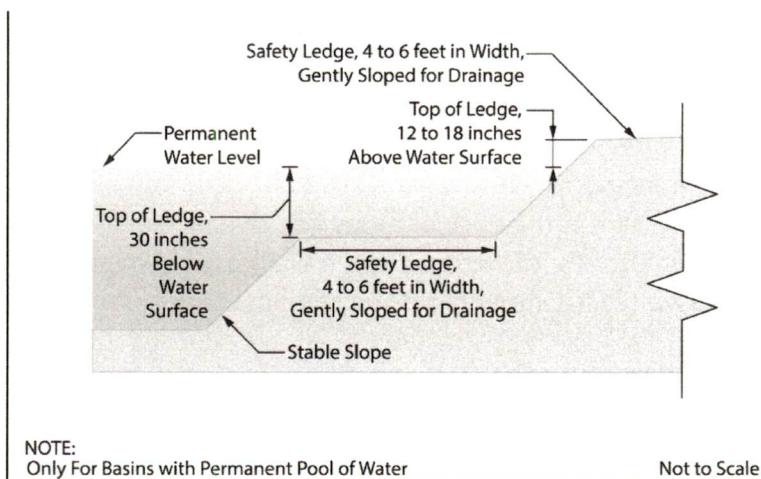
- (a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- (b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- (c) Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (1) A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - (2) A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- (d) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section 25-5 Safety Standards for Stormwater Management Basins:

- a. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.
- b. Safety Ledge Illustration
Elevation View –Basin Safety Ledge Configuration



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Section 25-6 Requirements for a Site Development Stormwater Plan:

a. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 25-6 c. below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit six (6) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 25-6 c. of this ordinance.

b. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

c. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and

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other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section 25-3 is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- (a) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- (a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 25-3 of this ordinance.
- (b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 25-7.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 25-6 c.1 through c.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

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Section 25-7 Maintenance and Repair:

a. Applicability

Projects subject to review as in Section 25-1 c. of this ordinance shall comply with the requirements of Section 25-7 b. and c.

b. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.

2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:

(a) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and

(b) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

c. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Section 25-8 Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the penalties as specified in Chapter 1, Section 1-5 of the "Revised General Ordinances of the Borough of Highlands," entitled "Penalties; General."

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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 ordinance.

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

Ms. Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on June 5, 2024.

Mayor Broullon noted that Councilmember Cervantes arrived at 7:06pm.

CONSENT AGENDA: Municipal Clerk Tran read the following resolutions by title. Prior to her vote, Mayor Broullon thanked Mr. Chesal for stepping up and shared that she thought that it's ideal that OEM is represented by each department. The consent vote is as noted:

RESOLUTION 24-113

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR BEACH SIFTING SERVICES AT SNUG HARBOR BEACH AND MILLER STREET BEACH FOR THE SUMMER OF 2024

WHEREAS, the Borough of Highlands has a need for beach sifting services at Snug Harbor Beach and Miller Street Beach for the Summer of 2024 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Fitzpatrick & Sons, LLC has submitted a proposal in the amount of \$8,970.00 to sift Snug Harbor Beach and Miller Street Beach one time prior to Memorial Day Weekend and once a week for twelve (12) weeks beginning on June 16, 2024 until Labor Day, September 2, 2024; and

WHEREAS, said proposal will not exceed the Borough's bid threshold; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$8,970.00 for the aforesaid services; and

WHEREAS, the Borough has obtained at least two competitive quotations pursuant to N.J.S.A. 40A:11-6.1; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to retain Fitzpatrick & Sons, LLC to perform beach sifting services at Snug Harbor Beach and Miller Street Beach for the Summer of 2024; and

WHEREAS, Fitzpatrick & Sons, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the

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contract will prohibit Fitzpatrick & Sons, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, Fitzpatrick & Sons, LLC has completed and submitted a Political Contribution 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:

Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands that:

1. Fitzpatrick & Sons, LLC is hereby retained to provide beach sifting services at Snug Harbor Beach and Miller Street Beach one time prior to Memorial Day Weekend and once a week for twelve (12) weeks beginning on June 16, 2024 until Labor Day, September 2, 2024 in an amount not to exceed \$8,970.00.
2. 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: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

**RESOLUTION 24-114
AUTHORIZING THE AWARD OF A CONTRACT TO CIVICPLUS FOR ANNUAL RENEWAL OF
MUNICODE MEETINGS HUB SOFTWARE**

WHEREAS, the Borough of Highlands utilizes CivicPlus LLC, PO Box 737311, Dallas, Texas for its Municode Meetings Hub software; and

WHEREAS, CivicPlus LLC has submitted a proposal, dated May 3, 2024, for its annual license in the amount of \$6,000.00, for the term of one (1) year, beginning July 1, 2024 through June 30, 2025; and

WHEREAS, such annual renewal for the support or maintenance of proprietary computer software may be awarded without public advertising for bids or bidding in accordance with N.J.S.A. 40:A11-5(dd); and

WHEREAS, the proposal includes the following:

1. Municode Meetings Hub Bundled Purchase Renewal - Portal
2. Municode Meetings Hub Bundled Purchase Renewal - Board Management
3. Municode Meetings Premium Annual Renewal

