

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands October 7, 2020– Meeting Minutes

This meeting of October 7, 2020, is called pursuant to the provisions of the Open Public Meetings Law and was included in a list of meetings notice transmitted to the Two River Times and the Asbury Park Press and posted on the bulletin board in the Municipal Building on January 1, 2020. The meeting notice has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk. Official action may be taken at this meeting.

Special notice regarding conduct of borough of highlands council meetings – excluding general public from meetings members of the public may access the public portion of the September 2, 2020 meeting via Zoom using the following link:

<https://zoom.us/j/94781587501?pwd=VkdvQ1RrdUpyQm10ejZCTVBFVE5Ddz09>

To call into the meeting dial: 1- 929- 436- 2866. Enter Meeting ID: 947 8158 7501

Passcode: 959449 (No participant code required)

The workshop will begin at 6:30 p.m., the open public meeting at 8 p.m. or upon the conclusion of executive session.

Please be advised that due to the current state of emergency and public health emergency declared by governor Phil Murphy pursuant to executive order and in an effort to prevent further spread of covid-19, the general public will be excluded from borough council meetings until further notice. The public will be able to participate in all borough council meetings by telephone bridge. A link for the livestream and call in number will be posted on the borough website, www.highlandsborough.org. Members of the public will be able to give public comment during relevant portions of the meeting.

EXECUTIVE SESSION 6:30PM

BE IT RESOLVED that the following portion of this meeting shall not be open to the public,

BE FURTHER RESOLVED that private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

1. Pending or Anticipated Litigation: - None
2. Contract Negotiations: - Police Administration
- NJAW
- Garden Club
- Waterwitch Beach Association
3. Purchase, Lease or Sale of Real Estate: - None
4. Matters of Personnel: - None
5. Attorney/Client Privilege: - Highway Sign
- Bay Ave Redevelopment
-Community Center Monitoring Program
-Ordinances

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists.

Mayor Broullon motioned to adjourn to Executive Session, seconded by Councilmember Valkos. Motion was carried to move to executive session.

REGULAR MEETING 8:14PM

Roll Call

Councilmember Braswell, Councilmember Mazzola, Councilmember Valkos, Council President Ryan and Mayor Broullon were all Present

Also in attendance were Administrator Kim Gonzales, Borough Attorneys Brian Chabarek, Esq., Borough Engineer Douglas Rohmeyer, P.E., Acting Municipal Clerk Michelle Hutchinson

The Borough Clerk read the public meetings statement.

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In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk. Official action may be taken at this meeting.

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PROCLAMATIONS:

Mayor Broullon read the Proclamation Declaring October 4-10, 2020 as Fire Prevention Week in the Borough of Highlands.

WHEREAS, the Borough of Highlands is committed to ensuring the safety and security of all those who live, work and visit Highlands; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,630 people in the United States in 2017, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 357,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States where fire departments responded to more than 173,200 annually between 2013 and 2017; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

WHEREAS, more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire

WHEREAS, Highlands residents should stay in the kitchen when frying food on the stovetop, keep a three-foot kid-free zone around cooking areas and keep anything that can catch fire away from stove tops; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Highlands first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Highlands residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2020 Fire Prevention Week theme™, "Serve Up Fire Safety in the Kitchen!" effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

THEREFORE, I, Carolyn Broullon, Mayor of the Borough of Highlands, do hereby proclaim October 4-10, 2020, as Fire Prevention Week throughout the Borough. I urge all the people of Highlands to check their kitchens for fire hazards and use safe cooking practices during Fire Prevention Week 2020, throughout the year and to support safety activities and efforts of Highlands Fire Department.

Carolyn Broullon
Mayor of the Borough of Highlands
Members of Borough Council
Rosemary Ryan -Council President
Kenneth Braswell
Linda Mazzolla
Cody Valkos

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES:

ORDINANCE O-20-20 AN ORDINANCE AMENDING CHAPTERS 3 AND 7 OF BOROUGH CODE TO ADDRESS PUBLIC PARKING REQUIREMENTS

Mayor Broullon opened the meeting for public comments.

