



Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 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, and Mayor Broullon were present. Council President Olszewski was absent.

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

APPROVAL OF MINUTES

June 5, 2024 Meeting Minutes

Motion: Melnyk

Second: Mayor Broullon

Ayes: Chelak, Melnyk, Mayor Broullon

Nays: None

Abstain: Cervantes

Absent: Olszewski

Oath of Office: Mayor Broullon stated that Mr. Wells was present to take the Oath of Office. He was sworn in as the Fire Official with his family present.

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

ORDINANCE O-24-10

AUTHORIZING THE SALE OF BLOCK 101, LOT 3.02 IN THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AT AUCTION PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the Borough of Highlands is the owner of real property located near Mathews Street and known as Block 101, Lot 3.02 in the Borough of Highlands, County of Ocean, State of New Jersey (collectively the "Property"); and

WHEREAS, the Property is a remaining parcel that resulted from the subdivision of prior Block 101, Lot 3; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the Borough to sell municipally owned real property not needed for public use at a private sale to the owner of real property contiguous to the real property being sold, and further provides that where there is more than one owner of real property contiguous thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners and that the sale shall be for not less than the fair market value of the said real property; and

WHEREAS, the governing body of the Borough of Highlands has determined that the Property is not needed for public use, and the sale of the Property to the highest bidder is in the best interests of the Borough of Highlands; and

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes

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

SECTION I. The Borough of Highlands is the owner of the following land located within the Borough of Highlands (hereinafter referred to as the "Property"):

Block 101, Lot 3.02 a parcel in the Borough of Highlands, New Jersey, which is located near Mathews Street (though lacking frontage on Mathews Street) and bounded by Block 101, Lot 2.01, Block 101, Lot 3.01, and Block 100, Lot 30.02, and subject to all easements and restrictions of record and not of record.

SECTION II. The following conditions for the sale of the Property apply:

- (a) The minimum bid for the Property shall be \$32,806.00.
- (b) Eligible bidders are those owners of property contiguous with the Property, or more specifically, the owners of either Block 101, Lot 2.01, or Block 100, Lot 30.02.
- (c) The Borough reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price, or to reject all and not to award to the highest bidder. The Borough reserves the right to waive any and all defects and informalities in any proposal, and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough.
- (d) The highest bidder will be the purchaser. Within 10 days of notice of acceptance of their bid, the highest bidder shall deposit cash, check, or money order in the amount of 10 percent of the bid price with the Borough Clerk. If the highest bidder fails to deposit such amount, the Borough may re-auction the Property.
- (e) The successful bidder will execute a contract for the purchase of the Property upon completion of bidding and its payment of the required deposit.
- (f) The sale of the Property shall be made subject to the terms, conditions, restrictions and limitations of a contract of sale, which shall include but not be limited to the following terms and conditions:
 - 1) The Property is being sold in an "AS IS – WHERE IS" condition. The successful bidder is responsible for conducting any and all inspections, surveys, and testing of the Property at its own cost and expense.
 - 2) The Property is sold subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting the Property. A survey of the Property may be conducted by any prospective bidder, at its discretion, as part of its due diligence.
 - 3) No representation is made by the Borough as to the utility, usability or environmental condition of the Property.
 - 4) The Borough does not guarantee the construction of any road, water or sewer line, curb, gutter, sidewalk, drainage facility or other improvement or utility on, at or near the Property that is sold.
- (g) Failure to close title within sixty (60) days of acceptance of the bid, unless such date is extended in the sole discretion of the Borough for good cause, shall

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes

forfeit to the Borough of Highlands any and all money deposited with the Borough.

(h) The Borough reserves the right to withdraw the offer of sale and reject any and all bids.

(i) It is suggested and recommended that the potential bidders perform title searches and/or last owner and lien searches on the Property prior to the date of bid submission in order that the potential bidder may be adequately apprised of any encumbrances or restrictions of record affecting the use and enjoyment of the Property. It is further suggested and recommended that potential bidders exercise due diligence with respect to every state of facts including open permits, local fines, penalties, taxes, assessments, etc., which may not be of record but which may nonetheless affect the use and enjoyment of the Property. The Borough of Highlands shall not be responsible for the costs associated with such searches in the event that a bid is rejected.

