



Highlands Borough Mayor & Council Meeting Minutes  
Municipal Building, 151 Navesink Avenue, Highlands  
August 21, 2024 – Meeting Minutes

**COUNCIL REGULAR MEETING:** Meeting came to order at 7:00 PM

**MEETING STATEMENT:** The Municipal Clerk read the public meetings statement.

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 Municipal clerk all on January 1, 2024. Items listed on the agenda are subject to change.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

Also in attendance were Borough Administrator Michael Muscillo, Borough Attorney Andrew Ball, Esq., Borough Engineer Joseph Raftery, and Municipal Clerk Nancy Tran.

**OATH OF OFFICE:** Mayor Broullon swore in Joseph DeCrescenzo as Shade Tree Commission Member and Tree Commissioner.

**APPROVAL OF MINUTES**

July 17, 2024 Meeting Minutes

Motion: Olszewski

Second: Chelak

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Nays: None

Abstain: Melnyk

Absent: None

July 17, 2024 Executive Session Minutes

Motion: Olszewski

Second: Mayor Broullon

Ayes: Cervantes, Chelak, Olszewski, Mayor Broullon

Nays: None

Abstain: Melnyk

Absent: None

**INTRODUCTION OF PROPOSED ORDINANCE:** Municipal Clerk Tran read the following ordinance by title:

**ORDINANCE O-24-14**

**AMENDING CHAPTER 11 (UNIFORM FIRE CODE), SECTION 11-4 (ORGANIZATION),  
SECTION 11-7 (NON-LIFE-HAZARD USES), SECTION 11-8 (SMOKE DETECTOR INSPECTION FEES),  
SECTION 11-9 (PERMIT FEE)**

**WHEREAS**, the governing body desires to amend Chapter 11 (Uniform Fire Code), Section 11-4 (Organization), Section 11-7 (Non-Life-Hazard Uses), Section 11-8 (Smoke Detector Inspection Fees) and Section 11-9 (Permit Fee).

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

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**SECTION I.**

Borough Code Chapter 11 (Uniform Fire Code), Section 11-4 (Organization), Section 11-7 (Non-Life-Hazard Uses), Section 11-8 (Smoke Detector Inspection Fees), Section 11-9 (Permit Fee) shall be amended as follows (additions are shown in **bold with underlines**, deletions are shown as **~~strikeovers~~**).

**Section 11-4. ORGANIZATION.**

a. The Bureau of Fire Prevention established by Section 11-2 of this chapter shall be under the direct supervision and control of a fire official who shall report to the ~~Chief of the Fire Department~~ **Administrator of the Department of Buildings & Housing**.

b. No change.

**Section 11-7. NON-LIFE-HAZARD USES.**

In addition to the registrations required by the Uniform Fire Code, the following ~~non-life-hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and pay an annual fee. (The following is a recommended fee schedule for non-life-hazard uses in the local enforcing agency's jurisdiction, and shall be included in Subchapter 2 of the Uniform Fire Code, amended by local ordinance; the fee schedule amount for each non-life-hazard use may be amended to fit the needs of the local enforcing agency. The fee is not to be used for life hazard uses as defined in the Uniform Fire Code.)~~ **annual inspections and fees shall be required:**

a.	<del>Assembly.</del>		
	A-1	Eating establishment under 50	\$45
	A-2	Takeout food service (no seating)	\$45
	A-3	Church or synagogue	\$45
	A-4	Recreation centers, multipurpose rooms, etc., fewer than 100	\$65
	A-5	Court rooms, libraries, fraternal organizations, condominium centers fewer than 100	\$65
	A-6	Senior citizen centers fewer than 200	\$65
b.	<del>Business/Professional.</del>		
	B-1	Professional use 1 & 2-story less than 5,000 square feet per floor	\$45
	B-2	1 & 2-story more than 5,000 square feet less than 10,000 square feet per floor	\$65
	B-3	1 & 2-story more than 10,000 square feet	\$90
	B-4	3 to 5-story less than 5,000 square feet per floor	\$130
	B-5	3 to 5-story more than 5,000 square feet less than 10,000 square feet per floor	\$195
	B-6	3 to 5-story over 10,000 square feet per floor	\$260
c.	<del>Retail (Mercantile).</del>		
	M-1	1 & 2-story less than 5,000 square feet per floor	\$160
	M-2	1 & 2-story more than 5,000 square feet less than 10,000 square feet per floor	\$195

