

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands October 20, 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 October 20, 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 Brian Chabarek, Esq., Administrator Michael Muscillo, Engineer Gregory Valesi, CFO Patrick DeBlasio, Redevelopment Attorney Bhavini Doshi, and Municipal Clerk Michelle Hutchinson

Approval of Minutes

None

Certificate of Appreciation/Proclamation

Mayor read Proclamation - Highlands First Aid Squad 90th Anniversary

INTRODUCTION OF ORDINANCES:

1. O-21-35 Capital Ordinance Providing For Various Capital Improvements And The Acquisition Of Various Capital Equipment, And Appropriating \$500,000 Therefor, Authorized In And By The Borough Of Highlands, In The County Of Monmouth, New Jersey

It was moved by Mayor Broullon and seconded by Councilmember Melnyk to pass this ordinance on first reading.

Roll Call Vote:

Ayes: Martin, Mazzola, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstention: None

Absent: None

Borough Clerk Hutchinson stated motion carried to pass this ordinance on first reading with a public hearing to be held on November 10, 2021.

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES:

Borough Clerk Michelle Hutchinson read the following ordinance by title:

1. O-21-33 An Ordinance Approving and Recommending Naming Of A Private Road In Block 41, Lot 13.01

Mayor opened to the public.

No Comment.

Mayor opened to Council.

No Comment.

It was moved by Councilmember Mazzola and seconded by Councilmember Martin to close public hearing and carried to adopt this ordinance on second and final hearing.

Roll Call Vote:

Ayes: Martin, Mazzola, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstention: None

Absent: None

Borough Clerk Hutchinson stated motion carried to pass this ordinance on second and final reading.

2. O-21-34 An Ordinance Designating Restricted Parking In Front Of A Residence Occupied By A Person With Disabilities

Mayor opened to the public.

No Comment.

Mayor opened to Council.

No Comment.

It was moved by Mayor Broullon and seconded by Council President Olszewski to close public hearing and carried to adopt this ordinance on second and final hearing.

Roll Call Vote:

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Ayes: Martin, Mazzola, Melnyk, Olszewski, Mayor Broullon
Nays: None
Abstention: None
Absent: None
Borough Clerk Hutchinson stated motion carried to pass this ordinance on second and final reading.

RESOLUTIONS:

RESOLUTION 21-191
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, October 15, 2021 which totals as follows:

Current Fund	\$816,559.50
Sewer Account	\$ 61,671.07
Capital Fund	\$ 18,098.02
Trust-Other	\$ 51,405.83
Federal/State Grants	\$ -
Total	\$947,734.42

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$947,734.42 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-21-191:

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

RESOLUTION 21-192
RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT
WITH THE BOROUGH OF ATLANTIC HIGHLANDS FOR THE CONTINUATION OF
MUNICIPAL COURT SERVICES

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq. allows a local unit to enter into an agreement with any other local unit or units to provide or receive any services that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to primary purposes of any of the participating local units; and

WHEREAS, the Borough of Highlands and the Borough of Atlantic Highlands wish to encourage inter-municipal cooperation; and

WHEREAS, by way of Resolution 20-251, duly adopted on December 2, 2020, the Borough of Highlands approved an extension of a Shared Services Agreement with the Borough of Atlantic

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Highlands for Municipal Court Services through December 31, 2021; and

WHEREAS, the aforesaid Shared Services Agreement was for an initial term of three (3) years, beginning December 1, 2013 through November 30, 2016, with extensions for a period of up to five (5) additional years, wherein all rights of renewal were exercised which extended the term through December 31, 2021; and

WHEREAS, in accordance with the terms of the aforesaid Shared Services Agreement, the Borough of Atlantic Highlands provides the Borough of Highlands with space in the Atlantic Highlands Municipal Building within which to conduct Municipal Court hearings and the municipalities share facilities, equipment and staff pursuant to N.J.S.A. 2B:12-1(c), in accordance with the terms and conditions set forth therein; and

WHEREAS, the Borough of Highlands finds that it would be in its best interest to continue to utilize the Atlantic Highlands Municipal Building’s courtroom, court offices and to share facilities, equipment and office staff, in accordance with N.J.S.A. 2B:12-1(c), while each municipality maintains the right to appoint their own judge, prosecutor and public defender; and

WHEREAS, the Borough of Highlands and the Borough of Atlantic Highlands have reached agreement with respect to the terms of a new Shared Services Agreement for the continuation of Municipal Court Services; and

WHEREAS, in accordance with the terms of a new Shared Services Agreement, the Borough of Atlantic Highlands shall continue to provide the Borough of Highlands with space in the Atlantic Highlands Municipal Building within which to conduct municipal court hearings, and the Municipalities shall share facilities, equipment and staff pursuant to N.J.S.A. 2B:12-1(c); and