(j) Eligible bidders interested in submitting bids and who require additional information, should contact Michael Muscillo, Borough Administrator, 151 Navesink, Highlands, NJ 07732.

(k) Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.

SECTION III. Notice of the Borough's intention to sell the Property, the minimum bid price therefor, and the method of bidding shall be published in a newspaper circulating in the Borough by two insertions at least once a week during two consecutive weeks. Said notice and a certified copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Borough offices. Any offer(s) for the Property may thereafter be made to the Borough Administrator for a period of twenty (20) days following the newspaper advertisement, for not less than the minimum price provided herein. If awarded, the contract shall be awarded to the highest bidder in excess of the minimum bid price for the Property.

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 after final passage and publication as provided by law.

Mr. Ball noted the minor, non-substantive edit with the Ordinance. With no comment from the dais, Mayor Broullon opened the floor for public comment.

Robert Munck, Shore Dr., expressed his concerns about the sale and questioned the need to sell the property at this point. Mr. Ball explained that the block and lot resulted from the recent subdivision. Mr. Munck disagreed that the property was "no longer needed." Mayor Broullon explained that the larger parcel was on the ROSI list.

Michael Cannon, Central Ave., thought that it may be in the Borough's best interest not to sell for possible future mitigation needs. Mayor Broullon noted that the property size was not big enough to make an impact. Councilmember Melnyk added that there was access to public property

With no further public comment, Mayor Broullon closed the public hearing.

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes

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

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

ORDINANCE O-24-11

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$2,640,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,543,677 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Highlands, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$2,640,000, said sum being inclusive of all appropriations heretofore made therefor, including \$545,900 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT), \$167,647 grant funds expected to be received from a Community Development Block Grant (CDBG), and the sum of \$96,323 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$2,543,677, 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 purposes for which the obligations are to be issued consist of:

i) improvements to Portland Road, with a total appropriation and estimated cost of \$815,000 including \$261,900 grant funds expected to be received from the NJDOT, estimated maximum amount of bonds and notes therefor of \$787,345, and an average period of usefulness of ten (10) years;

ii) improvements to the Shore Drive Pedestrian crossing, with a total appropriation and estimated cost of \$740,000 including \$284,000 grant funds expected to be received from NJDOT, estimated maximum amount of bonds and notes therefor of \$717,200, and an average period of usefulness of ten (10) years;

iii) Jones Creek Dredging project, with a total appropriation and estimated cost of \$100,000, estimated maximum amount of bonds and notes therefor of \$95,000, and an average period of usefulness of ten (10) years;

iv) document imaging project, with a total appropriation and estimated cost of \$50,000, estimated maximum amount of bonds and notes therefor of \$47,500, and an average

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes

period of usefulness of five (5) years;

v) acquisition of a garbage truck, with a total appropriation and estimated cost of \$275,000, estimated maximum amount of bonds and notes therefor of \$261,250, and an average period of usefulness of ten (10) years;

vi) acquisition of a vehicle for the Borough Police Department, with a total appropriation and estimated cost of \$60,000, estimated maximum amount of bonds and notes therefor of \$57,000, and an average period of usefulness of five (5) years;

vii) acquisition of a truck for a Borough fire official, with a total appropriation and estimated cost of \$50,000, estimated maximum amount of bonds and notes therefor of \$47,500, and an average period of usefulness of five (5) years; and

viii) improvements to Marine Place, with a total appropriation and estimated cost of \$550,000 including \$167,647 grant funds expected to be received from CDBG, estimated maximum amount of bonds and notes therefor of \$530,882, and an average period of usefulness of fifteen (15) years; and

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 \$2,543,677, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$2,640,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$2,640,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$96,323 down payment for said purposes.

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 general 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 10.73864 years.

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough 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 increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,543,677 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$400,000 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.

