

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands August 18, 2021– Meeting Minutes

EXECUTIVE SESSION 6:30PM

REGULAR MEETING: 8:00PM - MEETING STATEMENT:

The Borough Clerk read the public meetings statement.

This is a meeting of the Borough Council August 18, 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 Bennett Matlack, and Municipal Clerk Michelle Hutchinson

Certificate of Appreciation/Proclamation

Mayor read Proclamation for Ovarian Cancer Awareness Month September 2021

Approval of Minutes

July 14, 2021 Executive Meeting Minutes

July 14, 2021 Regular Meeting Minutes

Offered by Mayor Broullon Seconded by Council President Olszewski to adopt minutes.

Roll Call Vote:

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

Nays: None

Abstention: None

Absent: None

RESOLUTIONS:

RESOLUTION 21-162
RESOLUTION ACKNOWLEDGING RECEIPT AND REVIEW OF THE LAND USE BOARD
CONSISTENCY REPORT FOR ORDINANCE
O-21-29

WHEREAS, the Borough of Highlands introduced Ordinance O-21-29, Amending Section 21-65.14 of the Borough Code to Address Off-Street Parking Requirements, on June 16, 2021; and

WHEREAS, the Borough referred the aforesaid Ordinance to the Land Use Board pursuant to N.J.S.A. 40:55D-26(a); and

WHEREAS, the Land Use Board reported its findings by and through the issuance of a Report dated August 5, 2021 and found that the proposed development regulation, revision or amendment thereto is consistent with the Borough's Master Plan.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council acknowledges receipt of the Land Use Board's Report and has reviewed the said Report which finds the Ordinance to be consistent with the Borough's Master Plan.

BE IT FURTHER RESOLVED, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Land Use Board Secretary.

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Motion to Approve R-21-162:

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

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES:

Acting Borough Clerk Michelle Hutchinson read the following ordinance by title:

1. O-21-29 An Ordinance Amending Section 21-65.14 Of The Borough Code To Address Off-Street Parking Requirements
Mayor opened to the public.
No comment.
Mayor opened to Council.
No Comment.
It was moved by Councilmember Melnyk 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.

INTRODUCTION OF ORDINANCES:

1. O-21-30 An Ordinance Amending Section 2-41.2 Of The Borough Code Regarding Application Procedure For Requests For Use Of The Community Center
It was moved by Councilmember Melnyk and seconded by Council President Olszewski to pass this ordinance on first reading.
Roll Call Vote:
Ayes: Martin, Mazzola, Melnyk, Olszewski, Mayor Broullon
Nays: None
Abstention: None
Absent: None
Acting Borough Clerk Hutchinson stated motion carried to pass this ordinance on first reading with a public hearing to be held on September 1, 2021.
2. O-21-31 An Ordinance Amending Chapter 4-14 Of The Borough Code Regarding Short-Term Rentals
Councilmember Mazzola inquired why the number of units were changed. Attorney Chabarek explained.
Council President Olszewski requested clarification on the requirement of owner-occupied circumstances versus non owner occupied. Attorney Chabarek explained.
It was moved by Mayor Broullon and seconded by Councilmember Martin to pass this ordinance on first reading.
Roll Call Vote:
Ayes: Martin, Mazzola, Melnyk, Olszewski, Mayor Broullon
Nays: None
Abstention: None
Absent: None
Acting Borough Clerk Hutchinson stated motion carried to pass this ordinance on first reading with a public hearing to be held on September 1, 2021.
3. O-21-32 An Ordinance Amending Chapter 7-3.8 Of The Borough Code Regarding Permit Parking For Residents
Mayor explained.
It was moved by Mayor Broullon and seconded by Council President Olszewski to pass this ordinance on first reading.
Roll Call Vote:

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Ayes: Martin, Mazzola, Melnyk, Olszewski, Mayor Broullon
Nays: None
Abstention: None
Absent: None
Acting Borough Clerk Hutchinson stated motion carried to pass this ordinance on first reading with a public hearing to be held on September 1, 2021.

