

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands December 1, 2021– Meeting Minutes

EXECUTIVE SESSION 6:30PM - CANCELED

REGULAR MEETING: 8:00PM - MEETING STATEMENT:

The Borough Clerk read the public meetings statement.

This is a meeting of the Borough Council December 1, 2021. The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Asbury Park Press and the Two River Times and by posting at the Borough of Highlands Municipal Building and filing with the Borough Clerk all on January 1, 2021.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmember Martin, Councilmember Mazzola, Councilmember Melnyk, Council President Olszewski, and Mayor Broullon were all Present.

Absent: None

Also in attendance were Borough Attorney Andrew Ball, Esq., Administrator Michael Muscillo, Engineer Bennett Matlack, and Municipal Clerk Michelle Hutchinson

Approval of Minutes

None

Certificate of Appreciation/Proclamation

Mayor read Proclamation honoring the volunteerism of Mae Rugg.

RESOLUTIONS:

RESOLUTION 21-219

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated, November 24, 2021 which totals as follows:

Current Fund	\$ 186,104.96
Sewer Account	\$ 57,651.85
Capital Fund	\$ 57,611.94
Trust-Other	\$ 157,080.05
Federal/State Grants	\$ -
Total	\$ 458,448.80

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$ 458,448.80**, excluding the entry for Pulte Homes for reimbursement of a performance bond in the amount of \$104,717.00, to 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 to Approve R-21-219:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN			X			
MAZZOLA			X			
MELNYK			X			
OLSZEWSKI		X	X			
BROULLON	X		X			

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RESOLUTION 21-220

A RESOLUTION AUTHORIZING THE REFUND OF A SEWER PAYMENT

WHEREAS, the Finance Officer of the Borough of Highlands has received a request to refund a Sewer Payment,

WHEREAS, the Finance Officer has confirmed with the Tax Collector that the Sewer Payment is to be refunded; and

WHEREAS, the Finance Officer recommends the immediate refund of the Sewer Payment by the Borough of Highlands,

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Finance Officer is authorized to immediately refund of the Sewer Payment to the individual property owner listed below:

<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
51	3	\$1,195.00	Theresa Lucerto

Motion to Approve R-21-220:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN			X			
MAZZOLA	X		X			
MELNYK			X			
OLSZEWSKI			X			
BROULLON		X	X			

RESOLUTION 21-221

A RESOLUTION AUTHORIZING THE REFUND OF A TAX PAYMENT

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

BLOCK	LOT	YEAR	AMOUNT	NAME
106.1	1403	2021	\$2,215.86	Corelogic

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Motion to Approve R-21-221:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN		X	X			
MAZZOLA			X			
MELNYK			X			
OLSZEWSKI			X			
BROULLON	X		X			

RESOLUTION 21-222
ADOPTING CORRECTIVE ACTION PLAN FOR THE 2020 MUNICIPAL AUDIT

WHEREAS, the Audit for the year ending December 31, 2020 has been previously received and reviewed by the members of the Mayor and Borough Council, and

WHEREAS, any Recommendations of the Audit requires that a Corrective Action Plan be undertaken, and

NOW, THEREFORE BE IT RESOLVED that the Mayor and Members of the Borough Council hereby adopt the attached Corrective Action Plan, as submitted by the Borough Chief Finance Officer.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be placed on file in the office of the Borough Clerk and that a copy be electronically forwarded to the State of New Jersey.

Motion to Approve R-21-222:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN			X			
MAZZOLA			X			
MELNYK			X			
OLSZEWSKI		X	X			
BROULLON	X		X			

RESOLUTION 21-223
PROVIDING FOR THE TRANSFER OF SURPLUS FUNDS

WHEREAS, N.J.S. 40:4-58 provides for the transfer of surplus funds from one account to the other during the last two months of the calendar year:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Highlands that transfers be made in the Boroughs' 2021 budget appropriations in accordance with the following schedule:

BE IT FURTHER RESOLVED that this Resolution shall take immediately:

<u>A/C #</u>	<u>FROM</u>	<u>TO</u>
23-210-200 Liability Insurance	\$ 25,000.00	
23-220-200 Workers Compensation	15,000.00	
23-210-200 Group Insurance	70,000.00	
20-155-200 Legal OE		\$15,000.00