WHEREAS, in accordance with the terms of a new Shared Services Agreement, the aforesaid Municipal Court Services shall continue for a period of two (2) years, beginning January 1, 2022 through December 31, 2023, which term may be extended for up to two (2) additional years by way of two (2) separate one (1) year renewal options; and

WHEREAS, in accordance with the terms of the aforesaid Shared Services Agreement, the Borough of Highlands will pay the Borough of Atlantic Highlands the following amounts:

- \$79,500 (for the one (1) year period from January 1, 2022 through December 31, 2022);
- \$79,500 (for the one (1) year period from January 1, 2023 through December 31, 2023);
- \$79,500 for any renewal period; and

in accordance with the terms of the aforesaid Shared Services Agreement, the Borough of Highlands will continue to pay 50% of the cost for any additional office staff that is needed, which is currently in an amount not to exceed \$11,000 for a part-time employee, for each year of the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highlands hereby approves a new Shared Services Agreement with the Borough of Atlantic Highlands for the continuation of Municipal Court Services for a period of two (2) years beginning January 1, 2022 through December 31, 2023, in the amount of \$79,500 per year, along with the continuation of payment of 50% of the cost for any additional office staff that is needed as set forth above and in the terms of the Agreement.

BE IT FURTHER RESOLVED, that the Mayor be and is hereby authorized to execute a Shared Services Agreement with the Borough of Atlantic Highlands for Municipal Court Services.

BE IT FURTHER RESOLVED, that the Borough Administrator be and is hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes of this Resolution

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Borough of Atlantic Highlands Administrator and Municipal Clerk.

Motion to Approve R-21-192:

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

RESOLUTION 21-193
RESOLUTION AWARDING A FAIR AND OPEN CONTRACT FOR MARINE PLACE
BULKHEAD IMPROVEMENTS

WHEREAS, the Borough of Highlands advertised a request for proposals for Marine Place Bulkhead improvements; and

WHEREAS, two (2) bids were received for the aforesaid project which were reviewed by the Project Engineer as follows:

Agate Construction Company, Inc.	G.C. Zarnas & Co, Inc.
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Base Bid #1	\$325,904.00	\$1,885,100.00
Alternate A	\$311,900.00	-\$ 143,900.00
Total Base Bid #1 + Alternate A	\$637,804.00	\$1,741,200.00
Base Bid #2	\$610,270.00	\$2,472,100.00
Alternate B	\$365,590.00	-\$364,900.00
Total Base Bid #2 + Alternate B	\$975,860.00	\$2,107,200.00; and

WHEREAS, Agate Construction Company, Inc. appears to be the lowest responsible bidder for the aforesaid Proposal; and

WHEREAS, the Project Engineer, Colliers Engineering & Design, by letter dated October 12, 2021, has made the recommendation that the contract be awarded to Agate Construction Company, Inc. for Base Bid #1, Alternate A, as the lowest responsible bidder, in the amount of \$637,804.00, subject to the availability of funds by the Chief Financial Officer; and

WHEREAS, a certification of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows Account #C-04-20-101-000-202:



Patrick DeBlasio, Chief Financial Officer

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

1. That the Contract for the Marine Place Bulkhead improvements, Base Bid #1, Alternate A, is hereby awarded to Agate Construction Company, Inc. in an amount not to exceed \$637,804.00, subject to the submission of the required bonds and insurance certificates for the project.
2. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
3. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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Motion to Approve R-21-193:

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

RESOLUTION 21-194
A RESOLUTION AUTHORIZING PURCHASE OF POLICE VEHICLES

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Borough of Highlands has the need to purchase two 2022 Ford Utility Interceptor (Fleet) 4 Door police vehicles using NJ Cooperative Purchasing Program, Contract # 20-FLEET-01189, from Winner Ford; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available using budget # 0-01-25-240-000-297 in the amount of \$73,602.00.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highlands authorizes the purchase of two police vehicles for the Police Department in the amount of \$73,602.00.

Motion to Approve R-21-194:

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

RESOLUTION 21-195
A RESOLUTION AUTHORIZING THE REFUND OF A SIDEWALK AND CURB CUT ESCROW DEPOSIT FEE

WHEREAS, the Finance Officer of the Borough of Highlands has received a request to refund a fee for a Sidewalk and Curb Cut Escrow Deposit Fee

WHEREAS, the Superintendent of Public Works has inspected the area and deemed the work satisfactorily completed and accordingly determined that the fee is to be refunded and is due and payable by the Borough of Highlands; and

WHEREAS, the Finance Officer recommends the immediate refund of the Escrow Deposit Fee by the Borough of Highlands,

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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 the Sidewalk and Curb Cut Escrow Deposit Fee to the individual property owner listed below:

<u>ADDRESS</u>	<u>AMOUNT</u>	<u>NAME</u>
63 Seadrift Avenue	\$1,000.00	Smith Property Management Group

Motion to Approve R-21-195:

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

RESOLUTION 21-196
RESOLUTION REQUESTING APPROVAL OF INSERTION OF \$38,722.00 FOR THE 2021 BUDGET REVENUE AVAILABLE FROM THE BODY WORN CAMERA GRANT

WHEREAS, N.J.S. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$38,722.00 which item is now available as a revenue from the Body Worn Camera Grant.