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	M-3	1 & 2 story more than 10,000 square feet per floor	\$225
	M-4	3 to 5 story less than 5,000 square feet per floor	\$260
	M-5	3 to 5 story more than 5,000 square feet less than 10,000 square feet	\$290
	M-6	3 to 5 story over 10,000 square feet	\$325
	M	With the exception of hardware store 3,000 square feet, retail store over 12,000 square feet are life hazard uses.	
d.		Manufacturing (Factory):	
	F-1	1 & 2 story less than 5,000 square feet per floor	\$90
	F-2	1 & 2 story more than 5,000 square feet less than 10,000 square feet per floor	\$130
	F-3	1 & 2 story more than 10,000 square feet	\$195
	F-4	3 to 5 story less than 5,000 square feet per floor	\$225
	F-5	3 to 5 story more than 5,000 square feet less than 10,000 square feet	\$260
	F-6	3 to 5 story over 10,000 square feet	\$325
	F	Exception life hazard uses.	
e.		Storage S-1 (moderate hazard S-1, low hazard S-2):	
		1 & 2 story less than 5,000 square feet per floor	\$65
	S-2	1 & 2 story more than 5,000 square feet less than 10,000 square feet per floor	\$130
	S-3	1 & 2 story more than 10,000 square feet	\$195
	S-4	3 to 5 story less than 5,000 square feet per floor	\$225
	S-5	3 to 5 story more than 5,000 square feet less than 10,000 square feet	\$260
	S-6	3 to 5 story over 10,000 square feet	\$325
	S	Exception life hazard uses.	
f.		Residential (LEA listed with multifamily BHI) and common areas in multifamily dwellings. Fee is for each building.	
	R-1	1 to 6 units	\$45
	R-2	7 to 12 units	\$65
	R-3	13 to 20 units	\$90
	R-4	21 to 50 units	\$160
	R-5	For each additional unit	\$5

**a. All businesses, whether within a structure or on open land, including service businesses and apartment house multiple dwellings, shall be inspected annually. The annual inspection fee shall be as follows, with measurements based on the floor area, gross:**

**1. Under 500 square feet: \$80.**

- 2. 501 to 1,000 square feet: \$90.
- 3. 1,001 to 2,499 square feet: \$100.
- 4. 2,500 to 3,499 square feet: \$160.
- 5. 3,500 to 4,999 square feet: \$190.
- 6. 5,000 to 6,499 square feet: \$200.
- 7. 6,500 to 7,499 square feet: \$220.
- 8. 7,500 to 8,499 square feet: \$240.
- 9. 8,500 to 9,999 square feet: \$260.
- 10. 10,000 and above: \$260 plus \$30 for each additional 1,000 square feet, floor area, gross.

b. Commercial photovoltaic sites: \$250.

c. Boat yards, excluding buildings: \$250.

d. An owner of a commercial multiple-occupancy building or complex, which requires a common area inspection or site inspection of common parking, fire suppression or fire detection systems, shall be registered as a landlord and shall pay an annual fee of \$200 for the largest building and \$100 for each additional building on the premises.

e. All fees shall be paid within 30 days of the billing date.

**Section 11-8. SMOKE DETECTOR INSPECTION FEES.**

CSDC-1	More than 10 business days with a scheduled appointment	\$45
CSDC-2	4 to 9 business days with a scheduled appointment	\$90
CSDC-3	Less than 4 business days with a scheduled appointment	<del>\$125</del> <b>161</b>
CSDC-4	If a scheduled appointment is not met by the owner/appointee and/ or there is a failure to have properly installed or have operating smoke detectors in accordance with the Uniform Fire Code, a fee will be added for each reinspection	<del>\$25</del> <b>45</b>

**Section 11-9. PERMIT FEE.**

- a. No change.

PF-1	TYPE-1	<del>\$45</del> <b>54</b>
PF-2	TYPE-2	\$214
PF-3	TYPE-3	\$427
PF-4	TYPE-4	\$641
- b. No change.

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

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

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

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

Ms. Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on September 4, 2024.