Hearing no comments from the public, it was moved by Councilmember Braswell and seeing no second ordinance fails.

Acting Borough Clerk Hutchinson stated motion failed to pass this ordinance.

ORDINANCE O-20-21 AN ORDINANCE AMENDING CHAPTER 10 OF THE BOROUGH CODE, BUILDING AND HOUSING, BY CREATING SECTION 10-15, DISPLAY OF FLAGS

Mayor Broullon opened the meeting for public comments.

Hearing no comments from the public, it was moved by Mayor Broullon and seconded by Councilmember Braswell to close public hearing and carried to adopt this ordinance on second and final hearing.

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Roll Call Vote:

Ayes: Braswell, Mazzola, Valkos, Ryan, Mayor Broullon

Nays: None

Abstention: None

Absent:

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

ORDINANCE O-20-22 AN ORDINANCE AMENDING CHAPTER 3, SECTION 26.6 OF THE BOROUGH CODE CONCERNING CONDITIONS OF ISSUANCE OF TOWING AND STORAGE SERVICES LICENSES

Mayor Broullon opened the meeting for public comments.

Hearing no comments from the public, it was moved by Council President Ryan and seconded by Councilmember Valkos to close public hearing and carried to adopt this ordinance on second and final hearing.

Roll Call Vote:

Ayes: Braswell, Mazzola, Valkos, Ryan, Mayor Broullon

Nays: None

Abstention: None

Absent:

Acting Township Clerk Hutchinson stated motion carried to pass this ordinance on second and final reading

INTRODUCTION OF PROPOSED ORDINANCES:

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

ORDINANCE O-20-23 BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF THE WATERWITCH WASTEWATER PUMP STATION, APPROPRIATING \$435,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$435,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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

Roll Call Vote: Ayes: Braswell, Mazzola, Ryan, Valkos, 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 October 21, 2020.

ORDINANCE O-20-24 AN ORDINANCE AMENDING CHAPTERS 3 AND 7 OF BOROUGH CODE TO ADDRESS PUBLIC PARKING REQUIREMENTS

It was moved by Councilmember Mazzola and seconded by Councilmember Valkos to pass this ordinance on first reading.

Roll Call Vote: Ayes: Braswell, Mazzola, Ryan, Valkos, 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 October 21, 2020.

RESOLUTIONS:

RESOLUTION 20-194

**RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT
FOR SNOW REMOVAL AND STREET LIGHTING
REIMBURSEMENT BETWEEN THE BOROUGH OF HIGHLANDS
AND THE GRAVELLY POINT BEACH ASSOCIATION, INC.**

WHEREAS, the Municipal Services Act, N.J.S.A. 40:67-23.2, et. seq. and amendments thereto, provides in pertinent part that a municipality, in lieu of providing certain municipal services to the private community, may opt to financially reimburse the qualified private communities for the cost of certain municipal services; and

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WHEREAS, Gravelly Point Beach Association, Inc., is a qualified private community, as defined under the Act, and the Borough of Highlands is a municipality governed by the Act; and

WHEREAS, the Borough and the Gravelly Point Beach Association, Inc. have mutually agreed that the Association shall perform its own snow removal and pay the cost for street lighting, and that the Borough shall reimburse the Association for the cost of those services at a rate not to exceed the cost that would have been incurred by the Borough in providing those services directly; and

WHEREAS, N.J.S.A. 40:47-23.5 requires a written agreement to annually reimburse a qualified private community; and

WHEREAS, the Borough has prepared a written agreement, with an effective date of January 1, 2020, to reimburse the Gravelly Point Beach Association, Inc. for snow removal and the cost of street lighting, as set forth in the Agreement, and wishes to enter into a such an Agreement with the Gravelly Point Beach Association, Inc; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the appropriate Municipal officials, including the Mayor and Borough Administrator, be and are hereby authorized to execute an Agreement for Reimbursement for Municipal Services, as prepared and approved by the Borough Attorney and the Chief Financial Officer of the Borough.