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22-200-100 Code Enforcement-S&W	5,000.00	
25-263-200 Fire Department	5,000.00	
26-290-010 Streets-S&W	65,000.00	
26-300-200 Mechanic Garage	3,000.00	
26-305-200 Sanitation	1,000.00	
28-360-010 Community Center-S&W	15,000.00	
43-490-010 Municipal Court-S&W	1,000.00	
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Totals	<u>\$110,000.00</u>	<u>\$110,000.00</u>

Motion to Approve R-21-223:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN			X			
MAZZOLA			X			
MELNYK			X			
OLSZEWSKI	X		X			
BROULLON		X	X			

RESOLUTION 21-224

**A RESOLUTION AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR THE
HIGHLANDS AND ATLANTIC HIGHLANDS MUNICIPAL ALLIANCE GRANT FOR FISCAL
YEAR 2022 FOR THE GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL
GRANT CYCLE JULY 2020-JUNE 2025**

FORM 1B

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the **Borough of Highlands**, County of Monmouth,, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Highlands and Atlantic Highlands Municipal Alliance grant for fiscal year **2023** in the amount of:

DEDR \$ 12,060.00
Cash Match \$ 3,015.00
In-Kind \$ 9,045.00
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Carolyn Broullon, Mayor

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Motion to Approve R-21-224:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN			X			
MAZZOLA		X	X			
MELNYK			X			
OLSZEWSKI			X			
BROULLON	X		X			

RESOLUTION 21-225

A RESOLUTION APPROVING A MEMBERSHIP APPLICATION FOR THE HIGHLANDS FIRE DEPARTMENT

WHEREAS, Cooper Bertoldo of Highlands, has submitted a Membership Application to the Highlands Fire Department; and

WHEREAS, William Kane, Chief of the Fire Department has approved the Membership Application; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the Fire Department Membership Application of Cooper Bertoldo is hereby approved.

Motion to Approve R-21-225:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN			X			
MAZZOLA		X	X			
MELNYK			X			
OLSZEWSKI			X			
BROULLON	X		X			

RESOLUTION 21-226

RESOLUTION OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, EXTENDING THE DESIGNATION OF CAPTAIN’S COVE MARINA, LLC AS THE REDEVELOPER FOR THE PROPERTY KNOWN AS BLOCK 84, LOT 2.01 LOCATED WITHIN THE CAPTAIN’S COVE REDEVELOPMENT AREA

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, on March 22, 2018, the Borough Council (the “**Borough Council**”) of the Borough of Highlands (the “**Borough**”), in accordance with the Redevelopment Law, adopted Resolution No. 18-070 designating Block 84, Lot 2.01 as an area in need of redevelopment (the “**Redevelopment Area**”); and

WHEREAS, on December 20, 2018, in accordance with the Redevelopment Law, the Borough Council adopted Ordinance No. 0-18-26, by which it adopted the Captain’s Cove Redevelopment Plan for the Redevelopment Area (as amended, the “**Redevelopment Plan**”), which shall control the redevelopment of the Redevelopment Area; and

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WHEREAS, Captain’s Cove Marina, LLC (the “**Company**”) is the owner of certain real property commonly referred to as the Captain’s Cove Marina and identified as Block 84, Lot 2.01 on the tax map of the Borough (the “**Property**”) and constitutes the Redevelopment Area; and

WHEREAS, the Company proposes to redevelop and operate the marina, with improvements including new bulkheads, docks and structures on the Property (the “**Project**”), along with certain property conveyances with the Borough that are necessary to facilitate same; and

WHEREAS, on March 17, 2021, the Borough Council adopted Resolution No. 21-85, in which the Borough conditionally designated the Company as the “redeveloper” of the Property, as defined in the Redevelopment Law, subject to entry of a redevelopment agreement for an initial period of one hundred eighty (180) days, with an additional period not to exceed ninety (90) days; and

WHEREAS, the parties have since undertaken negotiation of a redevelopment agreement (the “**RDA**”) and such property conveyances related to the Project; and

WHEREAS, on August 31, 2021, the Business Administrator exercised his discretion pursuant to Resolution No. 21-85 to extend the Company’s conditional redeveloper designation for an additional ninety (90) days, or until December 10, 2021; and

WHEREAS, such negotiations with the Company to finalize the terms of the RDA and the related property conveyances are still ongoing; and

WHEREAS, the Borough therefore desires to further extend the Company’s conditional redeveloper designation for an additional period of one hundred eighty (180) days, with an option for the Mayor or the Borough Administrator in each of their sole discretion, after consultation with such counsel and any advisors to the Borough, to extend such time period for an additional period not to exceed ninety (90) days, so that the Borough and the Company may complete the negotiation of the RDA and the related property conveyances; and

