



Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
January 18, 2023 – Meeting Minutes

REORGANIZATION MEETING: Meeting came to order at 7:00 PM

MEETING STATEMENT: The following public meetings statement was read.

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, 2023. Items listed on the agenda are subject to change.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmember Cervantes, Councilmember Chelak, Councilmember Melnyk, Council President Olszewski, and Mayor Broullon were present.

Also in attendance were Borough Administrator Michael Muscillo, Borough Attorney Brian Chabarek, Esq., Borough Engineer Bennett Matlack, and Borough Clerk Nancy Tran.

APPROVAL OF MINUTES:

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Motion: Olszewski

Second: Mayor Broullon

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Abstain: Cervantes

Absent: None

PUBLIC HEARING ON PROPOSED ORDINANCES:

ORDINANCE O-23-01

DESIGNATING RESTRICTED PARKING IN FRONT OF RESIDENCE OCCUPIED BY PERSON WITH DISABILITIES

WHEREAS, N.J.S.A. 39:4-197.6 provides that any municipality may, by ordinance, establish a restricted parking zone in front of a residence occupied by a person with a disability provided such parking is not otherwise prohibited and the permitting thereof would not interfere with the normal flow of traffic.

WHEREAS, Ordinance 18-03 governs applications for restricted parking in front of residences occupied by persons with disabilities; and

WHEREAS, the Highlands Police Department has received an application for on-street resident parking for persons with disabilities, which has been reviewed and approved by the Chief of Police; and

WHEREAS, the governing body of the Borough of Highlands wishes to designate an appropriate space for resident parking for persons with disabilities in accordance with the recommendation of the Chief of Police.

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

SECTION I.

A parking space in front of 185 Linden Avenue, 55 feet West of utility pole JCG83, of the property is hereby designated as a space for resident parking for persons with disabilities. This space shall be available to the residents of 185 Linden Avenue. A sign shall be installed specifically identifying the parking space in accordance with Ordinance 18-03.

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SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

Mayor Broullon opened to Public. There were no comments from Public.

Motion: Mayor Broullon

Second: Chelak

Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

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

**ORDINANCE O-23-02
DESIGNATING RESTRICTED PARKING IN FRONT OF RESIDENCE OCCUPIED BY PERSON WITH
DISABILITIES**

WHEREAS, N.J.S.A. 39:4-197.6 provides that any municipality may, by ordinance, establish a restricted parking zone in front of a residence occupied by a person with a disability provided such parking is not otherwise prohibited and the permitting thereof would not interfere with the normal flow of traffic.

WHEREAS, Ordinance 18-03 governs applications for restricted parking in front of residences occupied by persons with disabilities; and

WHEREAS, the Highlands Police Department has received an application for on-street resident parking for persons with disabilities, which has been reviewed and approved by the Chief of Police; and

WHEREAS, the governing body of the Borough of Highlands wishes to designate an appropriate space for resident parking for persons with disabilities in accordance with the recommendation of the Chief of Police.

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

SECTION I.

A parking space on South Street directly after the 50 feet of yellow curbing which starts at the stop sign at the intersection of Bay Avenue and South Street is hereby designated as a space for resident parking for persons with disabilities. This space shall be available to the resident of 55A Bay Avenue. A sign shall be installed specifically identifying the parking space in accordance with Ordinance 18-03.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

Mayor Broullon clarified that this was for a different address than the previous Ordinance and then opened to Public. There were no comments from Public.

Motion: Mayor Broullon

Second: Chelak

Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

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

CONSENT AGENDA: Clerk Tran read the following Resolutions by title and asked for a motion to approve the Consent Agenda. Resolutions and Consent Agenda vote are as follows:

**RESOLUTION 23-044
AMENDING RESOLUTION 23-039 ENTITLED
APPROVING 2023 EVENTS ON VARIOUS BOROUGH PROPERTIES**

WHEREAS, Resolution 23-039 approved planned events on various Borough owned properties for the calendar year 2023, which was duly adopted on January 1, 2023; and

WHEREAS, the Borough of Highlands was later advised by the Highlands Business Partnership that an additional event, Pride in the Park, has been planned for Saturday, June 10, 2023, 12pm – 7pm, at Huddy Park – with a rain date of Sunday, June 11th; and

WHEREAS, the Borough was also later advised by the Highlands Business Partnership that the Farmer’s Market will start June 17th rather than the originally scheduled date of June 10th.

WHEREAS, the Borough of Highlands was also later advised by the Highlands Business Partnership that a rain date of December 2nd has been scheduled for the Holiday Tree Lighting which is scheduled for December 1st.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 23-039 be and is hereby amended to reflect the approval of an additional Highlands Business Partnership planned event of Pride in the Park for Saturday, June 10, 2023, 12pm – 7pm at Huddy Park, with a rain date of Sunday, June 11th.