**ORDINANCE O-24-15**  
**ADOPTING THE AMENDED CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN**  
**PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A.**  
**40A:12A-1 *Et Seq.***

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, on June 2, 2021, by Resolution No. 21-126, and in accordance with the provisions of the Redevelopment Law, the Municipal Council (the “**Borough Council**”) of the Borough of Highlands (the “**Borough**”) authorized and directed the Land Use Board of the Borough (the “**Land Use Board**”) to conduct a preliminary investigation to determine whether all or a portion of certain properties within the Borough, commonly referred to as the Central Business District/Bay Avenue Corridor and identified by block and lot on the tax map of the Borough listed therein (the “**Study Area**”), meet the criteria in the Redevelopment Law for designation as a non-condemnation redevelopment area, within which the Borough may use all of the powers provided by the Redevelopment Law for use in a redevelopment area except the power of eminent domain, and to make a recommendation as to whether all or a portion of such Study Area should be designated as a non-condemnation redevelopment area; and

**WHEREAS**, the Land Use Board subsequently directed Phillips Preiss Grygiel Leheny Hughes LLC (the “**PPG**”), the planning consultant, to conduct a preliminary investigation to determine whether all or a portion of the Study Area should be designated as a non-condemnation redevelopment area; and

**WHEREAS**, on July 8, 2021, the Land Use Board received a report setting forth the basis for the investigation and a map depicting the Study Area prepared by the PPG, entitled *Area in Need of Redevelopment Study, Central Business District, Borough of Highlands, New Jersey*, dated July 8, 2021 (the “**Report**”), evaluating whether all or a portion of the Study Area met the criteria to be designated as a non-condemnation redevelopment area; and

**WHEREAS**, pursuant to the Redevelopment Law, the Land Use Board caused a duly noticed public hearing to be held on August 5, 2021 (the “**Study Area Hearing**”), at which it reviewed the Report, heard testimony from Paul Grygiel, AICP, PP of PPG, and conducted a public hearing during which members of the general public were given an opportunity to present their own evidence, cross-examine PPG, and address questions to the Land Use Board and its representatives concerning the potential designation of the Study Area as a non-condemnation redevelopment area; and

**WHEREAS**, at the conclusion of the Study Area Hearing, after reviewing the Report and hearing all of the evidence, testimony from the public, and expert testimony, based on the reasons set forth in the Report and on the record, including the testimony of PPG as to criterion “h” of *N.J.S.A. 40A:12A-5* (“**Section 5**”) of the Redevelopment Law, the Land Use Board made recommendations to the Borough Council that the entire Study Area be designated as a non-condemnation redevelopment area pursuant to Section 5 of the Redevelopment Law, which recommendations and reasons for same were memorialized in Resolution No. 2021-21 duly adopted by the Land Use Board on October 7, 2021; and

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**WHEREAS**, on October 20, 2021, by Resolution No. 21-199, the Borough Council accepted the Land Use Board’s recommendations set forth in Resolution No. 2021-21 and designated the entire Study Area as a non-condemnation redevelopment area pursuant to the Redevelopment Law (the “**Redevelopment Area**”) and authorized PPG to prepare one or more redevelopment plans for the Redevelopment Area; and

**WHEREAS**, on May 18, 2022 the Borough Council adopted Ordinance No. 22-10 adopting a redevelopment plan for the Redevelopment Area, entitled Central Business District Redevelopment Plan (the “**Original Redevelopment Plan**”); and

**WHEREAS**, following a review of the Original Redevelopment Plan, the Borough determined to amend the Original Redevelopment Plan to facilitate redevelopment within the Redevelopment Area; and

**WHEREAS**, Heyer, Gruel and Associates (the “**Planning Consultant**”), prepared an amended redevelopment plan for the Redevelopment Area, entitled Amended Central Business District Redevelopment Plan, dated August 21, 2024 (the “**Amended Redevelopment Plan**”); and

**WHEREAS**, pursuant to the Redevelopment Law, the Land Use Board must review the Amended Redevelopment Plan and transmit its recommendations relating to the Amended Redevelopment Plan to the Borough Council in accordance with the provisions of N.J.S.A. 40A:12A-7(e) of the Redevelopment Law; and