BE IT FURTHER RESOLVED that a like sum of \$38,722.00 be and the same is hereby appropriated under the caption of:

Body Worn Camera Grant

Motion to Approve R-21-196:

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

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OLSZEWSKI			X			
BROULLON	X		X			

RESOLUTION 21-197
RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES
AGREEMENT FOR CODE ENFORCEMENT OFFICER SERVICES BETWEEN THE
BOROUGH OF HIGHLANDS AND THE BOROUGH OF ATLANTIC HIGHLANDS

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et. seq. authorizes a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to primary purposes of any of the participating local units; and

WHEREAS, the Borough of Highlands and the Borough of Atlantic Highlands wish to encourage inter-municipal cooperation; and

WHEREAS, the Borough of Highlands and the Borough of Atlantic Highlands desire to enter into a Shared Services Agreement, wherein the Borough of Highlands will provide Code Enforcement Officer services to the Borough of Atlantic Highlands pursuant to the terms and conditions provided for in a Shared Services Agreement; and

WHEREAS, the Borough of Atlantic Highlands has an immediate need for Code Enforcement Officer Services, wherein the Borough of Highlands has agreed to assist with that need through December 31, 2021, or earlier if Atlantic Highlands hires a Code Enforcement Officer prior to the expiration date set forth herein; and

WHEREAS, the Code Enforcement Officer services shall be provided, if needed, on Wednesdays between the hours of 11:00am and 4:30pm, and the fee for such services will be \$1.00; and

WHEREAS, the term of the Agreement shall be effective immediately and expire December 31, 2021, or earlier if the Borough of Atlantic Highlands hires a Code Enforcement Officer prior to the expiration date set forth herein.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Mayor be and is hereby authorized to execute a Shared Services Agreement with the Borough of Atlantic Highlands for Code Enforcement Officer Services, effective immediately and expiring December 31, 2021, or at such time that the Borough of Atlantic Highlands hires a Code Enforcement Officer if prior to the expiration date set forth herein. The fee for this service shall be \$1.00.

BE IT FURTHER RESOLVED, that the Borough Administrator be and is hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes of this Resolution.

BE IT FURTHER RESOLVED, that the Borough Clerk shall forward a certified copy of this Resolution, to the following:

1. Borough of Atlantic Highlands Clerk and Administrator.
2. Borough of Highlands, Chief Financial Officer.
3. Borough of Highlands Administrator.

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Motion to Approve R-21-197:

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

RESOLUTION 21-198
A RESOLUTION OF THE GOVERNING BODY FOR CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Governing Body of the Borough of Highlands, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion to Approve R-21-198:

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

RESOLUTION 21-199

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF HIGHLANDS, IN THE COUNTY OF
MONMOUTH, NEW JERSEY DESIGNATING CERTAIN
PROPERTIES WITHIN THE BOROUGH AS A NON-
CONDEMNATION REDEVELOPMENT AREA PURSUANT TO
THE LOCAL REDEVELOPMENT AND HOUSING LAW,
N.J.S.A. 40A:12A-1 *Et Seq.*, AND AUTHORIZING THE
PREPARATION OF A REDEVELOPMENT PLAN FOR SUCH
NON-CONDEMNATION REDEVELOPMENT AREA**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, on June 2, 2021, by Resolution No. 21-126, and in accordance with the provisions of the Redevelopment Law, the Municipal Council (the “**Borough Council**”) of the Borough of Highlands (the “**Borough**”) authorized and directed the Land Use Board of the Borough (the “**Land Use Board**”) to conduct a preliminary investigation to determine whether all or a portion of certain properties within the Borough, commonly referred to as the Central Business District/Bay Avenue Corridor and identified by block and lot on the tax map of the Borough listed therein (the “**Study Area**”), meet the criteria in the Redevelopment Law for designation as a non-condemnation redevelopment area, within which the Borough may use all of the powers provided by the Redevelopment Law for use in a redevelopment area except the power of eminent domain, and to make a recommendation as to whether all or a portion of such Study Area should be designated as a non-condemnation redevelopment area; and