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 Borough 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 within the appropriation herein authorized 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. 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 the items and projects that the bond ordinance covered. With no comment from the dais, Mayor Broullon opened the floor for public comment. With no public comment, Mayor Broullon closed the public hearing.

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

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:

CAPITAL ORDINANCE O-24-12

CAPITAL ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, AND APPROPRIATING \$400,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey (the “Borough”) has determined to provide for various capital improvements, and

WHEREAS, the Borough has available \$250,000 in the Borough’s Capital Fund Balance and \$150,000 in the Borough’s Capital Improvement Fund.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general capital improvements to be undertaken in and by the Borough. For the improvements or purposes described in Section 2, there is hereby appropriated \$400,000, said sum being inclusive of \$250,000 from the Borough’s Capital Fund Balance and \$150,000 from the Borough’s Capital Improvement Fund.

Section 2. The improvements hereby authorized to be undertaken consist of various capital improvements, including, but not limited to, improvements to Linden Avenue sidewalks and curbing, 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.

Section 3. The 2024 capital budget of the Borough will conform to 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 Borough Clerk and is available there for public inspection.

Section 4. An aggregate amount not exceeding \$80,000 for 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.

Section 5. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 2 hereof, shall be applied to direct payment of the cost of the improvements within the appropriation herein authorized.

Section 6. The Borough Attorney and other Borough officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein.

Section 7. This ordinance shall take effect as provided by law.

Mr. Muscillo explained that the ordinance was for the Linden Ave. sidewalk improvements and that it self-funded. Mayor Broullon expanded on the project.

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

Ms. Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on July 17, 2024.

ORDINANCE O-24-13

AMENDING CHAPTER 7A “TRAFFIC SCHEDULES”, SCHEDULE I “NO PARKING” OF THE CODE OF THE BOROUGH OF HIGHLANDS RELATED TO AREAS OF NO PARKING ON LIGHT HOUSE ROAD

WHEREAS, Chapter 7A, Schedule I of the Borough Code establishes the streets or parts of streets where there shall be no parking; and

WHEREAS, the Borough of Highlands is authorized to control parking on local roads pursuant to N.J.S.A. 39:4-8(b)(1) and N.J.S.A. 39:4-197(1)(f).

WHEREAS, the Chief of Police has analyzed and evaluated the Borough Code and has recommended certain changes; and

WHEREAS, the governing body finds that these recommendations should be adopted for the general safety, health and welfare of the Borough.

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

SECTION I.

Borough Code Section 7A-1 entitled “No Parking”, shall be amended by adding the following:

SCHEDULE I: NO PARKING

NAME OF STREET	SIDES	LOCATION
<i>Light House Road</i>	<i>Both</i>	<i>Entire Length</i>

NOTE TO CODIFIER: All other portions of this Section remain the same.

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 after final passage as provided by law.

Mayor Broullon explained that historically there has been no parking on this road but that the ordinance was necessary in order for signage and enforcement.

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

Ms. Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on July 17, 2024.

RESOLUTION: Municipal Clerk Tran read the following resolution by title.

RESOLUTION 24-127

APPROVING RENEWAL OF LIQUOR LICENSE 1317-32-009-008 FOR THE 2024-2025 TERM

WHEREAS, renewal application has been filed or submitted through POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal application has been accepted via POSSE ABC, the Municipal Fees have been paid, and a Tax Clearance Certificate, have been received for the following licensee; and,

WHEREAS, the applicant is qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the renewal of the following Liquor License for the 2024-2025 license term be and are hereby authorized:

License Number	Licensee	Establishment
1317-32-009-008	Grala LLC / Chubby Pickle	Active

Mayor Broullon explained that the licensee had satisfied all the ABC requirements.

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

RESOLUTION 24-128

APPROVING RENEWAL OF LIQUOR LICENSE 1317-33-008-006 FOR THE 2024-2025 TERM

WHEREAS, renewal application has been filed or submitted through POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal application has been accepted via POSSE ABC, the Municipal Fees have been paid, and a Tax Clearance Certificate, have been received for the following licensee; and,

WHEREAS, the applicant is qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the renewal of the following Liquor License for the 2024-2025 license term be and are hereby authorized:

License Number	Licensee	Establishment
1317-33-008-006	Seastreak LLC	Active

Mayor Broullon explained that the licensee has been responsive in complying with the Borough.