BE IT FURTHER RESOLVED, that Resolution 23-039 be and is hereby amended to reflect that the Farmer’s Market will begin on June 17th rather than the originally scheduled date of June 10th.

BE IT FURTHER RESOLVED, that Resolution 23-039 be and is hereby amended to reflect the approval of a rain date of December 2nd for the Holiday Tree Lighting which is scheduled for December 1st.

Motion: Mayor Broullon

Second: Melnyk

Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-045
APPOINTING FIRE POLICE**

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following person be and is hereby appointed Fire Police for the year 2023:

Officer: Chris Creighton

Motion: Mayor Broullon

Second: Melnyk

Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

RESOLUTION 23-046

APPROVING REQUEST FOR WAIVER OF ALCOHOL BAN FOR COMMUNITY CENTER RENTAL

WHEREAS, the Borough of Highlands has received an application for rental of the Community Center from a resident seeking to host a family birthday party; and

WHEREAS, the residents have requested a waiver of the alcohol prohibition in order to serve alcohol to the guests of this private event; and

WHEREAS, the residents have obtained the necessary insurance coverage required to allow alcohol at the private event.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that Nicole Secinaro's request for a waiver of the alcohol prohibition is approved for the private event to be hosted on June 25, 2023, from 1-5pm;

BE IT FURTHER RESOLVED, that as a condition of this approval the applicant has provided the Borough Clerk with a certificate of insurance coverage naming the Borough of Highlands as an additional insured, subject to the Borough Administrator's review and approval.

Motion: Mayor Broullon

Second: Melnyk

Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

RESOLUTION 23-047

APPROVING REQUEST FOR WAIVER OF ALCOHOL BAN FOR COMMUNITY CENTER RENTAL

WHEREAS, the Borough of Highlands has received an application for rental of the Community Center from the PTO Highlands Elementary School seeking to host a BYO Sip and Paint party; and

WHEREAS, the PTO have requested a waiver of the alcohol prohibition in order to allow alcohol to be consumed by guests of this private BYO event; and

WHEREAS, the PTO have obtained the necessary insurance coverage required to allow alcohol at the event.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the PTO Highlands Elementary School's request for a waiver of the alcohol prohibition is

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approved for the BYO Sip and Paint event to be hosted on March 4, 2023, from 4-10pm;

BE IT FURTHER RESOLVED, that as a condition of this approval the applicant has provided the Borough Clerk with a certificate of insurance coverage naming the Borough of Highlands as an additional insured, subject to the Borough Administrator’s review and approval.

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

**RESOLUTION 23-048
AUTHORIZING REFUND OF TAX OVERPAYMENT**

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
111	7	2022	\$1,737.08	Larue, Charles
93	6	2022	\$484.79	Erickson, Thomas & C

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

**RESOLUTION 23-049
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE
IMPROVEMENT OF OVERLOOK PARK**

WHEREAS, the Borough of Highlands desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$100,000 to carry out a project to improve Overlook Park by installing a crushed stone walkway, pergola, fencing, benches, viewing machines, landscaping, and other associated improvements.

NOW THEREFORE BE IT RESOLVED,

1. That the Borough of Highlands does hereby authorize the application for such a grant; and,
2. 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

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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:

Carolyn Broullon, Mayor

Michael Muscillo, Borough Administrator

Motion: Mayor Broullon

Second: Melnyk

Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-050
AUTHORIZING CONTRACT FOR ANIMAL CONTROL SERVICES**

WHEREAS, pursuant to N.J.S.A. 19:44A-20.4 et seq. (New Jersey Local Unit Pay-To-Play Laws), the Borough must award by resolution all goods and services contracts with a dollar amount between \$17,500 and \$43,999. These contracts are not bid, but vendors are still responsible to provide political contribution and company disclosure information in order to do business with the Borough.

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq., when the cost of goods and/or services falls between \$17,500 and the bid threshold of \$44,000 in the aggregate, an approval by resolution must be in place; and

WHEREAS, the Borough has solicited a quotation from the Monmouth County Society for the Prevention of Cruelty to Animals (hereafter Monmouth County SPCA); and

WHEREAS, securing more than one quote has been impractical; and

WHEREAS, the Monmouth County SPCA provided a quotation in the amount of \$18,000.00 annually to be prorated on a monthly basis of \$1,500.00; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands;

I hereby certify that funds are available as follows: Acct. 3-01-27-340-000-020



Patrick DeBlasio, Chief Financial Officer

WHEREAS, the Borough desires to retain the services of the Monmouth County SPCA to provide animal control services, for the period beginning January 1, 2023 through December 31, 2023; and

WHEREAS, the Monmouth County SPCA completed and submitted a Business Entity Disclosure Certification which certifies the business entity has not made any reportable contributions to a political or candidate committee in the Borough in the previous one year, and that the contract will prohibit the Monmouth County SPCA from making any reportable contributions through the term of the contract.