WHEREAS, the Land Use Board subsequently directed Phillips Preiss Grygiel Leheny Hughes LLC (the “**Planning Consultant**”) to conduct a preliminary investigation to determine whether all or a portion of the Study Area should be designated as a non-condemnation redevelopment area; and

WHEREAS, on July 8, 2021, the Land Use Board received a report setting forth the basis for the investigation and a map depicting the Study Area prepared by the Planning Consultant, entitled *Area in Need of Redevelopment Study, Central Business District, Borough of Highlands, New Jersey*, dated July 8, 2021 (the “**Report**”), evaluating whether all or a portion of the Study Area met the criteria to be designated as a non-condemnation redevelopment area; and

WHEREAS, the Redevelopment Law requires that the Land Use Board conduct a public hearing prior to making its recommendation as to whether the Study Area should be designated as a non-condemnation redevelopment area, at which hearing the Land Use Board shall hear all persons who are interested in, or would be affected by, a determination that the Study Area is a non-condemnation redevelopment area; and

WHEREAS, pursuant to the Redevelopment Law, the Land Use Board caused a duly noticed public hearing to be held on August 5, 2021 (the “**Hearing**”), at which it reviewed the Report, heard testimony from Paul Grygiel, AICP, PP of the Planning Consultant, and conducted a public hearing during which members of the general public were given an opportunity to present their own evidence,

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cross-examine the Planning Consultant, and address questions to the Land Use Board and its representatives concerning the potential designation of the Study Area as a non-condemnation redevelopment area; and

WHEREAS, the Planning Consultant testified to the Land Use Board that to prepare the Report, he performed an analysis of the Study Area’s existing land uses, site layout, and physical characteristics, which are included in the Report. In doing so, the Planning Consultant testified that he reviewed the Borough’s tax records, aerial photographs, Master Plan and other planning documents, existing zoning ordinance and maps, zoning, health, property maintenance and related violations records, development applications and approvals, building and demolition permit activity, police activity logs, deed records, occupancy and ownership status records, and other municipal records and conducted multiple physical inspections of each property within the Study Area; and

WHEREAS, at the conclusion of the Hearing, after reviewing the Report and hearing all of the evidence, testimony from the public, and expert testimony, based on the reasons set forth in the Report and on the record, including the testimony of the Planning Consultant as to criterion “h” of N.J.S.A. 40A:12A-5 (“**Section 5**”) of the Redevelopment Law, the Land Use Board: (1) voted to recommend that all of the lots within the Study Area be designated as a non-condemnation redevelopment area; and (2) as set forth in the record, in response to an objection from the owner of Block 53, Lot 3 as to the application of the “a” criterion of Section 5 of the Redevelopment Law to their property, voted to not accept the Planning Consultant’s recommendation that Block 53, Lot 3 also satisfies criterion “a” pursuant to Section 5 of the Redevelopment Law, but in doing so the Land Use Board erroneously identified such property as Block 59, Lot 8; and

WHEREAS, as a result of the hearing, the Land Use Board made recommendations to the Borough Council that the entire Study Area be designated as a non-condemnation redevelopment area pursuant to Section 5 of the Redevelopment Law, which recommendations and reasons for same were memorialized in Resolution No. 2021-21 duly adopted by the Land Use Board on October 7, 2021 and attached hereto as ***Exhibit A***, which provided in part:

WHEREAS, of these 120 lots within the Study Area, the Planning Consultant concluded in the Report and testified to the Land Use Board that the following nine (9) lots satisfy criterion “a” pursuant to Section 5 of the Redevelopment Law for various reasons specific to each lot, including, but not limited to, that the generality of the buildings are substandard, unsafe, unsanitary, dilapidated, obsolescent, or conducive to unwholesome living or working conditions because of outdated or faulty design or arrangement, poor or dilapidated building conditions, insufficient or inoperable windows, various past property maintenance violations and/or police incidents, or a combination thereof:

Block 42, Lot 13
Block 46, Lots 1, 6, & 7
Block 53, Lots 3 & 4
Block 59, Lots 8 & 16.01
Block 64, Lot 1; and

WHEREAS, of these 120 lots within the Study Area, the Planning Consultant concluded in the Report and testified to the Land Use Board that the following three (3) lots satisfy criterion “b” pursuant to Section 5 of the Redevelopment Law for various reasons specific to each lot, including, but not limited to, that the buildings were once used for commercial, retail, shopping, office space, manufacturing, or industrial purpose and are now in a great state of disrepair or neglect to make them untenable and/or have been significantly vacant for the last two (2) or more years:

Block 46, Lot 3
Block 47, Lot 6
Block 88, Lot 5; and

WHEREAS, of these 120 lots within the Study Area, the Planning Consultant concluded in the Report and testified to the Land Use Board that the following sixteen (16) lots satisfy criterion “c” pursuant to Section 5 of the Redevelopment Law for various reasons specific to each