Motion: Mayor Broullon
Second: Chelak
Ayes: Chelak, Melnyk, Mayor Broullon

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes

Nays: None
Abstain: Cervantes
Absent: Olszewski

RESOLUTION 24-129

AUTHORIZING PLACEMENT OF A NON-BINDING BALLOT QUESTION ON THE NOVEMBER 5, 2024 GENERAL ELECTION BALLOT REGARDING ACCEPTANCE BY THE BOROUGH OF HIGHLANDS OF A FEDERAL FLOODWALL PROJECT

WHEREAS, a presentation was made at the Borough of Highlands May 14, 2024 public meeting regarding a large-scale Federal floodwall project, which includes eminent domain of private property, with an initial cost of \$13 million dollars and an additional annual cost of at least \$500,000 per year to be paid by taxpayers for maintenance of the floodwall; and

WHEREAS, the Borough of Highlands desires to ascertain the sentiments of the legal voters of the Borough regarding acceptance of the above referenced project; and

WHEREAS, N.J.S.A. 19:37-1 permits municipalities to adopt a Resolution authorizing the placement of a non-binding question on the general election ballot to “ascertain the sentiment of the legal voters of the municipality” and request the County Clerk to print the question upon the official ballot of the next general election.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands that the County Clerk include on the ballot for the general election to be held on November 5, 2024 the following question:

“Should the Borough of Highlands accept the large-scale Federal floodwall project as presented at the May 14, 2024 Public Meeting, which includes the possible exercise of eminent domain to take private property, with an initial estimated cost to the taxpayers of at least \$13 million dollars, in addition to annual funding paid by taxpayers for maintenance estimated to be at least \$500,000 per year?”

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Borough Clerk to be a true copy be immediately filed with the Monmouth County Clerk together with the request that the ballot question be placed upon the ballot for the general election to be held on November 5, 2024.

Mayor Broullon explained the resolution and question. Councilmember Melnyk added that this is the best we can do with the existing situation.

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

CONSENT AGENDA: Municipal Clerk Tran read the following resolutions by title. Prior to her vote, Councilmember Chelak asked for clarification of the Overlook Park project and Mr. Raftery explained the grant requirements. The consent vote is as noted:

RESOLUTION 24-130

APPROVING CHANGE ORDER NO. 4 FOR PHASE I SANITARY SEWER IMPROVEMENTS PROJECT

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

**Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes**

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

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

WHEREAS, as a result of the approval of Change Order No. 2, the contract amount was increased by \$326,100.00, thereby increasing the contract amount from \$6,748,648.00 to \$7,074,748.00; and

WHEREAS, due to unforeseen conditions encountered during construction, by way of Resolution 24-076 duly adopted on March 6, 2024, Change Order No. 3 changing the contract amount for the Phase I Sanitary Sewer Improvements Project was approved; and

WHEREAS, as a result of the approval of Change Order No. 3, the contract amount was increased by \$385,980.92, thereby increasing the Contract amount from \$7,074,748.00 to \$7,460,728.92; and

WHEREAS, by letter dated May 29, 2024, the Project Engineer, H2M Associates, Inc., advised that an additional Change Order is necessary to reduce the overall contract price; and

WHEREAS, the scope of work for Change Order No. 4 reflects a change to the contract amount with a decrease of \$465,343.00, thereby decreasing the Contract amount from \$7,460,728.92 to \$6,995,385.92; and

WHEREAS, this reduction in contract price is due to the additional scope items totaling \$348,057.00, associated credits totaling a reduction in the amount of \$96,458.00 for adjusted prices and the removed scope item due to a water main conflict on Bay Avenue, resulting in a reduction in the amount of \$716,942.00; and

