

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands April 21, 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=MGptc3E5ZE9SbjAwdm1sZ09TMGVVLZz09>

*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-446-21
2. Contract Negotiations: - None
3. Purchase, Lease or Sale of Real Estate: - None
4. Matters of Personnel: - None
5. Attorney/Client Privilege: - Cannabis Legislation
- Hilltop at Highlands
- Twin Lights Marina

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 April 21, 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's Bennet Matlack and Greg Valesi, and Acting Municipal Clerk Michelle Hutchinson

Approval of Minutes

1. March 17, 2021 Executive Meeting Minutes
2. March 17, 2021 Regular Meeting Minutes

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PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES:

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

O-21-14 An Ordinance Creating Section 4-17 Of the Borough Code Regarding Commercial Filming Licensing Requirements

Mayor opened to Council.

No Comments.

Mayor opened to the public.

No Comments.

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

Roll Call Vote:

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

Nays: None

Abstention: None

Absent: None

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

O-21-15 An Ordinance To Exceed The Municipal Budget Appropriation Limits and To Establish A Cap Bank
Mayor asked CFO to explain ordinance.

Mayor opened to Council.

No Comments.

Mayor opened to the public.

No Comments.

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

Roll Call Vote:

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

Nays: None

Abstention: None

Absent: None

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

O-21-16 An Ordinance Reappropriating \$215,587 Of Proceeds Of Obligations Not Needed For Their Original Purposes In Order To Provide Funding For Various Road Improvements In And By The Borough Of Highlands, In The County Of Monmouth, New Jersey

Mayor opened to Council.

No Comments.

Mayor opened to the public.

Tricia Rivera questioned which block and lots would be included in this ordinance and if all of Beach Blvd would be repaved. Mayor explained.

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

Roll Call Vote:

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

Nays: None

Abstention: None

Absent: None

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

RESOLUTIONS:

RESOLUTION 21-100

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 April 16, 2021, which totals as follows:

Current Fund	\$ 185,740.25
Sewer Account	\$ 56,205.73
Capital Fund	\$ 38,562.50
Trust-Other	\$ 34,419.25
Federal/State Grants	\$ 925.35
Total	\$ 315,853.08

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers,

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totaling \$ 315,853.08 to be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at www.highlandsborough.org and on file in the Municipal Clerk's office for reference.

Motion to Approve R-21-100:

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

RESOLUTION 21-101

A RESOLUTION OF THE GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Borough of Highlands, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Motion to Approve R-21-101:

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

RESOLUTION 21-102

RESOLUTION AUTHORIZING A PLACE TO PLACE TRANSFER – EXTENSION OF PREMISES - OF

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LIQUOR LICENSE 1317-33-022-010

WHEREAS, an application has been filed for a Place to Place transfer of Plenary Retail Consumption License 1317-33-022-010 (M&D, Inc.) for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and to amend the Retail Liquor License Application; and,

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands does hereby approve, effective April 21, 2021, the expansion of the aforesaid Plenary Retail Consumption Licensed premises located at 1 Navesink Avenue, Highlands, New Jersey 07732 to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

Motion to Table to May 5th Meeting R-21-102:

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

RESOLUTION 21-103

RESOLUTION APPROVING CLOSE OUT CHANGE ORDER AND DECLARING ACCEPTANCE OF THE CONTRACT FOR THE BULKHEAD IMPROVEMENTS TO CEDAR STREET AND JONES CREEK

WHEREAS, by way of Resolution 20-168 duly adopted on July 15, 2020, Brayco, Inc. was awarded the contract associated with Bulkhead improvements to Cedar Street and Jones Creek; and

WHEREAS, the contract awarded to Brayco, Inc., by way of Resolution 20-168, was in the amount of \$461,394.00; 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 a decrease in the project cost from the original amount of \$461,394.00 to an adjusted total of \$447,811.86 for a decrease of \$13,582.14, as specifically set forth in their correspondence dated April 20, 2021; and

WHEREAS, in accordance with the requirements of the aforesaid contract, Brayco, Inc. has submitted a two (2) year Maintenance Bond in the amount of \$67,171.78, which represents 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 \$447,811.86 for a decrease of \$13,582.14 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. 800038813 in the sum of \$67,171.78 issued by The Atlantic Specialty Insurance Company.

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 The Guarantee Company of North America USA in the amount of \$461,394.00.

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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 Brayco, Inc.

Motion to Approve R-21-103:

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

RESOLUTION 21-104

APPOINTING MEMBERS TO THE HIGHLANDS HOUSING AUTHORITY BOARD OF COMMISSIONERS

WHEREAS, the five year term for Gloria Miller, Highlands Housing Authority Board Member expired on November 30, 2019.

WHEREAS, the Governing Body desires to reappoint Gloria Miller to the term that will expire on 11/30/2024.

WHEREAS, a vacancy exists on the Highlands Housing Authority Board of Commissioners of an unexpired term ending on November 30, 2021.