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lot, including, but not limited to, that such lots are either owned by the Borough or are unimproved vacant lots that have remained as such for the last ten (10) or more years, and/or are not likely to be developed through private capital due to topographical challenges, poor site access, historical lack of development with no known future plans for same, or a combination thereof:

Block 40.01, Lots 21.01 & 22.01
Block 42, Lot 14
Block 45, Lots 6.01 & 7
Block 47, Lot 10
Block 53, Lots 6 & 7 (studied together)
Block 63, Lots 4, 6, & 14
Block 64, Lot 21
Block 72, Lot 2
Block 88, Lot 2
Block 94, Lot 1
Block 96, Lot 2.01; and

WHEREAS, of these 120 lots within the Study Area, the Planning Consultant concluded in the Report and testified to the Land Use Board that the following eighty-seven (87) lots satisfy criterion “d” pursuant to Section 5 of the Redevelopment Law for various reasons specific to each lot, including, but not limited to, that because of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, the buildings or improvements are detrimental to the safety, health, morals, or welfare of the community. This includes that as many of these lots are located in a high-risk flood zone and as the Borough itself is particularly vulnerable to flooding, many of these lots do not provide proper stormwater management or floodproofing and present risks of physical harm, structural damage, or entrapment because of either excessive land coverage, old age of the structure, lack of elevation above base flood elevation levels, or a combination thereof. This also includes that many lots suffer from faulty site arrangement, prior police incidents, dilapidated and/or poor site conditions leading to a general sense of neglect, unpermitted uses, lack of proper parking, or a combination thereof that all detract from and/or are incompatible with developing and maintaining a vibrant and walkable downtown commercial corridor:

Block 40.01, Lots 21.01, 21.02, & 22.01
Block 41, Lots 2.01, 5, 6, 7, 8, & 10
Block 42, Lots 1, 10, 12.01, 13, 14, & 15
Block 45, Lot 4.01
Block 46, Lots 1, 2, 3, 6, 7, & 8
Block 47, Lots 6, 7, 8, 9, & 11
Block 52, Lot 2
Block 53, Lots 3, 4, 5, 8, & 9
Block 54, Lots 1 & 4
Block 58, Lots 17.01 & 18 (studied together), 19 & 20 (studied together), 24, & 25
Block 59, Lots 8, 9, 11.01, 13.01, & 16.01
Block 63, Lots 9.01, 11, 15, & 19.01
Block 64, Lots 1, 2 & 28.01 (studied together), 17, 20, & 24
Block 69, Lots 2 & 6.01 (Lot 6.01 was formerly known as Lots 5 & 6)
Block 70, Lots 1, 2, 3, & 15
Block 71, Lots 4 & 5 (studied together), & 6
Block 72, Lots 1 & 12
Block 74, Lots 1, 8.01, & 9
Block 75, Lot 1
Block 80, Lots 1, 20, 21, & 22
Block 81, Lots 1 & 10.01

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Block 83, Lot 1 (Lot 1 was formerly known as Lots 1 & 14)
Block 88, Lots 1.01, 4.01, & 5
Block 89, Lots 2 & 13.01
Block 96, Lots 1 & 3 (Block 96, Lot 3 was formerly known as
Block 96.01, Lot 3); and

WHEREAS, of these 120 lots within the Study Area, the Planning Consultant concluded in the Report and testified to the Land Use Board that the following twenty (20) lots did not meet any of the criteria pursuant to Section 5 of the Redevelopment Law, but did satisfy the definition of “redevelopment area” or “area in need of redevelopment” pursuant to Section 3 of the Redevelopment Law for various reasons specific to each lot, including, but not limited to, that such lots abut other lots that satisfy criteria “a”, “b”, “c”, and/or “d” pursuant to Section 5 of the Redevelopment Law and that it would be an impediment to the redevelopment of the abutting lots and the commercial corridor as a whole if same were not included in the Non-Condemnation Redevelopment Area by creating redevelopment gaps along the commercial corridor:

Block 41, Lots 3, 4, & 9
Block 54, Lot 3.01
Block 58, Lot 23.01
Block 59, Lots 5, 6 & 10 (all studied together), & 14
Block 63, Lots 5, 7, 10, & 13.01
Block 64, Lot 25
Block 69, Lot 4.01
Block 80, Lot 2
Block 81, Lots 2 & 12
Block 88, Lot 3
Block 89, Lot 1; and

WHEREAS, in concluding the Report, the Planning Consultant did not recommend that any of the following thirty-five (35) lots be designated as a Non-Condemnation Redevelopment Area:

Block 41, Lot 13.01
Block 46, Lots 4 & 5
Block 47, Lot 12
Block 52, Lot 1
Block 53, Lots 1 & 2
Block 54, Lots 5 & 7.01
Block 58, Lots 1, 3.01, & 26
Block 59, Lot 11.02
Block 63, Lots 16 & 17
Block 64, Lots 18, 19, 22, & 23
Block 69, Lot 1
Block 70, Lots 16 & 17
Block 72, Lot 11.01
Block 73, Lot 2
Block 75, Lots 17 & 18 (studied together)
Block 82, Lots 1.01 & 6.01
Block 94, Lots 15.02 & 15.03 (studied together and were formerly known as Lot 15 jointly), & 16
Block 95, Lot 1
Block 96.01, Lot 2.01
Block 114, Lots 1.01, 1.02, & 3.02 (all studied together); and

WHEREAS, the Land Use Board asked the Planning Consultant during the Hearing if the above-referenced 35 lots within the Study Area satisfy criterion “h” pursuant to Section 5 of the Redevelopment Law; and

WHEREAS, in response to the Land Use Board’s question, the Planning Consultant testified to the Land Use Board at the Hearing that these 35 lots did satisfy criterion “h” pursuant to Section 5 of the

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Redevelopment Law because: (1) the entire Study Area is within Smart Growth Metropolitan Planning Area 1 of the New Jersey State Planning Commission’s State Development and Redevelopment Plan, which is an area in which development or redevelopment is to be encouraged; (2) the Borough made a prior policy decision to apply to the New Jersey State Planning Commission for such designation; and (3) various Borough planning and zoning documents referred to in the Report make reference to smart growth planning principles within the Study Area; and

WHEREAS, during the Hearing, the Land Use Board heard an objection from the owner of Block 53, Lot 3 as to the application of the “a” criterion of Section 5 of the Redevelopment Law to their property; and

WHEREAS, at the conclusion of the Hearing, after reviewing the Report and hearing all of the evidence, testimony from the public, and expert testimony, based on the reasons set forth in the Report and on the record as further described herein, including the testimony of the Planning Consultant as to criterion “h” of Section 5 of the Redevelopment Law, the Land Use Board: (1) voted to recommend that all of the lots within the Study Area be designated as a Non-Condemnation Redevelopment Area; and (2) as set forth in the record, in response to the objection above, voted to not accept the Planning Consultant’s recommendation that Block 53, Lot 3 also satisfies criterion “a” pursuant to Section 5 of the Redevelopment Law, but in doing so the Land Use Board erroneously identified such property as Block 59, Lot 8; and

WHEREAS, after careful consideration of Resolution No. 2021-21, the Report, the record of the Hearing, and all of the relevant facts and circumstances concerning this matter, the Borough Council desires to designate the entire Study Area as a non-condemnation redevelopment area; and

WHEREAS, to carry out its powers under the Redevelopment Law, the Borough has a need for professional planning consultant services in connection with the redevelopment of the Study Area; and

WHEREAS, the Planning Consultant possesses the experience and qualifications to perform professional planning consultant services; and

WHEREAS, by Resolution No. 21-43 adopted January 20, 2021, pursuant to a request for proposals for professional planning consultant services issued in accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, the Borough awarded a professional services contract to the Planning Consultant to provide professional planning consultant services to the Borough for a contract term of January 1, 2021 through December 31, 2021; and

WHEREAS, the Borough also desires to authorize the Planning Consultant to prepare one or more redevelopment plans for the Study Area,

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

Section 1. The foregoing recitals are herein incorporated as if set forth in full.

Section 2. The Borough Council hereby accepts the Land Use Board’s recommendations set forth in Resolution No. 2021-21 and adopts the recitals and findings of the Land Use Board and the Report, as if fully set forth herein, and therefore determines and declares that the entire Study Area, as specifically identified as the following blocks and lots on the tax map of the Borough, be and is hereby determined to be a non-condemnation redevelopment area pursuant to the Redevelopment Law (the “**Central Business District Redevelopment Area**”):

Block 40.01, Lots 21.01, 21.02, 22.01
Block 41, Lots 2.01, 3, 4, 5, 6, 7, 8, 9, 10, 13.01
Block 42, Lots 1, 10, 12.01, 13, 14, 15
Block 45, Lots 4.01, 6.01, 7