RESOLUTIONS:

RESOLUTION 21-163
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, August 13, 2021 which totals as follows:

Current Fund	\$ 1,484,561.44
Sewer Account	\$ 72,391.06
Capital Fund	\$ 99,187.35
Trust-Other	\$ 11,610.03
Federal/State Grants	\$ 264.53
Total	\$ 1,668,014.41

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$1,668,014.41** 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-21-163:

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

RESOLUTION 21-164
RESOLUTION APPOINTING SUPERINTENDENT OF PUBLIC WORKS, RECYCLING COORDINATOR AND CLEAN COMMUNITIES COORDINATOR

WHEREAS, in accordance with N.J.S.A. 40A:9-154.5 et seq. and Borough Code § 232.3(b), the Borough established the position of Superintendent of Public Works to manage and supervise the Borough’s Department of Public Works; and

WHEREAS, the position of Superintendent of Public Works is presently vacant; and

WHEREAS, the Borough has determined that Spencer Carpenter is the most qualified candidate to serve in the position of Superintendent of Public Works; and

WHEREAS, the Borough is desirous of hiring Spencer Carpenter to serve as its Superintendent of Public Works, and Spencer Carpenter expressed an interest in serving the Borough and its residents in said role; and

WHEREAS, there are also vacancies in the positions of Recycling Coordinator and Clean Communities Coordinator for the unexpired terms set to expire December 31, 2021; and

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WHEREAS, the Borough has determined that Spencer Carpenter is qualified to serve in the positions of Recycling Coordinator and Clean Communities Coordinator; and

WHEREAS, the Borough has reached an Agreement with Spencer Carpenter concerning the terms and conditions of his employment.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands that the Borough officials are hereby authorized to enter into an Employment Agreement with Spencer Carpenter concerning the terms and conditions of his employment.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands that Spencer Carpenter be and is hereby appointed to serve as Superintendent of Public Works for a three (3) year term, pursuant to the terms and conditions set forth in the aforesaid Employment Agreement.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands that Spencer Carpenter be and is hereby appointed to serve as the Recycling Coordinator and the Clean Communities Coordinator for the unexpired terms set to expire December 31, 2021.

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 Mayor be and is hereby authorized to execute an Employment Agreement governing the terms and conditions of Spencer Carpenter’s employment as aforesaid.

Motion to Approve R-21-164:

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

RESOLUTION 21-165

A RESOLUTION AUTHORIZING THE REFUND OF A BULK PERMIT FEE

WHEREAS, the Finance Officer of the Borough of Highlands has received a request to refund a fee for Bulk Permit Number 993

WHEREAS, the Finance Officer has confirmed with the Department of Public Works that the Permit was not used 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 Permit Fee 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 the Bulk Permit Fee to the individual property owner listed below:

<u>BLOCK</u>	<u>LOT</u>	<u>PERMIT #</u>	<u>AMOUNT</u>	<u>NAME</u>
65	28	993	\$50.00	Jaclyn Walsh

Motion to Approve R-21-165:

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

RESOLUTION 21-166

A RESOLUTION AUTHORIZING THE REFUND OF A CERTIFICATE OF OCCUPANCY FEE

WHEREAS, the Finance Officer of the Borough of Highlands has received a request to refund a fee for a Certificate of Occupancy,

WHEREAS, the Finance Officer has confirmed with the Fire Marshall that the Certificate of Occupancy was not used 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 Certificate of Occupancy Fee 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 the Certificate of Occupancy Fee to the individual property owner listed below:

<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
59	35	\$290.00	Gemma Luzzi

Motion to Approve R-21-166:

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

RESOLUTION 21-167

**RESOLUTION AUTHORIZING EXECUTION OF A DEPOSITORY AGREEMENT WITH
MONMOUTH COUNTY ARCHIVES**

WHEREAS, the Monmouth County Archives is a department within the office of the Monmouth County Clerk in the State of New Jersey, having its principal office at 125 Symmes Drive, Manalapan, NJ 07726; and

