

**Highlands Borough Mayor & Council Meeting Minutes  
Community Center, 22 Snug Harbor Avenue, Highlands March 17, 2021– Meeting Minutes**

**REGULAR MEETING: 8:00PM - MEETING STATEMENT:**

**TO ATTEND THIS MEETING PLEASE FOLLOW THE LINK BELOW**

For instructions and a link to join this meeting from your mobile device or computer please copy and paste the following URL into your browser:

<https://zoom.us/j/99825842793?pwd=MGptc3E5ZE9SbiAwdm1sZ09TMGVZLz09>

To call into the meeting dial: 1- 929- 436- 2866. Enter Webinar ID: 998 2584 2793  
Participant ID: 2021 Passcode: 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.

**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: - Docket No. MON-L-411-20
2. Contract Negotiations: - Shared Service-C2 Sewer Operator
3. Purchase, Lease or Sale of Real Estate: - None
4. Matters of Personnel: - Sick-Time Inquiry
5. Attorney/Client Privilege: - Cannabis Legislation  
- Signage

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 Council President Olszewski. Motion was carried to move to executive session.

**REGULAR MEETING 8:00PM**

The Borough Clerk read the public meetings statement.

This is a meeting of the Borough Council March 17, 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.

Please be advised that due to the current state of emergency and public health emergency declared by Governor Phil Murphy and pursuant to executive order 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 video conference. Members of the public will be able to give public comment during relevant portions of the meeting.

If you want to ask a question or make a statement to the Governing Body, please press the "raise hand" button then wait to be acknowledged by the Clerk before speaking. If you are calling in, please use \*9 to "raise hand". Please state your name and address for the record before making your statement. There is a three-minute time limit for your comments. The Clerk will inform you when you are near the end of your time and ask you to finish up. Thank you.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

Absent: None

Also in attendance were Administrator Michael Muscillo, Borough Attorney Brian Chabarek, Esq., Borough Engineer Bennet Matlack, and Acting Municipal Clerk Michelle Hutchinson

**Approval of Minutes**

1. February 17, 2021 Executive Meeting Minutes
2. February 17, 2021 Regular Session Minutes
3. March 2, 2021 Special Meeting

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- 4. March 3, 2021 Executive Meeting Minutes
- 5. March 3, 2021 Regular Meeting Minutes

Mayor Broullon motioned to approve all minutes, seconded by Councilmember Melnyk.  
 Ayes: Martin, Melnyk, Mazzola, Olszewski, Mayor Broullon  
 Nays: None  
 Abstain: None  
 Absent:  
 Motion was carried to move to approve all minutes.

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES:**

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

O-21-13 Refunding Bond Ordinance of The Borough Of Highlands, In The County Of Monmouth, New Jersey, Providing For The Conversion Of A Short Term Debt Obligation Of The Borough Into A Long Term Debt Obligation By Appropriating An Amount Not Exceeding \$2,400,000 Therefor And Authorizing The Issuance Of Not To Exceed \$2,400,000 General Obligation Refunding Bonds Of The Borough Of Highlands To Accomplish The Conversion

It was moved by Mayor Broullon and seconded by Councilmember Martin to adjourn this ordinance to April 7<sup>th</sup>, 2021 for second and final reading.

Roll Call Vote:

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

Nays: None

Abstention: None

Absent:

Acting Borough Clerk Hutchinson stated motion carried to adjourn this ordinance to April 7<sup>th</sup>, 2021 for second and final reading.

**RESOLUTIONS:**

**RESOLUTION 21-75**

**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 March 12, 2021, which totals as follows:

Current Fund	\$ 150,497.18
Sewer Account	\$ 12,065.15
Capital Fund	\$ 49,585.56
Trust-Other	\$ 79,713.96
Federal/State Grants	\$
Total	\$ 291,861.85

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ 291,861.85 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](http://www.highlandsborough.org) and on file in the Municipal Clerk's office for reference.