BE IT FURTHER RESOLVED, that the Agreement for Reimbursement for Municipal Services shall become effective **upon being fully executed, for the dates contained therein, with an effective date of January 1, 2020.**

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
MAZZOLA			X			
RYAN		X	X			
VALKOS			X			
BROULLON	X		X			

Resolution 20-211

A 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 7, 2020, which totals as follows:

Current Fund	\$ 738,766.99
Sewer Account	\$ 37,106.16
Capital Fund	\$ 245,461.16
Trust-Other	\$ 22,084.50
Federal/State Grants	\$
Total	\$ 1,043,418.81

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ 1,043,418.81 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.

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	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA		X	X			
RYAN			X			
VALKOS	X				X	
BROULLON			X			

Vote to remove Gateway Villas from Resolution 20-211

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN	X		X			
VALKOS		X	X			
BROULLON			X			

Vote to Approve Resolution 20-211 without Gateway Villas

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA		X	X			
RYAN			X			
VALKOS					X	
BROULLON	X		X			

Vote to Approve the POB for Gateway Villas

RESOLUTION 20-212

RESOLUTION APPOINTING MICHELLE HUTCHINSON TO SERVE IN THE POSITION OF ACTING MUNICIPAL CLERK FOR AN ADDITIONAL TEN (10) MONTH PERIOD

WHEREAS, by Resolution No. 20-181, Michelle Hutchinson was appointed to serve in the position of Acting Municipal Clerk for a period of sixty (60) days as a result of a vacancy which occurred, effective August 18, 2020; and

WHEREAS, N.J.S.A. 40A:9-133 provides that “Within 90 days of the occurrence of a vacancy in the office of municipal clerk by reason of the departure of a registered municipal clerk, the governing body may appoint a person who does not hold a registered municipal clerk certificate to serve as acting municipal clerk for a period not to exceed one year and commencing on the date of the vacancy.”; and

WHEREAS, the Borough wishes to appoint Michelle Hutchinson to serve as the Acting Municipal Clerk for an additional ten (10) month period pursuant to the above referenced statute.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, that Michelle Hutchinson be and is hereby appointed to serve as Acting Municipal Clerk for an additional ten (10) month period with a term expiring on August 18, 2021, in accordance with N.J.S.A. 40A:9-133.

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	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN			X			
VALKOS		X	X			
BROULLON	X		X			

Resolution 20-213

A Resolution Authorizing the Release of Escrow Funds for 1 Seadrift Avenue

WHEREAS, on January 24, 2020 Mr. Gerard Scarano submitted a Sidewalk & Curb Permit Application to the Borough of Highlands, and pursuant to Borough Ordinance, submitted the required escrow deposit in the amount of \$1,000.00; and

WHEREAS, upon completion of the work on the sidewalk and driveway apron, the Borough’s Superintendent of Public Works performed an inspection and approved and released the work performed; and

WHEREAS, Gerard Scarano has requested a return of the escrow deposit; and

WHEREAS, the Borough’s Superintendent of Public work has recommended the return of the aforementioned escrow deposit.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands that the Borough’s Finance Officer is hereby authorized to return the escrow deposit in the amount of \$1,000.00 to Gerard Scarano for the escrow deposits for the property at 1 Seadrift Avenue.

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

1. Borough Finance Officer.
2. Mr. Gerard Scarano.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN	X		X			
VALKOS		X	X			
BROULLON			X			

Resolution 20-214

A Resolution Authorizing the Refund of a 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 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:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
11.08	2	2020	\$2,585.85	PALMA, RUDOLPH

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	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN			X			
VALKOS		X	X			
BROULLON	X		X			

**Resolution 20-215
Adopting Corrective Action Plan for the 2019 Municipal Audit**

WHEREAS, the Audit for the year ending December 31, 2019 has been previously received and reviewed by the members of the Mayor and Borough Council, and

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

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

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

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN		X	X			
VALKOS			X			
BROULLON	X		X			