WHEREAS, the additional scope items and associated credits include the following: Waterwitch (Local) By-Pass, Force Main and Gravity Sewer Work; the removal of 24" of VCP abandoned storm drain from Snug Harbor to Central Avenue; a 6" Mill and Pave for Bay Avenue (Local); raising a manhole frame and cover of a storm chamber located near Bay Avenue and North Street; rebuilding a catch basin at Bay Avenue and Waterwitch Avenue to accommodate a Type A frame and grate; installation of 40' of CIPP Liner from MH A17.4.3 to MH at Waterwitch Pump Station and a Water Main Conflict which occurred on Bay Avenue; and

WHEREAS, in accordance with the aforesaid letter, the Project Engineer recommended that the Borough approve Change Order No. 4 in order to allow for the Phase I Sanitary Sewer Project to be completed; 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: C-06-24-101-000-201



Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that Change Order No. 4 changing the contract amount to reflect a decrease of \$465,343.00, thereby decreasing the contract amount from \$7,460,728.92 to \$6,995,385.92 be and is hereby approved.

**Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes**

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

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

**RESOLUTION 24-131
APPOINTING FIRE OFFICIAL AND HOUSING INSPECTOR**

WHEREAS, due to the retirement of the Borough’s Fire Official and Housing Inspector in 2023 there was a need to appoint a Fire Official and Housing Inspector to act in his place; and

WHEREAS, the provisions of N.J.S.A. 52:27D-203b requires that the appointment of a Fire Official shall be made by Resolution of the governing body; and

WHEREAS, by way of Resolution 23-183, duly adopted on August 16, 2023, Paul A. Murphy, Jr. was appointed as the Fire Official and Housing Inspector for the Borough of Highlands in a provisional capacity in accordance with N.J.S.A. 11A:1-1 et seq.; and

WHEREAS, the New Jersey Civil Service Commission issued their list of eligible appointments on June 5, 2024, with an effective date of June 13, 2024; and

WHEREAS, pursuant to the aforesaid list of eligible appointments, Charles R. Wells, III, ranked first on the list and has, among other things, Veteran Status; and

WHEREAS, as a result of the aforesaid ranking and rules of the Civil Service Commission, Charles R. Wells, III expressed interest in being appointed to serve as the Fire Official and Housing Inspector for the Borough of Highlands.

WHEREAS, the Governing Body wishes to appoint Charles R. Wells, III as the Fire Official and Housing Inspector for the Borough of Highlands with an effective date of June 19, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that in accordance with the provisions of N.J.S.A. 52:27-203b, N.J.A.C. 5:71-2.1 et seq. and N.J.S.A. 11A:1-1 et seq., that Charles R. Wells, III be and is hereby appointed as the Fire Official and Housing Inspector for the Borough of Highlands effective immediately.

BE IT FURTHER RESOLVED, that the Borough Clerk is authorized to forward a copy of this Resolution to the State of New Jersey Department of Community Affairs, Division of Fire Safety with all required documentation.

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

**RESOLUTION 24-132
APPOINTING TAX ASSESSOR**

WHEREAS, Gerald Jay Briscione was appointed as Tax Assessor by way of Resolution 18-054, and reappointed by way of Resolution 22-149, thereby granting tenure; and

WHEREAS, Gerald Jay Briscione has provided notice of his resignation effective July 1, 2024; and

WHEREAS, the Mayor has offered the name of Gregory T. Hutchinson to serve as the Tax Assessor; and

WHEREAS, the Mayor and Council have determined that Gregory T. Hutchinson is qualified for the position of Tax Assessor and will be able to perform the duties of Tax Assessor as delineated by statute and in the Borough Code, Chapter 2-8.4; and

WHEREAS, N.J.S.A. 40A:9-148 requires appointment of Assessors to terms of four years beginning on July 1;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey that Gregory T. Hutchinson is hereby appointed to serve as Tax Assessor, for a four-year term beginning on July 1, 2024 and ending on June 30, 2028.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to forward a copy of this Resolution to Gregory T. Hutchinson, the Borough Administrator, the Chief Financial Officer, the Monmouth County Tax Administrator, and the New Jersey Division of Taxation.