WHEREAS, said institution was established for the purpose of perpetuating knowledge of, and encouraging public interest in, the history of municipalities within the County, and to acquire and preserve materials and information relevant to the social, economic and political history of municipalities within the County; and

WHEREAS, it has been recommended to the Borough of Highlands that it would be to the mutual advantage of both the Borough of Highlands and the Monmouth County Archives to enter into a Depository Agreement providing for the transfer of physical custody, but not the legal custody, of certain historical public records to the Monmouth County Archives, to be kept and maintained by Monmouth County Archives; and

WHEREAS, the Borough of Highlands has considered said recommendation and is of the opinion that such transfer of said public records, reserving to the Borough of Highlands the right to recall said public records,

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would be beneficial to the residents of the Borough of Highlands and other persons interested in the history of the Borough of Highlands; and

WHEREAS, the *New Jersey Administrative Code*, at 15:3-6.3(e)(3), provides that historically significant public records may be deposited in another institution with the approval of the Division of Archives and Records Management, Department of State; and

WHEREAS, it appears that the Monmouth County Archives is able to provide sufficient storage space, environmental controls, and security for the preservation of said public records in its facilities, and to permit public access to said records during its regular business hours; and

WHEREAS, the Monmouth County Archives has requested physical custody of said public records, and desires to enter into a Deposit Agreement with the Borough of Highlands stating the terms and conditions of the transfer of custody.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the physical custody, but not the legal custody, of the historical public records listed in Exhibit 1 of the proposed Deposit Agreement as attached, and/or any future additions or corrections made to this list under the terms of the said Deposit Agreement, shall be transferred to the Monmouth County Archives; and that the said records shall be maintained and made publicly accessible by said institution in its facilities for an indefinite period; and that the Deposit Agreement containing the specific terms and conditions of this transfer be executed by authorized officials of both the Borough of Highlands and the Monmouth County Archives.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Borough Clerk to be a true copy shall be forwarded to the Monmouth County Archives.

Motion to Approve R-21-167:

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

RESOLUTION 21-168
RESOLUTION APPROVING RENEWAL OF LIQUOR LICENSE FOR 2019-2020
FOR LICENSE NUMBER 1317-33-016-004, FILIP ENTERPRISES, INC.

WHEREAS, it has been discovered that a Resolution approving the renewal of Liquor License Number 1317-33-016-004, Filip Enterprises, Inc., an inactive establishment, was previously not adopted by the Borough of Highlands for 2019-2020; and

WHEREAS, the renewal application had been accepted via POSSE ABC, the New Jersey Division of Alcoholic Beverage Control’s electronic web-based licensing system, the Municipal Fees were paid and a Tax Clearance Certificate was received; and

WHEREAS, it is necessary for the Governing Body to adopt a Resolution Nunc Pro Tunc approving the 2019-2020 liquor license for a term of July 1, 2019 to June 30, 2020; and

WHEREAS, the submitted license renewal application received a 12.39 special ruling and was approved by the State Alcohol Beverage Control Director, a copy of which is annexed hereto; and

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

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 Liquor License Number 1317-33-016-004 for Filip Enterprises, Inc., an inactive establishment, is hereby authorized Nunc Pro Tunc for 2019-2020 for the term of July 1, 2019 to June 30, 2020.

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Motion to Approve R-21-168:

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

RESOLUTION 21-169
A RESOLUTION APPROVING RENEWAL OF LIQUOR LICENSE FOR 2021-2022
FOR LICENSE NUMBER 1317-33-016-004, FILIP ENTERPRISES, INC.

WHEREAS, Filip Enterprises, Inc. submitted a renewal liquor license application for 2021-2022 via POSSE ABC, the New Jersey Division of Alcoholic Beverage Control’s electronic web based licensing system; and

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

WHEREAS, the submitted license renewal application received a 12.39 special ruling and was approved by the State Alcohol Beverage Control Director, a copy of which is annexed hereto; and

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

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 Liquor License Number 1317-33-016-004 for Filip Enterprises, Inc., an inactive establishment, is hereby authorized for 2021-2022 for the term of July 1, 2021 to June 30, 2022.