**RESOLUTION 20-216
RESOLUTION APPOINTING PROVISIONAL SERGEANTS WITHIN THE POLICE
DEPARTMENT**

WHEREAS, there exists a need within the Police Department to appoint two (2) provisional Sergeants; and

WHEREAS, it is the recommendation of the Chief of Police that both Nicholas Riker and Ryan Clark be appointed; and

WHEREAS, it is further the recommendation of the Chief of Police that due to a retirement within the Police Department, that Ryan Clark be appointed to fill the position of Juvenile Officer as well.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands, that Nicholas Riker and Ryan Clark are hereby appointed to serve as provisional Sergeants of the Borough of Highlands Police Department, effective October 1, 2020.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Highlands that Ryan Clark be and is hereby appointed to serve as Juvenile Officer of the Borough of Highlands Police Department, effective October 1, 2020.

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	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
MAZZOLA			X			
RYAN	X		X			
VALKOS		X	X			
BROULLON			X			

RESOLUTION 20-217
RESOLUTION APPOINTING SPECIAL COUNSEL FOR REDEVELOPMENT PROJECTS

WHEREAS, the Borough of Highlands requires special counsel to perform professional legal services in connection with its various redevelopment projects in the Borough of Highlands; and

WHEREAS, such specialized legal services can only be provided by licensed professionals and McManimon, Scotland & Baumann, LLC are so recognized; and

WHEREAS, the law firm of McManimon, Scotland & Baumann, LLC have completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c271; and

WHEREAS, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 for an amount not to exceed \$10,000.00 at an hourly rate of \$220.00 per hour for attorneys and \$155.00 per hour for legal assistants; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

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

1. The law firm of McManimon, Scotland & Baumann, LLC is hereby retained to provide professional legal services as described above for an amount not to exceed \$10,000.00.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN			X			
VALKOS		X	X			
BROULLON	X		X			

RESOLUTION 20-218
A RESOLUTION MAKING AN ADDITIONAL DETERMINATION REGARDING THE
APPLICATION FOR A MERCANTILE LICENSE FOR THE YEAR 2020 FOR CAPTAIN’S COVE
MARINA, LLC

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WHEREAS, Captain’s Cove Marina, LLC submitted a Mercantile License Application for the year 2020, wherein the applicant identified the type of business as a marina with a description consisting of boat and slip rentals; and

WHEREAS, by way of correspondence dated July 17, 2020, the Borough Administrator denied the aforesaid application; and

WHEREAS, in accordance with Borough Code, Section 4-9.4(b), the applicant appealed the notice of disapproval to the Borough Council; and

WHEREAS, in accordance with the said appeal, a remote hearing was conducted before the governing body, via Zoom, on August 3, 2020 wherein testimony was taken and exhibits were marked; and

WHEREAS, after due consideration of the applicant’s appeal of the denial of a Mercantile License Application for the year 2020, by way of Resolution 20-183, duly adopted on August 19, 2020, the governing body granted a temporary conditional Mercantile License for Captain’s Cove Marina, LLC., for a period of thirty (30) days based on conditions as outlined in the aforesaid Resolution, for slip rentals and boat rentals which are consistent with the boat rentals that have occurred at the site previously; and

WHEREAS, by way of Resolution 20-206, duly adopted on September 16, 2020, the governing body extended the temporary conditional Mercantile License for an additional twenty-one (21) day period based on conditions as outlined in the aforesaid Resolution.

WHEREAS, in light of the impending expiration of the temporary conditional Mercantile License, the governing body has given due consideration as to the application for the year 2020.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that the Mercantile License for Captain’s Cove Marina, LLC be restored for the remainder of the year 2020.

BE IT FURTHER RESOLVED, that a Certified Copy of this Resolution shall be filed in the Municipal Clerk’s Office and a copy transmitted to the Applicant, the Code Enforcement Officer for the Borough of Highlands, as well as any other necessary parties.