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

**RESOLUTION 24-133
AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated June 19, 2024, which totals as follows:

Current Fund	\$	221,061.61
Sewer Account	\$	76,240.18
Capital Fund	\$	7,781.27
Trust-Other	\$	6,946.67
Federal/State Grants	\$	3,363.65
Total	\$	315,393.38

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$ 315,393.38** 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 and on file in the Municipal Clerk's office for reference.

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

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes

Abstain: None
Absent: Olszewski

RESOLUTION 24-134
AUTHORIZING THE AWARD OF A CONTRACT TO OTIS ELEVATOR COMPANY
FOR ELEVATOR MAINTENANCE, SERVICE AND SUPPORT

WHEREAS, the Borough of Highlands wishes to enter into a contract with Otis Elevator Company, 30 Twosome Drive Suite 4, Moorestown, New Jersey 08057 for equipment and product support/maintenance related to Hydraulic equipment located at the Municipal Building, manufactured by Otis Elevator Company; and

WHEREAS, Otis Elevator Company has submitted a proposal for its services consisting of maintenance, service and support related to its Hydraulic equipment for a monthly fee of \$291.00 as well as Otis One Prime for \$15.00 per month for a duration of no more than 5 (five) years; and

WHEREAS, the proposal includes the furnishing of maintenance, service, parts coverage, and digital services as more fully set forth in their proposal dated June 14, 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: Acct# 4-01-26-310-000-178



Patrick DeBlasio, Chief Financial Officer

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

1. A contract is hereby awarded to Otis Elevator Company for the maintenance, service and support of its Hydraulic equipment located at the Municipal Building, as outlined above and in their proposal dated June 14, 2024, for a monthly fee of \$291.00 as well as Otis One Prime for \$15.00 per month for a duration of no more than 5 (five) years.
2. The contract shall be subject to review and approval by the Borough Attorney.
3. The Mayor and Borough Clerk are hereby authorized to sign said contract.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.

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

RESOLUTION 24-135
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL
ENGINEERING DESIGN SERVICES IN CONNECTION WITH IMPROVEMENTS TO OVERLOOK PARK

WHEREAS, the Borough of Highlands has a need for professional engineering design services in connection with improvements to Overlook Park, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes**

WHEREAS, Colliers Engineering & Design has set forth its proposed services in a written proposal dated June 7, 2024, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the proposed amount of the contract with Colliers Engineering & Design is \$14,650.00, consisting of the following:

<u>Task</u>	<u>Cost</u>
1. Phase 1 – Topographic Survey & Underground Utility Detection	\$ 6,900.00
2. Phase 2 – Concept Preparation	\$ 7,500.00
3. Reimbursable Expenses	<u>\$ 250.00</u>
Total	\$ 14,650.00

WHEREAS, such professional engineering design services can only be provided by licensed professionals and the firm of Colliers Engineering & Design, 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 for the proposed engineering design services in connection with improvements to Overlook Park as set forth in its proposal; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$14,650.00 for professional engineering design services as stated in Colliers Engineering & Design’s proposal dated June 7, 2024; and

WHEREAS, Colliers Engineering & Design has completed and submitted a Business Entity Disclosure Certification which certifies that it 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 from making any reportable contributions through the term of the contract; and

WHEREAS, Colliers Engineering & Design 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# C-04-23-101-000-204



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 is hereby retained to provide professional engineering design services in connection with improvements to Overlook Park as described above and in their proposal dated June 7, 2024, for an amount not to exceed \$14,650.00.
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.

**Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes**

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.