Motion to Approve R-21-75:

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

**RESOLUTION 21-76**

**RESOLUTION AUTHORIZING TEMPORARY STREET CLOSURE**

**WHEREAS**, a request has been received for the closing of Jackson Street from Shrewsbury to Center Street for a socially distant St. Patrick’s Day party on Saturday, March 20, 2021 between the hours of 1:00p.m. and 6:00p.m.; and

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

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council hereby approve the request for the closing of Jackson Street from Shrewsbury to Center Street for a socially distant St. Patrick’s Day party on Saturday, March 20, 2021 between the hours of 1:00p.m. and 6:00p.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.

Motion to Approve R-21-76:

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

**RESOLUTION 21-77**

**RESOLUTION APPROVING THE REVISED EMERGENCY TEMPORARY APPROVAL PROCESS FOR OUTDOOR DINING AND/OR BUSINESS OPERATIONS DUE TO THE COVID-19 PANDEMIC**

**WHEREAS**, by Resolution 20-145 adopted on June 3, 2020, the Borough of Highlands approved the creation and administration of an emergency temporary approval process for outdoor dining and/or business operations due to the COVID-19 pandemic; and

**WHEREAS**, the Borough of Highlands wishes to extend all previous temporary approvals until December 31, 2021 or until the conclusion of the state of emergency, whichever occurs first; and

**WHEREAS**, the Borough of Highlands wishes to update said approval process for outdoor dining for restaurants with an active mercantile license that do not currently have approved outdoor dining, or wish to expand already approved outdoor dining; and

**WHEREAS**, restaurants continue to be required to follow social distancing guidelines, including ensuring that patrons remain appropriate distances while dining, limiting restaurant capacity to a certain percentage of allowable patrons, allowing outdoor dining among other possible changes in operations; and

**WHEREAS**, the Borough of Highlands recognizes that restaurants and businesses are critical to the vibrancy of the Borough and to ensure that our local restaurants remain successful, the governing body has provided opportunities to quickly and easily expand to outdoor dining space to promote compliance with the Governor’s orders and guidance by the Centers for Disease Control and State of New Jersey and Monmouth County Health Departments.

**NOW, THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Highlands that all previous approvals for temporary outdoor dining and/or business operations are hereby extended until December 31, 2021 or until the conclusion of the state of emergency, whichever occurs first; and

**BE IT FURTHER RESOLVED**, by the governing body of the Borough of Highlands that the

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following process must be followed for approval for temporary outdoor dining and/or business operations due to the COVID-19 pandemic, through December 31, 2021 or until the conclusion of the state of emergency, whichever occurs first, as follows:

1. The governing body authorizes the OEM Coordinator and Deputy OEM Coordinator to implement an abbreviated and emergency application process to allow businesses, at no cost, to quickly, safely and efficiently utilize outdoor areas to conduct operations consistent with the Executive Orders imposed upon those businesses.

2. The process for the abbreviated application will result in an approval by the OEM Coordinator of a temporary and emergency permission to conduct the required operations outdoors, in parking areas, grassed areas and drives, so long as they are consistent with the safety of the public and all patrons, and any promulgated executive order.

3. The OEM Coordinator and/or Deputy OEM Coordinator shall consult with the Police Chief, Fire Marshal and Health Department when applicable to ensure consistency with his/her determination of safety.

4. The Borough Clerk is authorized, upon consultation with the Police Chief, Fire Marshal, and Health Department when applicable to approve expansion of premises applications through the State's system when consistent with current regulations and orders of the ABC.