Attorney Chabarek stated that Mr. Pierini would like to be heard. Mr. Pierini made a statement saying he just wants to get things done. He is not sure what to do at this point or what the council would like him to do. Attorney Chabarek stated there is an agreement from 2017 for that parcel that is still in place and enforceable. Council asked questions of Mr. Pierini and what his intent for the marina is. Mr. Pierini stated his immediate plan is to get the marina operable, his long-term plan is to continue to improve the marina and bring in all kinds of events. Council all agreed that they would like a safe marina for residents.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL		X	X			
MAZZOLA				X		
RYAN				X		
VALKOS				X		
BROULLON	X		X			

**RESOLUTION 20-219
RESOLUTION AUTHORIZING TEMPORARY STREET CLOSURE**

WHEREAS, a request has been received for the closing of Highland Avenue from South Peak Street to Lighthouse Road for a block party on Saturday, October 17, 2020 between the hours of 2:00p.m. and 7:00p.m.; and

WHEREAS, the Chief of Police has approved the aforesaid request.

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NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby approve the request for the closing of Highland Avenue from South Peak Street to Lighthouse Road on Saturday, October 17, 2020 between the hours of 2:00p.m. and 7:00p.m.

BE IT FURTHER RESOLVED, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Chief of Police.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN					X	
VALKOS	X		X			
BROULLON		X	X			

RESOLUTION 20-220
RESOLUTION ADOPTING REMOTE MEETING
STANDARD PROCEDURES AND REQUIREMENTS

WHEREAS, the Division of Local Government Services has promulgated emergency regulations addressing requirements for remote meetings held during a state of emergency in response to the restrictions necessitated by COVID-19; and

WHEREAS, the governing body of the Borough of Highlands wishes to adopt its standard procedures and requirements governing the conduct of its remote meetings in accordance with the aforementioned regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Highlands governing body that the following standard procedures and requirements shall govern remote public meetings of the governing body:

1. Submission of written public comment in advance of the remote meeting.

- a. Public comments may be submitted in writing to the Borough Clerk in advance of a remote governing body meeting to be read aloud and addressed during the public portion of the meeting.
- b. Written public comments may be submitted by email to clerk@highlandsborough.org with the subject line “Written Public Comment”, or by regular mail to:
Municipal Clerk, Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
- c. All written public comments must be received at least twenty-four (24) hours prior to the beginning of the governing body meeting to be read aloud. Comments received after that deadline shall be read at the following governing body meeting.
- d. A time limit of three (3) minutes shall be allotted to the reading of each written public comment to ensure that all public comments have a fair opportunity to be heard.
- e. Written public comments that are duplicative of previously-submitted comments shall be noted for the record and their content shall be summarized rather than read in full.

2. Muting of disruptive members of the public

- a. Members of the public that are disruptive during a remote public meeting may be muted and/or removed from the meeting. For purposes of this section, “disruptive conduct” includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.
- b. Once a member of the public exhibits disruptive conduct, the member may be initially muted and warned that continue disruption may result in their being prevented from speaking during the meeting or removed from the remote meeting. The disruptive member shall then be unmuted.

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- c. If the disruptive member continues to exhibit disruptive conduct, they may be muted without further warning while other members of the public are allowed to proceed with their questions or comments.
- d. If time permits, the muted disruptive member shall be allowed to speak after all other members of the public have been given the opportunity to make comment.
- e. If the member exhibits disruptive conduct again, they shall be muted for the remainder and/or removed from the meeting.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA		X	X			
RYAN			X			
VALKOS			X			
BROULLON	X		X			

Resolution 20-221

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 2019 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 Committee 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.

