



Borough of Highlands
January 6, 2022 Reorganization & Regular LUB Meeting Minutes

Meeting Location: Robert D. Wilson Memorial Community Center, 22 Snug Harbor Ave, Highlands NJ

Chair Rob Knox called the meeting to order at 7:33pm.
Chair Knox asked all to stand for the Pledge of Allegiance.

Chair Knox read the following statement: As per requirement, notice is hereby given that this is an Abbreviated Meeting of the Borough of Highlands Land Use Board and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board. Formal Action will be taken.

Chair Knox noted that there will be a change in order of agenda due to the reorganization of the Board.

WELCOME & OATHS:

Dustin Glass swore in reappointed and new members: Robert Burton, Christian Lee, Mark Zill, and Dean Cramer.

ROLL CALL:

Present: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Vice Chair Tierney, Chair Knox, Mr. Zill, Mr. Cramer

Absent: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

Also Present: Board Attorney Dustin Glass
Board Engineer Edward Herrman

Chair Knox informed that the meeting will depart from the Agenda order to best accommodate reorganization.

RESOLUTIONS:

1. R 2022-04 Nomination & Vote of Chairperson

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-04
A Resolution Appointing the Land Use Board Chairman

WHEREAS, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-17A.4A the Land Use Board shall Elect a Chairman from amongst its Class IV members;

NOW THEREFORE IT IS RESOLVED, by the Land Use Board of the Borough of Highlands, that Robert Knox shall be named Chairman in accordance with § 21-17A.4A for a term beginning January 1, 2022 and ending on December 31, 2022.

ON MOTION OF: Mr. Kutosh

SECONDED BY: Ms. Tierney

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Ms. Tierney, Mr. Knox, Mr. Zill, Mr. Cramer

NO:

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on January 6, 2022.

Nancy Tran

Land Use Board Secretary

2. R 2022-05 Nomination & Vote of Vice-Chairperson

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-05

A Resolution Appointing the Land Use Board Vice Chairman

WHEREAS, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-17A.4A the Land Use Board shall Elect a Chairman from amongst its Class IV members;

NOW THEREFORE IT IS RESOLVED, by the Land Use Board of the Borough of Highlands, that Annemarie Tierney shall be named Vice Chairman in accordance with § 21-17A.4A for a term beginning January 1, 2022 and ending on December 31, 2022.

ON MOTION OF: Mayor Broullon

SECONDED BY: Mr. Knox

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Ms. Tierney, Mr. Knox, Mr. Zill, Mr. Cramer

NO:

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on January 6, 2022.

Nancy Tran
Land Use Board Secretary

3. R 2022-01 Appointing Board Secretary

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-01

A Resolution Appointing a Land Use Board Secretary and Assistant Secretary for the Calendar Year
2022

WHEREAS, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-17A.4 the Land Use Board may elect a Secretary and Assistant Secretary, who may or may not be a member of the Land Use Board or a municipal employee, and fill such other offices as established by ordinance;

NOW, THEREFORE, BE IT RESOLVED, by the Land Use Board of the Borough of Highlands that Nancy Tran shall be named Land Use Board Secretary in accordance with § 21-17A.4 for a term beginning January 1, 2022 and ending December 31, 2022.

ON MOTION OF: Chief Burton

SECONDED BY: Mayor Broullon

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Vice Chair Tierney, Chair Knox, Mr. Zill, Mr. Cramer

NO:

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on January 6, 2022.

Nancy Tran
Land Use Board Secretary

4. R 2022-02 Awarding Professional Legal Services

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-02

A Resolution Appointing a Land Use Board Attorney for the Calendar Year 2022,
Rejecting Proposals that were Received and Authorizing the Award of a Fair and Open Contract for
Professional Legal Services

WHEREAS, the Borough of Highlands Land Use Board has a need for professional legal services to be provided for the calendar year 2022 pursuant to the provisions of N.J.A.S. 19:44A-20.5; and

WHEREAS, the Borough has, through the fair and open process, publicly advertised for a Request for Proposals and Qualifications, and said requests for Professional Services –Land Use Board Attorney were received in the Office of the Municipal Clerk, and

WHEREAS, such Professional Legal Services can only be provided by a licensed professional; and

WHEREAS, the Land Use Board wishes to appoint Ronald Cucchiaro, Esq. and Dustin F. Glass, Esq. of the firm of Weiner Law Group, LLP; and

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.

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, certification of the availability of funds is hereby made contingent upon the adoption of the 2022 Municipal Budget as follows:

Account # 2-01-21-180-000-242

For Legal Services for the Period of January 1, 2022 through December 31, 2022.