5. The following guidelines must be followed by all applicants who apply for outdoor dining and/or business operations:

- a. Submission of a completed application form (to be provided on the Borough website) and diagram to the OEM Coordinator and Deputy OEM Coordinator of the outdoor seating with measurements.
- b. The business and patrons shall comply with all applicable social distancing requirements.
- c. Outdoor dining must cease at 9pm from Sunday through Thursday, and 10pm on Friday and Saturday.
- d. If seating will be utilized after dark, temporary lighting is required to be furnished by the applicant/licensee if the existing lighting is inadequate.
- e. If the seating is located within a parking lot, safety bollards or similar protection must be provided, all handicapped parking spaces must be maintained, and sufficient general parking must remain.
- f. It is the responsibility of the applicant to verify that its liquor license permits the serving of alcoholic beverages in the proposed outdoor premises, and if not, to receive approval for said premises from the Division of Alcoholic Beverage Control prior to service of alcoholic beverages.
- g. If the outdoor dining is proposed within the public rights of way or public property, including sidewalks, streets and municipal parking lots, the Borough of Highlands must be named as an additional insured on the applicant's liability insurance policy in an amount which contains liability limits of at least \$1 million per occurrence and the applicant must enter an indemnification agreement holding the Borough harmless from any accidents or injuries that occur on the premises. Additionally, all such applications within the public rights of way or public property must preserve sufficient access to comply with the requirements of the Americans with Disabilities Act.
- h. Applications including open-air tents or tables with umbrellas shall be considered as long as all other requirements are met.
- i. The Borough shall consider applications seeking outdoor seating on nearby property not owned by the applicant as long as the applicant submits a written agreement between the applicant and the property owner to allow such use on the property in question.
- j. All proposed outdoor dining and/or business operations must not impede emergency access in any way.

**BE IT FURTHER RESOLVED** that the governing body of the Borough of Highlands does hereby affirm its approval of the outdoor dining provisions, subject to the conditions above, to become effective upon adoption of this Resolution and expiring on December 31, 2021 or until the conclusion of the state of emergency, whichever occurs first.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution, certified by the Borough Clerk, to be a true copy, to be forwarded to each of the following:

1. Borough Chief of Police.
2. Borough Health Department.
3. Borough Fire Marshall.
4. Borough OEM Coordinator

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Motion to Approve R-21-77:

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

**RESOLUTION 21-78  
RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT  
FOR LEAF AND BRUSH DISPOSAL SERVICES  
BETWEEN THE BOROUGH OF HIGHLANDS AND  
THE TOWNSHIP OF MIDDLETOWN**

**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 Township of Middletown wish to encourage inter-municipal cooperation; and

**WHEREAS**, the Borough of Highlands desires to enter into a Shared Services Agreement with the Township of Middletown for leaf and brush disposal services pursuant to the terms and conditions provided in a Shared Services Agreement; and

**WHEREAS**, the fee for such leaf and brush disposal services to be provided by Middletown shall be \$125 per truckload, calculated based upon the rate of \$5 per cubic yard for a standard 25 cubic yard truck; and

**WHEREAS**, the term of the Agreement shall be for a period of three (3) years, with the ability to renew the said Agreement with the approval of the respective governing bodies of the Township of Middletown and Highlands.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Highlands, that the Mayor and Borough Clerk be and are hereby authorized to execute a Shared Services Agreement with the Township of Middletown for leaf and brush disposal services, for a period of three (3) years, with the ability to renew the said Agreement, wherein the cost for such services will equate to \$125 per truckload, calculated based upon the rate of \$5 per cubic yard for a standard 25 cubic yard truck.

**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. Middletown Township Clerk and Township Administrator.
2. Borough of Highlands, Chief Financial Officer.
3. Borough of Highlands Administrator.

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Motion to Approve R-21-78:

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

**RESOLUTION 21-79**

**RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND PARTICIPATING MUNICIPALITIES FOR PARTICIPATION IN THE SHREWSBURY RIVER AUTOMATED FLOOD WARNING SYSTEM PROJECT**

**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**, certain land areas of Monmouth County are vulnerable to flooding from the Shrewsbury River (including the portion locally referred to as the Navesink River); and

**WHEREAS**, the County of Monmouth, together with the municipalities of the Borough of Oceanport, City of Long Branch, Borough of Little Silver, Borough of Monmouth Beach, Borough of Sea Bright, Borough of Highlands, Township of Middletown and the Borough of Rumson (the “Participating Municipalities”), are desirous of protecting lives and property in areas vulnerable to flood waters from the Shrewsbury River; and

**WHEREAS**, in 2009 the County applied to the Federal Emergency Management Agency (FEMA) for Grant funding to install and make operational an automated flood warning system designed to assist emergency management officials and other first responders in protecting life and property in these vulnerable areas; and