**WHEREAS**, in accordance with N.J.S.A. 40A:12A-7e, the Planning Consultant presented the Amended Redevelopment Plan to the Land Use Board during the September 12, 2024 meeting during which the Land Use Board reviewed the Amended Redevelopment Plan and considered the testimony of the Planning Consultant; and

**WHEREAS**, after conducting its review, the Land Use Board adopted a resolution finding that the Amended Redevelopment Plan is not inconsistent with the Borough’s Master Plan and recommending that the Borough adopt the Amended Redevelopment Plan; and

**WHEREAS**, upon receipt and review of the Land Use Board’s recommendations relating to the Amended Redevelopment Plan the Borough Council believes that adoption of the Amended Redevelopment Plan is in the best interests of the Borough and will best facilitate the appropriate development of the Redevelopment Area; and

**WHEREAS**, the Borough has determined to adopt the Amended Redevelopment Plan to ensure the success of redevelopment within the Redevelopment Area in conformity with the Borough’s redevelopment objectives.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Highlands, New Jersey, as follows:

**Section 1.** The foregoing recitals are herein incorporated as if set forth in full.

**Section 2.** The Amended Redevelopment Plan, as filed in the Office of the Borough Clerk and attached hereto as **Exhibit A**, is hereby approved and adopted pursuant to the terms of the Redevelopment Law.

**Section 3.** The sections of the zoning map of the Borough that relate to the Redevelopment Area are hereby amended to incorporate the provisions of the Amended Redevelopment Plan.

**Section 4.** The Zoning and Land Use Regulations of the Borough are hereby amended and supplemented to incorporate the Amended Redevelopment Plan.

**Section 5.** If any section, subsection, sentence, clause, or phrase of this Ordinance is

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for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

**Section 6.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 7.** A certified copy of this Ordinance and the Amended Redevelopment Plan shall be available for public inspection during regular business hours at the office of the Borough Clerk.

**Section 8.** This Ordinance shall take effect in accordance with applicable law.

Mayor Broullon explained the Ordinance.

Motion: Mayor Broullon

Second: Olszewski

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

Nays: None

Abstain: None

Absent: None

Mayor Broullon clarified that the Ordinance would be given to the Land Use Board for review and the public hearing would follow the next Land Use Board meeting on September 12<sup>th</sup>. Ms. Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on September 18, 2024.

**RESOLUTION:** Municipal Clerk Tran read the following resolution by title.

**RESOLUTION 24-147**

**AMENDING RESOLUTION 24-119 ENTITLED APPROVING RENEWAL OF LIQUOR LICENSES FOR THE 2024-2025 TERM AS PERTAINS TO LIQUOR LICENSE NO. 1317-33-024-017**

**WHEREAS**, Resolution 24-119 approved the renewal of Liquor License No. 1317-33-024-017 for La Bise / Saltwater Social, for the 2024-2025 term and was passed by the Borough of Highlands on June 5, 2024; and

**WHEREAS**, the Borough of Highlands was later advised by the Division of Alcoholic Beverage Control that the Licensee for Liquor License No. 1317-33-024-017 is only La Bise LLC; and

**WHEREAS**, it was the intention of the Borough of Highlands to approve Liquor License No. 1317-33-024-017 for Licensee La Bise LLC rather than La Bise / Saltwater Social;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Highlands hereby amends Resolution 24-119 to reflect that the approval of Liquor License No. 1317-33-024-017 is for Licensee La Bise LLC for the 2024-2025 term.

Motion: Melnyk

Second: Chelak

Ayes: Chelak, Melnyk, Olszewski, Mayor Broullon

Nays: None

Recuse: Cervantes

Absent: None

**CONSENT AGENDA:** Municipal Clerk Tran read the following resolutions by title. Prior to her motion and vote, Mayor Broullon explained R 24-148, R 24-155, R 24-156, and R 24-157. The consent vote is as noted:

**RESOLUTION 24-148**

**COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION AUTHORIZING  
THE MAYOR AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH  
COUNTY FOR PERFORMANCE AND DELIVERY OF FISCAL YEAR 2024  
COMMUNITY DEVELOPMENT PROJECTS**

**WHEREAS**, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, the County of Monmouth expects to receive an allocation for Fiscal Year 2024 from the United States Department of Housing and Urban Development; and

**WHEREAS**, the County of Monmouth has submitted its Annual Plan for Fiscal Year 2024 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as **Pedestrian Improvements to Marine Place East** with a grant allocation of **\$167,000.00**.