WHEREAS, the governing body has determined that it is in the best interest of the Borough to

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enter into a contract with CivicPlus LLC, for the term of one (1) year, beginning July 1, 2024 through June 30, 2025 for renewal of its Municode Meetings Hub software annual license, in an amount not to exceed \$6,000.00 in accordance with CivicPlus's proposal dated May 3, 2024; 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:

Patrick DeBlasio, Chief Financial Officer

WHEREAS, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq., the Municipal Clerk shall publicly advertise notice of this action.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands that:

1. A contract is hereby awarded to CivicPlus LLC for the annual renewal of the Municode Meetings Hub software license, for the term of one (1) year, beginning July 1, 2024 through June 30, 2025, as outlined above for an amount not to exceed \$6,000.00.
2. The contract is awarded without competitive bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd). 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: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

RESOLUTION 24-115

APPOINTING DEPUTY EMERGENCY MANAGEMENT COORDINATOR TO FILL VACANCY FOR THE UNEXPIRED TERM

Appointment with the approval of the Mayor

WHEREAS, in accordance with N.J.S.A. App.A:9-40.3, each municipal disaster control director shall appoint a deputy municipal disaster control director with the approval of the Mayor; and

WHEREAS, in accordance with Directive No. 102 issued by the State Office of Emergency Management, each emergency management coordinator shall appoint one and may appoint more than one Deputy Emergency Management Coordinators with the approval of the Mayor; and

WHEREAS, Resolution 22-065, duly adopted February 2, 2022, appointed David Parker as a Deputy Emergency Management Coordinator; however, David Parker has since retired and relocated; and

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WHEREAS, the emergency management coordinator wants to fill the vacancy left by David Parker's departure with Larry Chesal to serve as one of the Deputy Emergency Management Coordinators for the unexpired term.

NOW, THEREFORE, BE IT RESOLVED, that Larry Chesal be and is hereby appointed to serve as a Deputy Emergency Management Coordinator for the Borough of Highlands to serve the vacancy left by the departure of David Parker, for the unexpired term to serve along with Charles Wells, William Caizza and Patrick Mason, Jr. for the term which expires December 31, 2024.

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

RESOLUTION 24-116

CALLING FOR THE MODERNIZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045

WHEREAS, in the 2002 "lame duck" session the Open Public Records Act (OPRA) was approved to make government records, "readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest" while protecting "a citizen's right to a reasonable expectation of privacy"; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney's fees, which impacts the taxpayers and municipalities who must pay these fees; and

WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact

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with the municipality because they don't want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens' personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees;

NOW, THEREFORE, BE IT RESOLVED, the governing body of the Borough of Highlands in the County of Monmouth respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator Declan O'Scanlon, Assemblywoman Victoria Flynn, Assemblyman Gerry Scharfenberger, Governor Murphy, and the New Jersey League of Municipalities.

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

**RESOLUTION 24-117
AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated May 15, 2024, which totals as follows:

Current Fund	\$ 1,145,353.88
Sewer Account	\$ 87,779.02
Capital Fund	\$ 236,573.60
Trust-Other	\$ 27,354.24
Federal/State Grants	\$ --
Total	\$ 1,497,060.74

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ **1,497,060.74** 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

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

Nays: None

Abstain: None

Absent: None

RESOLUTION 24-118

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Borough of Highlands, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

OTHER BUSINESS: Sanitary Sewer – Mayor Broullon gave an update on the sanitary sewer project. She noted that portions of the project will be stopped due to conflicts of the sanitary sewer with the water mains. She added which roads Roman E&G will pave and which the County will pave. Mayor Broullon stated that those portions of the project that are not completed in Phase I will resume with Phase II, which hasn't even gone out to bid yet and listed several unexpected complications encountered during the project.

REPORTS:

Councilmember Chelak, Councilmember Cervantes, and Council President Olszewski had nothing to report.

Council Melnyk – reported that the Communications Committee will make it a priority to disseminate information relating to the USACE Coastal Storm Risk Management Project. He read a statement reminding people of their role, their rights, and their voice regarding their opportunity to vote for the project when the question is approved.

Mayor Broullon added that the referendum will be made public by August 1st but expressed doubt of it happening since the USACE was only 30% complete.

Mayor Broullon mentioned the Hometown Hero banners going up on Bay Ave. and that there's

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still an opportunity to submit an application for the limited available spots left.

With no further reports, Mayor Broullon opened public portion.

PUBLIC PORTION:

Rosemary Ryan, Highland Ave., thanked Council for their journal ad for the Junior League of Monmouth County event where she was nominated for an award. She reported that she didn't come in first but did come in 2nd place with another nominee. Ms. Ryan thanked Council for the EMS Week proclamation and appointing Mr. Chesal to the OEM team.

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:

- Attorney/Client Privilege: Affordable Housing Requirements

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: Chelak

All in favor. None opposed.

Council entered into Executive Session at 7:24pm and exited at 8:24pm.

ADJOURNMENT:

Offered by Mayor Broullon and seconded by Councilmember Chelak. All in Favor. None opposed. Meeting adjourned at 8:25pm.

Approve: Carolyn Broullon
Carolyn Broullon, Mayor

Attest: Nancy Tran
Nancy Tran, Municipal clerk