Patrick DeBlasio, CFO

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands that:

1. Ronald Cucchiaro, Esq. and Dustin F. Glass, Esq. of the Law Office of Weiner Law Group, LLP is hereby appointed as Land Use Board Attorneys for the period of January 1, 2022 through December 31, 2022 and said appointment is made as a fair and open contract.
2. This 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) because it is for services performed by persons authorized by law to practice a recognized profession.
3. The Chairman and Board Secretary are hereby authorized to sign a contract for Professional Legal Services in accordance with this Resolution.
4. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary and the Borough Clerk.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

ON MOTION OF: Mayor Broullon

SECONDED BY: Ms. LaRussa

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Vice Chair Tierney, Chair Knox, Mr. Zill, Mr. Cramer

NO:

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on January 6, 2022.

Nancy Tran

Land Use Board Secretary

5. R 2022-03 Awarding Professional Engineer Services

BOROUGH OF HIGHLANDS

COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-03

A Resolution Appointing a Land Use Board Engineer for the Calendar Year 2022, and
Authorizing the Award of a Fair and Open Contract for Professional Engineering Services

WHEREAS, the Borough of Highlands Land Use Board has a need for professional engineering services to be provided for the calendar year 2022 pursuant to the provisions of N.J.A.S. 19:44A-20.5; and

WHEREAS, the Borough has, through the fair and open process, publicly advertised for a Request for Proposals and Qualifications, and said requests for Professional Services – Land Use Board Engineer were received in the Office of the Municipal Clerk.

WHEREAS, certification of the availability of funds is hereby made contingent upon the adoption of the 2022 Municipal Budget as follows:

Account # -02-21-180-000-244

For Legal Services for the Period of January 1, 2022 through December 31, 2022.

Patrick DeBlasio, CFO

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands that:

1. Edward Herman, PE, PP, CME, CFM, of T&M Associates is hereby appointed as Land Use Board Engineer for the calendar year 2022 and is awarded a professional service contract for an amount not to exceed \$6,000 for professional engineering services provided for the period of January 1, 2022 through December 31, 2022.

2. This 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) because it is for services performed by persons authorized by law to practice a recognized profession.
3. That the services to be rendered shall be in compliance with the Laws of New Jersey.
4. The Chairman and Board Secretary are hereby authorized to sign a contract for Professional Legal Services in accordance with this Resolution.
5. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary and the Borough Clerk.
6. The Board Secretary is hereby directed to publish notice of this award as required by law.

ON MOTION OF: Chief Burton

SECONDED BY: Mr. Kutosh

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Vice Chair Tierney, Chair Knox, Mr. Zill, Mr. Cramer

NO:

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on January 6, 2022.

Nancy Tran

Land Use Board Secretary

6. R 2022-06 Designation of 2022 Meeting Dates & 2023 Reorganization Date

BOROUGH OF HIGHLANDS

COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-06

A Resolution Setting the Schedule for Land Use Board Meetings of the Borough of Highlands for the Calendar Year 2022

WHEREAS, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-10A the Land Use Board shall fix the time and place for holding its regular meetings for business authorized to be conducted by the Board;

WHEREAS, N.J.S.A 10:4-18 provides for "Annual Notice" which means at least once each year, within seven (7) days following the annual organization or reorganization meeting of a public body, every public body shall adopt, post, and distribute a schedule of its regular meetings for the coming year. The schedule must contain the date, time, and location of the meeting, in addition, it shall be mailed, telephoned, telegraphed, or hand delivered to at least two (2) newspapers which newspapers shall be designated by the public body to receive such notices; and

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands, County of Monmouth, and the State of New Jersey, that Meetings of the Board will begin at 7:00 PM during the year 2022, at the Robert D. Wilson Community Center, 22 Snug Harbor Avenue, Highlands, New Jersey 07732 in accordance with § 21-1.7A.4 as follows:

1. Meetings will be held on the following dates:

Thursday	February 10, 2022
Thursday	March 10, 2022
Thursday	April 14, 2022
Thursday	May 12, 2022
Thursday	June 9, 2022
Thursday	July 14, 2022
Thursday	August 11, 2022
Thursday	September 8, 2022
Thursday	October 13, 2022
Thursday	November 10, 2022
Thursday	December 8, 2022
Thursday	January 12, 2023*

* Regular/Reorganization Meeting

2. Formal action will be taken at all Regular meetings. Public comments will be permitted at designated periods during all meetings. Executive Sessions, which are closed to the public, may be held to discuss matters authorized for closed sessions under N.J.S.A. 10:4-12. Prior to each Executive Session, the Land Use Board will convene in open session at which time a resolution will be adopted in accordance with N.J.S.A. 10:4-13 to enter Executive Session. Regular meetings may be adjourned, rescheduled, or held on different dates providing such are duly noticed as provided by law.
3. The Reorganization Meeting for 2023 shall be held at 7:00 PM on Thursday, January 12, 2023, at the Robert D. Wilson Community Center, 22 Snug Harbor Avenue, Highlands, New Jersey 07732.
4. The Land Use Board Secretary shall post this "Annual Notice" on the official bulletin board in the Municipal Building, transmit it to the Asbury Park Press and Two River Times, and file this notice in the Office of the Land Use Board Secretary and the Municipal Clerk of the Borough of Highlands, all in accordance with the "Open Public Meetings Law".