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Block 46, Lots 1, 2, 3, 4, 5, 6, 7, 8
Block 47, Lots 6, 7, 8, 9, 10, 11, 12
Block 52, Lots 1, 2
Block 53, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9
Block 54, Lots 1, 3.01, 4, 5, 7.01
Block 58, Lots 1, 3.01, 17.01, 18, 19, 20, 23.01, 24, 25, 26
Block 59, Lots 5, 6, 8, 9, 10, 11.01, 11.02, 13.01, 14, 16.01
Block 63, Lots 4, 5, 6, 7, 9.01, 10, 11, 13.01, 14, 15, 16, 17, 19.01
Block 64, Lots 1, 2, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28.01
Block 69, Lots 1, 2, 4.01, 6.01 (Lot 6.01 was formerly known as Lots 5 & 6)
Block 70, Lots 1, 2, 3, 15, 16, 17
Block 71, Lots 4, 5, 6
Block 72, Lots 1, 2, 11.01, 12
Block 73, Lot 2
Block 74, Lots 1, 8.01, 9
Block 75, Lots 1, 17, 18
Block 80, Lots 1, 2, 20, 21, 22
Block 81, Lots 1, 2, 10.01, 12
Block 82, Lots 1.01, 6.01
Block 83, Lot 1 (Lot 1 was formerly known as Lots 1 & 14)
Block 88, Lots 1.01, 2, 3, 4.01, 5
Block 89, Lots 1, 2, 13.01
Block 94, Lots 1, 15.02, 15.03 (Lots 15.02 & 15.03 were formerly known as Lot 15), 16
Block 95, Lot 1
Block 96, Lots 1, 2.01, 3 (Block 96, Lot 3 was formerly known as Block 96.01, Lot 3)
Block 96.01, Lot 2.01
Block 114, Lots 1.01, 1.02, 3.02.

Section 3. Pursuant to *N.J.S.A. 40A:12-6(b)(5)(c)* of the Redevelopment Law, the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.

Section 4. Pursuant to *N.J.S.A. 40A:12-6(b)(5)(d)* of the Redevelopment Law, the Borough Clerk is hereby authorized and directed to serve a certified copy of this Resolution within ten (10) days of the adoption hereof upon all record owners of the properties located within the Central Business District Redevelopment Area, those whose names are listed on the Borough Tax Assessor’s records, and each person, if any, who filed a written objection and stated in such submission an address to which notice of this determination may be sent.

Section 5. Pursuant to *N.J.S.A. 40A:12A-7(e)* of the Redevelopment Law, the Borough Council hereby authorizes the Planning Consultant to prepare one or more redevelopment plans for the Central Business District Redevelopment Area or portion(s) thereof in accordance with the Redevelopment Law. The Planning Consultant shall prepare the redevelopment plan(s) when and as directed by the Borough.

Section 6. A certified copy of this Resolution shall be available for public inspection during regular business hours at the office of the Borough Clerk.

Section 7. This Resolution shall take effect immediately.

Motion to Approve R-21-199 Mayor Broullon Recusal Noted:

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

A RESOLUTION SETTING THE HOURS OF TRICK OR TREATING IN THE BOROUGH OF HIGHLANDS

WHEREAS, the Borough of Highlands Chief of Police has recommended to the Borough Council that the hours of trick or treating be limited to 12:00 p.m. until 8:00 p.m.; and

WHEREAS, the Borough Council believes it is in the best interests of it residents to limit the hours of trick or treating as recommended by the Borough’s Chief of Police; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the hours for trick or treating on October 31, 2021 be limited to 12:00 p.m. until 8:00 p.m.

Motion to Approve R-21-200:

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

RESOLUTION 21-201
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE SNUG HARBOR PUMP STATION AND NORTH STREET PUMP STATION UPGRADES

WHEREAS, the Borough of Highlands has a need for professional engineering services to submit a FEMA grant application in connection with the Building Resilient Infrastructure and Communities (BRIC) program or the Flood Mitigation Assistance (FMA) program as it pertains to the Snug Harbor Pump Station and North Street Pump Station Upgrades, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Colliers Engineering & Design, Inc. (DBA Maser Consulting) has set forth its proposed services in a written proposal dated October 18, 2021, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the said proposal includes the following: Preliminary Design, Reports and Cost Estimate, Benefit Cost Analysis and FEMA Application Submission; and

WHEREAS, the proposed amount of the contract with Colliers Engineering & Design, Inc. (DBA Maser Consulting) is \$52,750.00, consisting of the following:

• Preliminary Design, Reports and Cost Estimate	\$25,000.00
• Benefit Cost Analysis	\$20,000.00
• FEMA Application Submission	\$ 7,000.00
• Reimbursables	<u>\$ 750.00</u>
Total	\$52,750.00; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of Colliers Engineering & Design, Inc. (DBA Maser Consulting), 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701 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, Inc. (DBA Maser Consulting) for the proposed engineering services in connection with a FEMA grant application as it pertains to the Snug Harbor Pump Station

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and North Street Pump Station Upgrades as set forth in its proposal; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$52,750.00 for professional engineering services as stated in Colliers Engineering & Design, Inc.’s (DBA Maser Consulting) proposal dated October 18, 2021; and