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

- Section 1.** The foregoing recitals are herein incorporated as if set forth in full.
- Section 2.** The designation as redeveloper of the Property previously granted to the Company is hereby extended until June 8, 2022, or as otherwise may be extended in accordance with Section 3 hereof, during which time negotiation and execution of a redevelopment agreement and other related items with the Borough shall be completed.
- Section 3.** The Mayor or Borough Administrator (each an “**Authorized Officer**”) in each of their sole discretion, after consultation with such counsel and any advisors to the Borough, may extend the time period set forth in Section 2 hereof for an additional period not to exceed ninety (90) days.
- Section 4.** In the event that the Company has not executed a redevelopment agreement with the Borough, all in accordance with the time period set forth in Section 2 hereof, or as otherwise may be extended by an Authorized Officer, in such Authorized Officer’s sole discretion, in accordance with Section 3 hereof, the Borough’s conditional designation of the Company as redeveloper for the Property shall expire and be of no further force and effect and the Borough shall have no further obligation to the Company.
- Section 5.** This Resolution shall take effect at the time and in the manner prescribed by law.
- Section 6.** Upon the adoption hereof, the Borough Clerk shall forward certified copies of this Resolution to Joseph P. Baumann, Esq., Special Redevelopment Counsel to the Borough.

Motion to Approve R-21-226:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN		X	X			
MAZZOLA				X		
MELNYK			X			
OLSZEWSKI			X			
BROULLON	X		X			

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RESOLUTION 21-227
A RESOLUTION APPROVING AN APPLICATION FOR A PERSON TO PERSON TRANSFER
OF LIQUOR LICENSE 1317-33-006

WHEREAS, an application has been filed for a Person to Person transfer of Plenary Retail Consumption License 1317-33-006, from John J. Tomaini to Harbor Pointe Yacht Club, LLC for a pocketed license without a premise; and,

WHEREAS, the submitted application form is complete in all respects, as outlined in N.J.S.A.33: 1-1 et seq., an Affidavit of Publication has been received by the Municipal Clerk and the transfer fees have been paid; and,

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the Highlands Police Department has investigated the applicant and the source of all funds to be utilized in connection with the purchase and operation of the business, and the results meet ABC standards; and,

WHEREAS, a Tax Clearance Certificate has been received from the Division of Taxation; and,

WHEREAS, the applicant is qualified to be licensed per Title 33 of the New Jersey Statutes and all rules and regulations promulgated there under, in addition to pertinent Borough Ordinances, and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands, New Jersey does hereby approve, effective December 1, 2021, the person-to-person transfer of the aforesaid Plenary Retail Consumption License to Harbor Pointe Yacht Club, LLC.

Motion to Approve R-21-227:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN		X	X			
MAZZOLA			X			
MELNYK			X			
OLSZEWSKI			X			
BROULLON	X		X			

OTHER BUSINESS:

None.

REPORTS:

Mayor’s Report:

Mayor Broullon read report inconclusive of November 30, 2021. Monthly reports can also be found online.

Administrator’s report:

Mr. Muscillo read his report. New Borough Hall Architects to bid project by end of December 2021. Safe Routes to Schools Grant- Agreements signed and returned. King & Matthews Street project will be awarded to CME at the next meeting. Playground equipment installation has already begun.

PUBLIC PORTION:

Mayor opened public portion.

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Claudette D’Arrigo, 12 Seadrift – Expressed concern over cars parking on the sidewalk during school drop off pick up. Asked for enforcement on Linden Avenue. Requested clarification on what the open space grant funds were being used for. The Mayor explained. Questioned if there was a conflict of interest with three council members voting on resolution R 21-226 after attending an event held in town. Attorney Ball explained that there was not a conflict.

Joseph Dorin, 102 Valley Avenue – Expressed his concerns regarding a construction project that is ongoing at 14 N. Peak which abuts his property. His concerns were as follows damage to his property, drainage concern with retaining wall that is being built and sewer instillation possibly causing damage to property. Questioned if this should have gone before the Land Use Board due to steep slope. Mayor explained that the Administrator would follow up on this matter and that if an application was not made to the Land Use Board, then it is within the code.

Mayor closed public portion.

ADJOURN:
Upon motion by Mayor Broullon, seconded by Councilmember Martin, motion carries to adjourn at 8:34 P.M. All in Favor.

Approve: _____
Carolyn Broullon

Attest: _____
Michelle Hutchinson, Borough Clerk