ON MOTION OF: Mayor Broullon

SECONDED BY: Ms. LaRussa

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Vice Chair Tierney, Chair Knox, Mr. Zill, Mr. Cramer

NO:

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on January 6, 2022.

Nancy Tran
Land Use Board Secretary

7. R 2022-07 Designation of Asbury Park Press & The Two River Times as the Official Newspapers

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-07

A Resolution Designating the Official Newspapers of the Borough of Highlands Land Use Board for 2022

WHEREAS, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-11(8) the Land Use Board shall publish a brief notice of their decisions in the official newspaper(s) of the municipality;

WHEREAS, “Official Newspapers” as defined by N.J.A.S. 10:4 means paid, published, and circulated in the municipality, and if there be no such newspaper, then in at least one published in the county in which the municipality is located and said newspaper is circulated, and

WHEREAS, P.L. 1975 c.231 provides that a public body may provide electronic notice of any meeting of the public body through the internet and defines “Electronic Notice” as advance notice available to the public via electronic transmission of at least forty-eight (48) hours, giving the time, date, location, and, to the extent known, agenda of any Regular, Special, or Rescheduled Meeting, which notice shall accurately state whether formal action may or may not be taken at such meeting; and

WHEREAS, Nothing in P.L. 1975 c.231 shall be construed as affecting or superseding the adequate notice requirements that are imposed by the “Open Public Meetings Act” and no electronic notice issued pursuant to this act shall be deemed to substitute for, or be considered in lieu of, such adequate notice.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands, in the County of Monmouth, and the State of New Jersey, that the **Asbury Park Press**, and **The Two River Times**, be designated as the official newspapers for the advertising of ordinances and other public notices, which the municipality may be required by any law to publish, for the year ending December 31, 2022.

ON MOTION OF: Vice Chair Tierney
SECONDED BY: Ms. LaRussa

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Vice Chair Tierney, Chair Knox, Mr. Zill, Mr. Cramer

NO:

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on January 6, 2022.

Nancy Tran
Land Use Board Secretary

HEARINGS ON OLD BUSINESS: None

HEARINGS ON NEW BUSINESS:

1. LUB 2019-01: Alvator, Block 35 Lots 6 & 7 (10 North Peak) – Extension of resolution
Mr. Glass explained that variance resolutions expire after one (1) year. Due to complications and shortages due to Covid, Ms. Alvator did not start her project. She's requested a 2-year extension to complete her approved project.

Vice-Chair Tierney asked if one starts a project, is there an expiration date for completion. Chair Knox gave examples of projects after Superstorm Sandy that were started but took years to complete or never completed. Mr. Glass answered that events may dictate expiration dates.

ON MOTION OF: Vice Chair Tierney

SECONDED BY: Ms. LaRussa

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Vice Chair Tierney, Chair Knox, Mr. Zill, Mr. Cramer

NO:

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

ACTION ON OTHER BUSINESS: None

APPROVAL OF MINUTES OF DECEMBER 2, 2021 MEETING

Offered by: Vice Chair Tierney

Seconded by: Mayor Broullon

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Vice Chair Tierney, Chair Knox

NO:

INELLIGIBLE: Mr. Zill, Mr. Cramer

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

ANNUAL REPORT – Observations & Recommendations

The Board agreed to add the following points, as stated in Mr. Cucchiaro's January 5, 2022 memo, to the Annual Report:

- 1) Regulations concerning the location of HVAC units and utilities within required setbacks;
- 2) Consideration of ordinance amendments to reduce the number of undersized lots;
- 3) Regulations concerning the location of staircases in sidewalk areas;
- 4) Regulations concerning setbacks for raised decks; and
- 5) Parking requirements.

Offered by: Vice Chair Tierney

Seconded by: Mayor Broullon

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Vice Chair Tierney, Chair Knox, Mr. Zill, Mr. Cramer

NO:

INELLIGIBLE:

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

COMMUNICATION AND VOUCHERS

1. Approval of Invoices from T&M Associates and Weiner Law Group

PUBLIC COMMENTS: None as there were none in attendance.

Mr. Herrman expressed his thanks for being reappointed as Board Engineer. He also thanked Michelle Hutchinson for her service as Board Secretary and wished her well in her future endeavors. The Board voiced their same sentiment.

ADJOURNMENT

Offered by: Ms. LaRussa

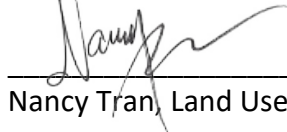
Seconded by: Vice Chair Tierney

All in favor

None Opposed

Adjourned at 8:02pm.

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on January 6, 2022.



Nancy Tran, Land Use Board Assistant Secretary