WHEREAS, Colliers Engineering & Design, Inc. (DBA Maser Consulting) 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, Inc. (DBA Maser Consulting) from making any reportable contributions through the term of the contract; and

WHEREAS, Colliers Engineering & Design, Inc. (DBA Maser Consulting) 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 Account # C-06-18-001-000-202:



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, Inc. (DBA Maser Consulting) is hereby retained to provide professional engineering services to submit a FEMA grant application, in connection with the Building Resilient Infrastructure and Communities (BRIC) program or the Flood Mitigation Assistance (FMA) program, as it pertains to the Snug Harbor Pump Station and North Street Pump Station upgrades as described above in their proposal dated October 18, 2021, for an amount not to exceed \$52,750.00.
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.
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 to Approve R-21-201:

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

RESOLUTION 21-202

RESOLUTION AUTHORIZING ADOPTION OF AMENDMENTS TO THE BOROUGH’S EMPLOYEE HANDBOOK TO BE ENTITLED “PERSONNEL POLICIES AND PROCEDURES MANUAL” AND PERSONNEL POLICIES AND PROCEDURES MANUAL TO BE ENTITLED “PERSONNEL POLICIES AND PROCEDURES MANUAL SUPERVISORY SUPPLEMENT”

WHEREAS, the Borough determined that certain amendments and updates to the Employee Handbook and Personnel Policies and Procedures Manual are required to incorporate changes in State and Federal law and based on recommendations from the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, the Borough determined that it is necessary to distribute a revised Employee Handbook to all employees and a revised Personnel and Policies and Procedures Manual to supervisory employees; and

WHEREAS, the adoption of a revised Personnel Policies and Procedures Manual (currently the Employee Handbook) and a revised Personnel Policies and Procedures Manual Supervisory Supplement (currently the Personnel Policies and Procedures Manual) and distribution of the Personnel and Policies and Procedures Manual and Personnel and Policies and Procedures Manual Supervisory Supplement will protect the interests and rights of both the Borough and its employees; and

WHEREAS, the Borough has made certain amendments and updates to the current Employee Handbook and the Personnel and Policies and Procedure Manual to conform with the requirements set forth above; and

WHEREAS, the revised Personnel Policies and Procedures Manual and Personnel Policies and Procedures Manual Supervisory Supplement will be distributed to all Borough employees, as applicable; and

WHEREAS, the Borough employees will acknowledge receipt of the revised Personnel Policies and Procedures Manual and Personnel Policies and Procedures Manual Supervisory Supplement, as applicable.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that the aforesaid Personnel Policies and Procedures Manual and Personnel Policies and Procedures Manual Supervisory Supplement be and are hereby accepted and adopted.

BE IT FURTHER RESOLVED, that copies of the Personnel Policies and Procedures Manual and Personnel Policies and Procedures Manual Supervisory Supplement shall be distributed to all employees, as applicable.

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

Motion to Approve R-21-202:

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

OTHER BUSINESS:

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Mayor Broullon gave an update on both the redevelopment study survey as well as the school regionalization study survey.

Mayor announced that the grant/loan for the skate park project was approved.

REPORTS:

Committee Reports:

Councilmember Melnyk gave the Communications committee report. Website updates on going. Creation of a projects tab as well as a section for a Mayor's corner for reports read by the Mayor.
Call for submission of pictures for the 2022 Borough Calendar.

Councilmember Melnyk gave the Shade Tree report. Consulted with DPW and an arborist regarding replacement of lost trees on Bay Avenue.

Tree City USA submission.

Consideration of potential tree transplants from Shadowlawn.

Councilmember Melnyk gave the Open Space report. ROSI updates to be completed at the October meeting. Updates to website to reflect public access around town.

Council President Olszewski gave report on schools. Referenced Dr. Beams monthly message on school website, very informative. Gave overview on Quest a new program. Trunk or Treat being held Friday 2pm to 5pm. Encouraged residents to please participate in the regionalization survey.

Mayor Broullon gave Environmental Committee report. Review of roof top schematics as to minimize noise pollution for residents near the new borough hall.

PUBLIC PORTION:

Mayor opened public portion.

Claudette D'Arrigo, 12 Seadrift – Questioned why code enforcement is a shared service. Administrator explained.

Andrew Bulakowski, – Representing local carpenters that live in town. Requested consideration to work on new borough hall. Councilmember Mazzola questioned how many union workers live in town. Mr. Bulakowski stated he would get that information for council.

ADJOURN:

Upon motion by Mayor Broullon, seconded by Councilmember Melnyk, motion carries to adjourn at 8:40 P.M. All in Favor.

Approve: _____
Carolyn Broullon

Attest: _____
Michelle Hutchinson, Borough Clerk