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

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1. The Monmouth County SPCA is hereby retained to provide animal control services for the period of January 1, 2023 through December 31, 2023, in an amount not to exceed \$18,000.00 annually, with said sum to be prorated on a monthly basis in the amount of \$1,500.00, in accordance with the terms of the contract to be entered into between the Borough and the Monmouth County SPCA.
2. The Mayor and Borough Clerk are hereby authorized to sign a contract with the Monmouth County SPCA in accordance with this Resolution.
3. This contract is awarded without competitive bidding through the competitive quotation process in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-6.1.

Motion: Mayor Broullon

Second: Melnyk

Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-051
AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated January 13, 2023, which totals as follows:

Current Fund	\$ 1,068,688.00
Sewer Account	\$ 87,234.36
Capital Fund	\$ 20,073.10
Trust-Other	\$ 8,897.14
Federal/State Grants	\$ 2,296.00
Total	\$ 1,187,188.60

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$ 1,187,188.60** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at www.highlandsborough.org and on file in the Municipal Clerk's office for reference.

Motion: Mayor Broullon

Second: Melnyk

Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

**RESOLUTION 23-052
AUTHORIZING THE EXECUTION OF A HOLD HARMLESS AND RELEASE AGREEMENT BETWEEN
THE BOROUGH OF HIGHLANDS AND THE BAYVIEW CONDOMINIUM ASSOCIATION, INC.**

WHEREAS, The Bayview Condominium Association, Inc. is the owner of property known as Block 100, Lot 30.02, located on Shore Drive, in the Borough of Highlands, New Jersey (hereafter

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“Bayview Condominium Association’s Property”); and

WHEREAS, the Borough of Highlands is the owner of property known as Block 101, Lot 3, located on Locust Street, (hereafter “Borough’s Property”), which property is adjacent to Bayview Condominium Association’s Property; and

WHEREAS, the Borough of Highlands is in the process of subdividing its property into four lots; and

WHEREAS, the Borough’s survey reflects that a portion of Bayview Condominium Association’s fence encroaches slightly onto the southeasterly portion of Borough’s Property, but has been in that same location since at least 1999; and

WHEREAS, the Bayview Condominium Association disputes whether the fence is actually encroaching, and

WHEREAS, the Borough of Highlands hereby agrees not to take action to compel removal of the existing potential fence encroachment, so long as the Bayview Condominium Association agrees to hold the Borough harmless and indemnify it for any claim or injury resulting from the fence remaining in that location; and

WHEREAS, the Borough of Highlands and Bayview Condominium Association wish to enter into the attached Hold Harmless and Release Agreement wherein Bayview Condominium Association releases and forever discharges the Borough of Highlands, its officers, employees, former employees, agents, elected officials and attorneys, from and against any and all actual or alleged claims, demands, causes of action, suits, proceedings, liability, loss, damage and/or injury, arising out of or incident to the occupancy, control, use, and maintenance of the potential fence encroachment on the Borough of Highlands’ property located at the southeasterly portion of Block 101, proposed Lot 3.01 (existing Lot 3).

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Highlands hereby authorizes the Mayor and Borough Clerk to execute a Hold Harmless and Release Agreement between the Borough of Highlands and The Bayview Condominium Association, Inc.

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a certified copy of this Resolution to The Bayview Condominium Association, Inc., C/O DSV Property Management, 15 Bay Avenue, Highlands, New Jersey 07732.

Motion: Mayor Broullon

Second: Melnyk

Ayes: Cervantes, Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Abstain: None

Absent: None

REPORTS:

Mayor Broullon: gave an update on the North Street pump station upgrade, the new municipal building construction, the Snug Harbor Park improvements, the Marine Place West walkway improvement, the Waterwitch pump station improvement, the Ederle Park improvement, the skate park improvement, Sanitation Sewer project, the EV charging station, the Jones Creek dredging project, and the Portland Road guard rail project. She then gave updates on planned projects – the Bayside Drive and Marie Street improvement, the Frank Hall Park improvement, the Veterans Park improvement, the Overlook Park improvement, the Marine Place East walkway improvement, the resiliency living shoreline project at Veterans Park, and the regionalization. Mayor Broullon reported on the grants received in 2022 and planned grant

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applications for 2023.

Councilmember Chelak: gave an update on the _condition of the Shadowlawn property and actions taken.

With no further reports from the dais, Mayor Broullon added that the Feed & Seed was collecting winter coats for Where Angels Play to help a Native Indian tribe in South Dakota.

PUBLIC PORTION:

There were no comments from the public and Mayor Broullon closed Public Portion.

Mayor Broullon concluded with a wish for an amazing 2023 for all.

ADJOURNMENT:

Offered by Mayor Broullon and Seconded by Councilmember Olszewski. All in Favor. None opposed. Meeting adjourned at 12:27pm

Approve: _____
Carolyn Broullon, Mayor

Attest: _____
Nancy Tran, Borough Clerk