Motion to Approve R-21-169:

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

RESOLUTION 21-170
A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHLANDS TO SUBMIT AND
APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE
NEIGHBORHOOD PRESERVATION PROGRAM

WHEREAS, the Borough of Highlands, desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$625,000 total, \$125,000 per year for 5 years, to carry out a project to complete our downtown, this award will provide funds to rehabilitate, provide materials and give ADA access to those properties in the Central Business District as well as to provide for other improvement assistance within the district.

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BE IT THEREFORE RESOLVED, that the Borough of Highlands, does hereby authorize the application for such a grant; and

BE IT FUTHER RESOLVED, recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between, the Borough of Highlands, and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Motion to Approve R-21-170:

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

OTHER BUSINESS:

Mayor Broullon explained that the purpose of the special meeting to be held on August 23, 2021, is to explain the redevelopment process and for any questions that residents may have. Reminders will be sent via Nixle as well as social media.

REPORTS:

Administrator’s Report

Michael Muscillo gave report. The Mayor and Administrator both attended a ceremony at Twilights for the stamp dedication. Administrator had several meetings with FEMA looking to get reimbursements for tropical storm Isaias total \$37,000.00. Also met with County regarding possibility of additional shared services. Meeting with Risk Manager all insurance policies up to date. Also, Dodge charger that was given to Borough by County is now in use by First Aid. The new park equipment will be arriving tomorrow. Council member Melnyk and Councilmember Mazzola asked when park equipment will be installed. Administrator Muscillo explained it will be installed as it is received.

Engineer’s Report

Bennett Matlack gave report. Improvements to Locust Street complete working on final closeout. Phase 1 sanitary sewer project waiting for authorization to go out to bid to proceed with project, still in review with DEP. Improvements to King and Matthews Street project survey has been completed advancing with construction plans. Mayor suggested to combine the awarded grant and federal funds available to include various streets in one big project as opposed to the current process.

PUBLIC PORTION:

Mayor opened public portion.

Irvin Beaver, Seabright NJ – Inquired of the Council’s stance with the proposed school district reconfiguration resolution that was adopted at Sea Bright’s last meeting. Mayor explained Governor has not signed the bill yet, so we are in a holding pattern for now. Next August is the deadline for placement on the November ballot.

Tina Kemper, 164 Linden – Expressed concern that the Twilights stamp reflects Navesink. Requested status of malware problem at Borough Hall. Administrator explained that the Borough worked with IT company to resolve the issue and to try to prevent any further issues. Councilmember Mazzola suggested drills be done to train employees to detect malware. Administrator stated that was discussed and would be done. Ms. Kemper also expressed concern about fireworks in town. Chief explained the rules regarding fireworks.

Rosemary Flannery, 1 Central Avenue – Requested follow up on racoons. Feels that they are still an issue in

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other areas of town. Mayor explained that trapping will continue until the end of the month. There should be no food left out after dark, which is a big part of the problem. Colony managers have put the word out.

Susan Flannery, 3 Central Avenue - Was under the impression you could not trap on your property. Administrator explained you personally cannot, but you can hire a pest control company to do so. Ms. Flannery suggested planting trees where the old Borough Hall was located. Councilmember Melnyk explained that they are constantly looking to replace trees, and this will be brought up at the next Shade Tree Committee meeting. Mayor explained that this area has been previously discussed and is part of a plan for streetscaping as part of a grant.

Tina Kemper, 164 Linden – Suggested sustained education regarding feral cats in town.

Council President Olszewski acknowledged the outstanding beach cleanup and removal of all the glass.

ADJOURN:

Upon motion by Mayor Broullon, seconded by Councilmember Martin, motion carries to adjourn at 8:49 P.M. All in Favor.

Approve: _____
Carolyn Broullon

Attest: _____
Michelle Hutchinson, Borough Clerk