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	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN	X		X			
VALKOS		X	X			
BROULLON			X			

RESOLUTION 20-222

A Resolution Authorizing the Refund of a Certified Copy Fee

WHEREAS, the Finance Officer of the Borough of Highlands has received a request to refund a fee for Certified Copy of Vital Record Fee

WHEREAS, the Finance Officer has confirmed with the Registrar that the record was issued 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 Certified Copy 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 Certified Copy Fee to the individual property owner listed below:

<u>CHECK#</u>	<u>AMOUNT</u>	<u>NAME</u>
421	\$15.00	Jenene Calabretta

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN		X	X			
VALKOS			X			
BROULLON	X		X			

RESOLUTION 20-223

RESOLUTION APPROVING CLOSE OUT CHANGE ORDER AND DECLARING ACCEPTANCE OF THE CONTRACT FOR THE EMERGENCY CONTRACT FOR IMPROVEMENTS TO THE MUNICIPAL PARKING FACILITY

WHEREAS, by way of Resolution 20-157 duly adopted on June 17, 2020, Seacoast Construction, Inc. was awarded the contract associated with improvements to the Municipal Parking Facility Project; and

WHEREAS, the contract awarded to Seacoast Construction, Inc., by way of Resolution 20-157 was in an amount not to exceed of \$179,250.00, wherein the bid equated to \$179,150; and

WHEREAS, the Project Engineer, CME Associates, has advised that the project is complete at this time, including all previously issued punch list items. The change order reflects increases and decreases in original contract quantities required to complete the project; and

WHEREAS, CME Associates has advised that the Closeout Change Order results in an increase in the project cost from the original amount of \$179,150.00 to an adjusted total of \$204,560.25 for an increase of \$25,410.25, as specifically set forth in their correspondence dated September 22, 2020; and

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WHEREAS, in accordance with the requirements of the aforesaid contract, Seacoast Construction, Inc. has submitted a two (2) year Maintenance Bond in the amount of \$30,684.04, fifteen (15) percent of the final Contract Amount; and

WHEREAS, the Project Engineer, CME Associates, has recommended authorizing the aforesaid Change Order, releasing the Performance Bond and accepting the project.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands, that based on the above recommendations from the Project Engineer, CME Associates, that the Closeout Change Order changing the original contract amount to \$204,560.25, resulting in an increase of \$25,410.25 be and is hereby approved.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands, that it hereby acknowledges that this project has been satisfactorily completed and accepts same.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands that it authorizes the acceptance of the two (2) year Maintenance Bond No. BND26711197MB, in the sum of \$30,684.04 issued by QBE Insurance Corporation.

BE IT FURTHER RESOLVED, that any lien claims filed more than sixty (60) days after the adoption of the Resolution shall be ineffective pursuant to N.J.S.A. 2A:44-132.

BE IT FURTHER RESOLVED, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed, the Borough of Highlands shall release the Performance Bond issued by QBE Insurance Corporation in the amount of \$179,250.00.

BE IT FURTHER RESOLVED, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed, a voucher authorizing final payment of any sums due to the Contractor may be listed upon the bill list for action.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded to the Chief Financial Officer, the Project Engineer, Purchasing Agent and Seacoast Construction, Inc.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN			X			
VALKOS		X	X			
BROULLON	X		X			

OTHER BUSINESS:

Captain's Cove Marina-Mercantile License/Development Issues-Engineer gave report earlier
Highlands Co-Works-Mercantile License Appeal

Attorney Chabarek stated that the Borough is waiting for a background check on this mercantile license. Mr. Nardone stated he would like to proceed with appeal

Attorney Chabarek referenced Exhibit BH-1 Mr. Nardone's Mercantile License application. Mr. Nardone did submit his appeal in a timely manner. Council has 30 days to render a decision.

Attorney Chabarek swore in Mr. Joseph Nardone.

Mr. Nardone presented his case to council. He stated there is no ordinance stating the background check must be received for issuance of mercantile license. The failure of construction official inspection is not required. Mr. Nardone stated there were no violations or inspections conducted by the construction official.

Mr. Nardone asked for council to issue the mercantile license.

Attorney Chabarek clarified that the construction official did conduct an onsite inspection on October 7th that was for a business c/o not related to this application.

Mr. Chabarek also clarified that the background check is not the only deciding factor in granting a mercantile license. Mayor Broullon asked when fingerprinting is being done. Mr. Nardone stated the first available appointment is tomorrow October 8th. Ordinance would be reviewed and redone was well. Motion was made by Mayor Broullon, seconded by Council President Ryan to table this to next meeting to make decision.