**WHEREAS**, the original period of the Uniform Shared Services Agreement, expired on April 30, 2020; and

**WHEREAS**, the County and the Participating Municipalities wish to continue to gather and analyze the data that the gauges provide, and also wish to continue to share the costs of maintaining the gauges; and

**WHEREAS**, the data from the gauges provides valuable information to the National Weather Service, Monmouth County Emergency Management, Urban Coastal Institute at Monmouth University and the participating Municipalities, aiding in the planning and preparing for the protection of life and property; and

**WHEREAS**, in order to maintain a viable system, the gauges, computer mainframe and website will require periodic maintenance and may possibly require emergency repairs which in its entirety exceeds the capability of one or more of the Participating Municipalities and/or the County. As such, each have agreed to evenly share the costs totaling \$1,500.00 per year payable by each Participating Municipality to the County of Monmouth as invoiced during the first quarter of each calendar year. Subsequently, the County of Monmouth shall contribute \$1,500.00 annually covering their portion of the yearly maintenance costs.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Highlands, that the Mayor, the Borough Administrator and the Borough’s OEM Coordinator be and are hereby authorized to execute a Shared Services Agreement with Monmouth County to implement and operate the Shrewsbury River Automated Flood Warning System Project, the purpose of which will be to provide early flood warnings to the County and Municipalities along the Shrewsbury River.

**BE IT FURTHER RESOLVED**, that this Agreement shall be effective commencing January 1, 2020 and shall remain in effect for ten (10) years through December 31, 2029.

**BE IT FURTHER RESOLVED**, that the expenditure of future funds required thereafter for the Borough of Highlands’ continued participation in the Agreement, shall be subject to the filing of a certification by the Chief Financial Officer stating that funds are available in subsequent municipal budgets.

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**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. Clerk of the Monmouth County Board of County Commissioners.
2. Borough of Highlands, Chief Financial Officer.
3. Borough of Highlands Administrator.

Motion to Approve R-21-79:

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

**RESOLUTION 21-80**

**A RESOLUTION AUTHORIZING REFUND OF STREET OPENING AND CURB  
CUT DEPOSIT**

**WHEREAS**, the Borough of Highlands has reviewed the following deposit account:

<u>Account #</u>	<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
T-03-56-850-000-001	Luke Bollerman	101	17.01	\$1,000.00
T-03-56-850-000-001	Arjika Property Inc.	72	32.01	\$1,000.00
T-03-56-850-000-001	Arjika Property Inc	100	3	\$ 500.00
T-03-56-850-000-001	Arjika Property Inc	78	3	\$1,000.00
T-03-56-850-000-001	Arjika Property Inc	57	14	\$1,000.00
T-03-56-850-000-001	Davis & Davis Contracting LLC	72	38	\$1,000.00

**WHEREAS**, no further review is needed for the above account and the applicant has requested that the remaining funds be refunded; and

**WHEREAS**, the Superintendent of the Department of Public Works has inspected the opening and has deemed the work completed satisfactory.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund the above referenced applicants their remaining deposit funds.

Motion to Approve R-21-80:

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

**RESOLUTION 21-81  
A RESOLUTION APPOINTING A FIRE FIGHTER**

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following persons be and hereby are appointed Fire Fighter:

David A. Wyss

Motion to Approve R-21-81:

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

**RESOLUTION 21-82  
RESOLUTION APPROVING THE REFUND OF UNUSED OFF DUTY POLICE ESCROW FUNDS**

**WHEREAS**, Gray Supply Corporation submitted escrow payments to the Borough of Highlands for anticipated payment of off-duty police officer fees for the 2020 calendar year; and

**WHEREAS**, Gray Supply Corporation has completed work within the Borough and has requested a refund of the remaining balance in the escrow account in the amount of \$3,137.50; however, Gray Supply Corporation requested that \$600.00 of that amount be left in the escrow account for use if needed in the 2021 calendar year thereby resulting in a refund of \$2,537.50; and

**NOW, THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Highlands that the Chief Financial Officer is hereby authorized to refund the amount of \$2,537.50 to Gray Supply Corporation.