WHEREAS, the Governing Body desires to appoint Nancy Messina to the term that will expire on 11/30/2021.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following appointments be and are hereby confirmed to the Highlands Housing Authority Board of Commissioners:

POSITION:	NAME:	TERM:	EXPIRATION:
Chairperson	Gloria Miller	5 Year	11/30/2024
Commissioner	Nancy Messina	5 Year	11/30/2021

Motion to Approve R-21-104:

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

RESOLUTION 21-105

APPOINTING SHADE TREE COMMISSION MEMBER

WHEREAS, Nancy Messina has resigned from the Shade Tree Commission thereby creating a vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following appointment be made to the Shade Tree Commission (Advisory):

POSITION:	NAME:	TERM:	EXPIRATION:
Member	Peter Moles	1 Year	12/31/2021

Motion to Approve R-21-105:

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

RESOLUTION 21-106

RESOLUTION 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>
11.04	11	2016	\$1,361.10	PEARSALL, KATHY

Motion to Approve R-21-106:

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

OTHER BUSINESS:

None

REPORTS:

Administrator's report: Michael Muscillo gave report:

- New Borough Hall work progressing – met with construction mgmt. firms
- Still working on FEMA reimbursements – more meetings scheduled
- Sick Pay-Out's stopped. Will negotiate out of next contracts
- Updated insurance paperwork requested from risk manager
- Redevelopment agreements in process
- Captains' Cove given Mercantile License
- Looking into credit card payment modules for website
- Building Dept. resume in-person hours April 7, 2-4pm
- Parks meeting held, progressing on upgrading facilities
- Safe Routes to Schools Grant, process meeting held, progressing
- Hearing on CDL loan in Trenton on April 16 – Cancelled by Local Finance Board

Engineer's report-Bennett Matlack gave report:

- Reduction of contract amount due to grant.
- Locust Street project resumed.
- Working with Administrator on Snug Harbor Project.

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Environmental Commission-Councilmember Martin gave report:

-Discussed changes to swale numbers regarding groundwater and Exxon gas Station.

Schools-Council President Olszewski gave report:

-Summer Stem Program partnering with the Community Center will be offered.

Communication Committee-Councilmember Melnyk gave report:

-Update on website investigation into concerns with content.
-Short how-to video will be on website.

Shade Tree- Councilmember Melnyk gave report:

-Preparations for Arbor Day.
-Study to be done on Bay Avenue Street Scaping.

Open Space Committee- Councilmember Melnyk gave report:

-ROSI discussions so that updates can be made.
-Arbor Day activities.
-Make use of open space grants to update Borough parks.

Economic Development Review Board-Mayor Broullon gave report:

-Discussed parking issues and uses that were previously prohibited to possibly be updated.

Mayor opens public portion.

PUBLIC PORTION:

Lizzie, 15 Washington-Questioned if town wide garage sale will be held this year. Mayor stated she would have the Recreation Department put something together.

Chris Francy, 36 5th Street-Questioned if bid specs have been created for new municipal building and when work would commence. Administrator explained that the architect is in the process of completing them.

Jim Smith, Holly Springs, Mississippi-Opposed to commercial certificate of occupancy requirements. Opposed to Mayor voting on the resolution at the last meeting approving the payment for the HPB sign. Opposes meetings being held via Zoom. Mayor explained business ownership. Attorney Chabarek explained business certificate of occupancy as well as protocol for remote meetings.

Melissa Pedersen, 17 Bay Street-Opposes Zoom meetings. Opposes the size of the New municipal building.

Tricia Rivera, Waterwitch Avenue-Thanked CME for a great job with Jones Creek project. Would like update on Waterwitch Sewer Sanitary project. Engineer gave update on the Waterwitch project. Questioned if Green Team is working toward silver rather than bronze level certification. Supports study of shade trees on Bay Avenue. Mayor explained certification is every three years. Questioned business certificate of occupancy language in ordinance.

Chief Burton reported on complaint received regarding speeding in particular areas of town. Explained the process involved handling complaints. Recommendations are being made to update ordinances if necessary.

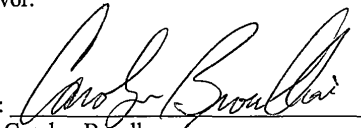
Joseph Nardone, 196 Bay Avenue-Opposes business certificate of occupancy procedure.


Kim Skorka, 315 Shore Drive-Mayor read questions that were emailed to the clerk.

-Questioned the status of the USGS steep slope study.
-Questioned the status of the public hearings on the school consolidation feasibility study
-Questioned the status of the police department study
-Supports shared services with Monmouth County. Questioned if the Borough can sell the sweeper.
-Opposes Zoom meeting would prefer in-person meetings.
Mayor addressed all the questions.

ADJOURN:

Upon motion by Mayor Broullon, seconded by Councilmember Melnyk, motion carries to adjourn at 9:01PM.
All in Favor.

Approve: 
Carolyn Broullon

Attest: 
Michelle Hutchinson, Acting Borough Clerk