The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**RESOLUTION 24-136
AUTHORIZING THE PREPARATION, SUBMITTAL, AND EXECUTION OF A MUNICIPAL OPEN
SPACE PROGRAM GRANT FOR FRANK HALL PARK**

WHEREAS, the Monmouth County Board of County Commissioners has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County Park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Highlands desires to obtain County Open Space Trust Funds in the amount of **\$85,900** to fund improvements at Frank Hall Park, located at Miller Street, Block 40, Lot 17.01; and

WHEREAS, the total cost of the project including all matching funds is **\$171,800.00**; and

WHEREAS, the Borough of Highlands is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY BOROUGH COUNCIL THAT:

1. **Michael Muscillo** or his/her successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Highlands is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. **Michael Muscillo** or his/her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes

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

REPORTS:

Councilmember Melnyk: reported on the summer concert series, the upcoming Frank Hall Park public hearing, the Overlook Park project progress, and the Communications Committee's efforts to educate the public regarding the floodwall question on the General Election ballot. He noted additional Recreation Department events and reminded the public to sign up for the Nixel alerts. Mayor Broullon reminded the public about the upcoming public hearing on the Frank Hall Park project.

Councilmember Chelak: asked Mr. Muscillo about the sound wall at the skate park. Mr. Muscillo noted the recent addition to the fence for privacy and that the previously planned planting of arborvitae was unsustainable due to the soil conditions. Mayor Broullon noted a possible tree alternative.

Councilmember Chelak reminded the public about the upcoming flood mitigation public session on June 27th at 6:30pm.

Mayor Broullon: reminded the public about the weekend Taste of Highlands event.

Mr. Raftery: reported on the Portland Road project and the Linden Avenue sidewalk project progress. He added that the permit for the Jones Creek dredging was near approval and once received, work is expected to be done in 4 days.

Mr. Muscillo: had nothing further to add.

With no further reports, Mayor Broullon opened public portion.

PUBLIC PORTION:

Michael Cannon, Central Ave., asked for more information regarding the Jones Creek project and Mr. Raftery answered. Mr. Cannon shared his opinion that the Borough should take a more active role in coming up with its own plans to work with the USACE for a mutually acceptable plan. Mayor Broullon stated that Colliers is working with the USACE and NJDEP regarding stormwater management. Mr. Cannon thought that stormwater management is not the same as storm surge planning and suggested adding additional wording for the ballot question. Mayor Broullon noted that USACE had stated that the floodwall project does not address tidal flooding. Councilmember Melnyk added that he is committed to getting the information out there for educated votes and noted that the USACE plan is incomplete. Discussion about the USACE floodwall project, USACE's role, what the wall will look like, eminent domain, and cost benefits ensued among Mayor Broullon, Mr. Raftery, and Councilmember Chelak. Mr. Cannon shared that in his experience in working on such projects, the proposed question does not address the Borough's needs.

Cathy Barrett, Gravelly Point Rd., asked for further clarification of the ballot question. Mayor Broullon read the proposed question. Ms. Barrett asked about outreach plans. Mayor Broullon stated that the USACE project affects the entire town and believed that everyone should have a vote on the matter. She explained what would happen if the public votes the question down.

Mr. Cannon suggested a possible alternative Veterans Park design.

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

Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
June 19, 2024 – Meeting Minutes

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
- 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: Chelak

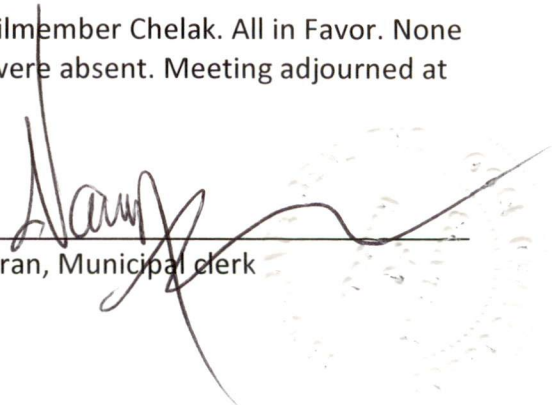
All in favor. None opposed. Council President was absent.

Council entered into Executive Session at 7:58pm and exited at 8:42pm.

ADJOURNMENT:

Offered by Councilmember Melnyk and seconded by Councilmember Chelak. All in Favor. None opposed. Council President Olszewski and Mayor Broullon were absent. Meeting adjourned at 8:42pm.

Approve: 
Donald Melnyk, Councilmember

Attest: 
Nancy Tran, Municipal clerk