Motion to Approve R-21-82:

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

**RESOLUTION 21-83**

**A Resolution Authorizing the Refund of a Mercantile License Application Fee**

**WHEREAS**, the Finance Officer of the Borough of Highlands has received a request to refund a fee for a Mercantile License Application Fee

**WHEREAS**, the Finance Officer has confirmed with the Clerk that the license was issued due to establishment being Non-Profit under Chapter 4-9.6 of the Code of the Borough of Highlands, it is 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 Mercantile License Application 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:



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<u>CHECK#</u>	<u>AMOUNT</u>	<u>NAME</u>
3302	\$50.00	VFW
3720	\$50.00	American Legion

Motion to Approve R-21-83:

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

**RESOLUTION 21-84  
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:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
113	6	2020	\$4,847.70	Wells Fargo

Motion to Approve R-21-84:

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

**RESOLUTION 21-85  
RESOLUTION OF THE BOROUGH OF HIGHLANDS CONDITIONALLY  
DESIGNATING CAPTAIN COVE'S MARINA, LLC AS THE REDEVELOPER FOR  
THE PROPERTY KNOWN AS TAX BLOCK 84, LOT 2.01 LOCATED WITHIN THE  
CAPTAIN'S COVE REDEVELOPMENT AREA**

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

WHEREAS, on March 21, 2018, the Council of the Borough of Highlands, a municipal corporation in

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the County of Monmouth and the State of New Jersey (the “**Borough**”), in accordance with the Redevelopment Law, duly adopted Resolution No. 18-070 designating Block 84, Lot 2.01 as an area in need of redevelopment (the “**Redevelopment Area**”); and

**WHEREAS**, on December 20, 2018, the Borough adopted the Captain’s Cove Redevelopment Plan for the Redevelopment Area (the “**Redevelopment Plan**”), which shall control the redevelopment of the Redevelopment Area; and

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

**WHEREAS**, the Company proposes to redevelop and operate the marina, with improvements including new bulkheads, docks and structures on the Property (the “**Project**”); and

**WHEREAS**, the Company also seeks to develop a public access way along the Rogers Avenue right of way and desires a vacation and conveyance thereof pursuant to the Redevelopment Plan, the Redevelopment Law and N.J.S.A. 40:67-1 et seq.; and

**WHEREAS**, the Borough and the Company intend to pursue certain pre-development activities, including negotiation of a redevelopment agreement for the Project, and other related actions (the “**Pre-Development Activities**”); and

**WHEREAS**, the Borough further wishes to enter into a funding agreement with the Company, in a form to be finally approved by the Borough’s counsel (the “**Funding Agreement**”) to effectuate the funding of an escrow account and procedures for the payment therefrom of moneys to pay the Borough’s costs and expenses incurred in undertaking the Pre-Development Activities.

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

**Section 1.** The Company is hereby conditionally and exclusively designated as the redeveloper for the Property for an initial period of one hundred eighty (180) days, or as otherwise may be extended in accordance with Section 2 hereof, during which time negotiation and execution of a redevelopment agreement and other related items with the Borough shall be completed.

**Section 2.** The Borough Administrator (the “**Authorized Officer**”) in his sole discretion, after consultation with such counsel and any advisors to the Borough, may extend the time period set forth in Section 1 hereof for an additional period not to exceed ninety (90) days.

**Section 3.** In the event that the Company has not executed a redevelopment agreement with the Borough, all in accordance with the time periods set forth in Section 1 hereof, or as otherwise may be extended by the Authorized Officer, in accordance with Section 2 hereof, the Borough’s conditional designation of the Company as redeveloper for the Property shall expire and be of no further force and effect and the Borough shall have no further obligation to the Company.

**Section 4.** The Mayor and Borough Clerk are also hereby authorized to execute a Funding Agreement with Company, in the form to be finally approved by the Borough’s counsel, with any changes recommended by counsel.

**Section 5.** This resolution shall take effect at the time and in the manner prescribed by law.

**Section 6.** Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to Joseph P. Baumann, Esq., Special Redevelopment Counsel to the Borough.