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Ayes: Braswell, Mazzola, Ryan, Valkos, Mayor Broullon

Nays: None

Huddy Park

Administrator gave DPW Superintendent's report. David Milmo suggested that the farmer's market be moved due to damage done to an area of grass during an event. Council member Valkos questioned if the parking lot was safe. Administrator stated yes, it is. Mayor stated she is not in favor of moving the farmer's market as there is only a few weeks left and that the incident was accidental.

Lion's Club Eyeglass Drop Presentation Council member Braswell gave a presentation about the eye glass deposit box which is located at Borough Hall. A newspaper article along with a picture of the deposit box was presented to Borough hall for display. They have collected over 100 pairs of eyeglasses along with some hearing aids which were cleaned and shipped out all over the world.

REPORTS:

Kim Gonzales, Borough Administrator reported on Borough happenings.

The borough did receive a CDBG grant for a marine place walkway.

DPW prepared for the project on South North Street.

Police department attended a CPR/First Aid class in order to protect the residents.

Senior survey being sent out next week.

Recreation of website and relaunch of website hopefully will be done at the end of October.

Waterwitch ordinance is part of a mitigation plan from 2012 Borough is working with H2M.

The administrator thanked the Seabright lifeguards for their services this summer. Reports are online.

Locust street project had a bid opening this week. This would be a late fall early spring project to pave that road. Ms. Gonzales clarified statements that were made on social media regarding her position as the Borough Administrator and her role in determining issuance of mercantile licenses.

PUBLIC COMMENTS:

Mayor Broullon opened the public portion of the meeting.

Carol Bucco 330 Shore Drive – Stated her disapproval of the marina and that the repairs stated in the 2017 agreement should be made. She also asked for a copy of the flag ordinance that was introduced. Acting Clerk Hutchinson stated she would provide her with the link.

Laura Cowan 215 Linden – questioned the location of the community development block grant. The Borough Administrator responded.

Russ Chelack 3 Washington Avenue - questioned what the liability/danger was to Washington Avenue and whether he should evacuate. The Borough engineer, Mr. Rohmeyer stated that the bulkhead was the imminent danger he was referring to. Mr. Chelak stated for the record that he placed a call to JCP&L and they told him that the borough engineer only referenced the deteriorating bulkhead no mention of imminent catastrophic danger was made.

Douglas Lance 3 Cornwell Street – stated his disapproval of the denial of mercantile licenses by the borough. He also stated his disapproval of the vacation of Cornwall Street vote at the last meeting. Councilmember Valkos stated they have to listen to residents and cannot just give away property.

Joseph Nardone V 255 Bayside Drive – stated issues with the way administrator is handling mercantile applications.

Stated disapproval of code enforcement ticketing.

Kim Skorka Shore Drive – asked that the agenda packet be all in one file to avoid confusion.

Mr. Pierini questioned seawall project. Mayor stated project was 30% complete it took 20 to 30 years to get to 30% complete. Seawall is a very long process.

Linda Ziamba 25 Grand Tour – thanked business people for wanting to operate in Highlands. Questioned the decision of the Borough not to let Mr. Pierini operate his marina. Also questioned why Mr. Nardone's mercantile application was not approved. Mayor addresses both those questions.

Claudette D'Arigo 12 Seadrift Avenue – wanted to correct Mr. Chelack's statement that the fire department stated they would not drive down Washington Street. It was the paper road that the fire department said they would not drive on. She stated that Facebook should not be used to address issues of the town.

Tricia Rivera Waterwitch Avenue – questioned if repairs on Recreation and Rodgers bulkhead in 2017 agreement were done. Borough Engineer responded. Disapproved of conditional licenses being given without the work being done.

Mayor announcement that the drive-in film festival will be held this weekend at Kavookjian Field.

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ADJOURN:

Upon motion by Mayor Broullon, seconded by Council President Ryan, motion carries to adjourn at 10:24PM.
All in Favor.

Approve: 
Carolyn Broullon

Attest: 
Michelle Hutchinson, Acting Borough Clerk