Motion to Approve R-21-85:

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

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**RESOLUTION 21-86**

**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 968

**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><b>BLOCK</b></u>	<u><b>LOT</b></u>	<u><b>PERMIT #</b></u>	<u><b>AMOUNT</b></u>	<u><b>NAME</b></u>
6	6	968	\$50.00	Doug Drummond

Motion to Approve R-21-86:

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

**OTHER BUSINESS:**

None

**REPORTS:**

Councilmember Melnyk reported on the Communication Committee and their progress with the Borough website.

Open Space discussed updating open space plan at their meeting. There is still a vacancy within the open space committee.

Shade Tree-approval of proclamation for Earth Day.

Councilmember Mazzola questioned if minutes for these committee meeting could be put on website.

Councilmember Melnyk stated minutes would be made available.

Councilmember Martin-Environmental Commission meeting was held. New Borough Hall and area around it was discussed.

Council President Olszewski gave a report on schools and on meeting with Tax Assessor regarding update to current system.

Mayor Broullon gave report on Economic Development meeting.

Mayor Broullon read a month-by-month report of the Borough's progress in 2020 also listed the Borough's goals for 2021.

Mayor Broullon acknowledged Highlanders who passed in 2020.

Mayor opens meeting to council.

Councilmember Mazzola stated she was disappointed not being able to see the residents. Mayor explained that it was a distraction.

Mayor opens public portion.

**PUBLIC PORTION:**

Claudette D'Arrigo, 12 Seadrift-Questioned what is the Borough's position in the County's tax assessment program, asked for an update on the summer recreation programs, also questioned the possibility of in person meetings due to the Governor's recent announcement. Council President stated she is researching this issue. Councilmember Martin stated at this time planned programs are moving forward. Mayor Broullon explained that it may be 50% but the limit at this time is 25 people.

**Highlands Borough Mayor & Council Meeting Minutes**  
**Community Center, 22 Snug Harbor Avenue, Highlands March 17, 2021– Meeting Minutes**

Kim Skorka, 315 Shore Drive- Opposes the way meeting is being done council should be meeting in person. Supports resolutions for shared services. Questioned status of school feasibility study. Attorney Chabarek explained that there was a resolution adopted last year regarding remote meeting procedures. Mayor explained that the school feasibility study will be addressed.

Brian Cobb, 11 Recreation Pl-Questioned if public comment will be allowed regarding Captains Cove vacation of Rodgers Avenue. Attorney Chabarek explained that Special Redevelopment Counsel is addressing this and explained the Whereas Clause in the resolution.

Jim Smith, Holly Springs, Mississippi-Questioned payment for report of testing of material illegally dumped also questioned what Borough will do with the stimulus payment. Mayor explained that payment for testing was made and that the Department of Treasury has not confirmed the amount of the stimulus payment yet. Questioned what Borough's procedure on OPRA and metadata is. Attorney Chabarek stated OPRA is addressed on a case-by-case basis.

Chris Francy 36 5<sup>th</sup> Street-Questioned if street vacation would be done by Ordinance. Attorney Chabarek stated everything would be done in accordance with the Statute.

Laura Cowan, 215 Linden Ave-Supports Highlands Police Department.

Tricia Rivera, 31 Waterwitch Ave-Would like clarification on Ordinance 18-23 I Bank Project. Engineer Matlack explained.

Peter Mullen, Marine Place-Questioned what the benefit of vacating Rodgers Avenue would be to the Borough. Attorney Chabarek explained.

Michele Pezullo, 115 Highland Ave-Supports the Mayor's report asked that it be put on the website. Opposed to the way the meeting was done.

Harry Walker, 123 Marina Bay Ct-Questioned Resolution R-21-85 wording. Attorney Chabarek explained.


Russ Chelak, 3 Washington Ave-Supports the way this meeting was done. Questioned Rogers Avenue vacation and DEP requirements. Engineer Matlack explained.

Mayor gave a report on history of Highlands regarding Mr. Ptack.

**ADJOURN:**

Upon motion by Mayor Broullon, seconded by Councilmember Melnyk, motion carries to adjourn at 9:37PM. All in Favor.

Approve:   
Carolyn Broullon

Attest:   
Michelle Hutchinson, Acting Borough Clerk