**WHEREAS**, the **Borough of Highlands** hereby met all the requirements for the release of funds to begin incurring costs for this project; and

**WHEREAS**, the **Borough of Highlands** has filed with the Monmouth County Community Development Program an acceptable timetable for completion and expenditure of grant funds, which is included as an appendix to the Project Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Municipal Clerk are hereby authorized to execute with the County of Monmouth the attached Project Agreement on behalf of the **Borough of Highlands**.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 24-149**

**COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION AUTHORIZING THE  
MAYOR TO SIGN A CERTIFICATION PROHIBITING THE USE OF EXCESSIVE FORCE  
AND A CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING**

**WHEREAS**, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for Fiscal Year 2024; and

**WHEREAS**, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

**WHEREAS**, it is required that the **Borough of Highlands** execute a Project Agreement with Monmouth County to undertake a project known as Pedestrian Improvements to Marine Place East; and

**WHEREAS**, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the **Borough of Highlands** sign additional certifications in order to receive these funds; and

**WHEREAS**, the **Borough of Highlands** has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and



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**WHEREAS**, a copy of that policy is attached to and made part of this resolution.

**NOW, THEREFORE, BE IT RESOLVED**, that the **Borough of Highlands** has met the conditions of receiving a Fiscal Year 2024 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

**BE IT FURTHER RESOLVED**, that the Mayor of the **Borough of Highlands** is hereby authorized to sign the attached certifications which will become part of the Fiscal Year 2024 Project Agreement.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 24-150**  
**ACCEPTING BID FOR THE SALE OF BLOCK 101, LOT 3.02 IN THE BOROUGH OF**  
**HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**WHEREAS**, by way of Ordinance O-24-10, duly adopted on second reading on June 19, 2024, and pursuant to N.J.S.A. 40A:12-13, the Borough authorized the sale of municipal property, Block 101, Lot 3.02, which is not needed for public use, to the highest bidder with a minimum bid of \$32,806.00; and

**WHEREAS**, in accordance with Ordinance O-24-10, duly adopted on second reading on June 19, 2024, Public Notice was properly advertised for the submission of sealed bids for the purchase of municipal property, Block 101, Lot 3.02, located in the Borough of Highlands; and

**WHEREAS**, the highest and only bid for the purchase of municipal property, Block 101, Lot 3.02, in the Borough of Highlands, was submitted by Argiris Serghis and Androula Serghis, in the amount of \$35,001.00; and

**WHEREAS**, in accordance with Ordinance O-24-10, the Borough accepts the bid submitted by Argiris Serghis and Androula Serghis to purchase Block 101, Lot 3.02 in the Borough of Highlands, in the amount of \$35,001.00, wherein the successful bidder shall comply with the terms of the aforesaid Ordinance with regard to the sale of the property, including that the property is being sold in an "AS IS – WHERE IS" condition.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Highlands hereby accepts the bid submitted by Argiris Serghis and Androula Serghis, as the highest bid for the purchase of municipal property, Block 101, Lot 3.02, in the Borough of Highlands in the amount of \$35,001.00.

**BE IT FURTHER RESOLVED**, that the Mayor, Borough Administrator and Municipal Clerk be and are hereby authorized to execute a contract of sale, in accordance with the terms and conditions set forth in Ordinance O-24-10, in a form that is acceptable to the Municipal Attorney.

**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.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

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Abstain: None  
Absent: None

**RESOLUTION 24-151**

**APPROVING CHANGE ORDER NO. 5 FOR PHASE I SANITARY SEWER IMPROVEMENTS PROJECT**

**WHEREAS**, by way of Resolution 22-099 duly adopted on April 6, 2022, Roman E&G Corporation was awarded a contract for the Phase I Sanitary Sewer Improvements Project in the amount of \$6,748,648.00; and

**WHEREAS**, by way of Resolution 23-163 duly adopted on July 19, 2023, Change Order No. 1 changing the scope of work for the Phase I Sanitary Sewer Improvements Project was approved; and

**WHEREAS**, by way of Resolution 24-058 duly adopted on February 7, 2024, Change Order No. 2 changing the amount allocated to cover the cost of uniformed police officers was approved; and

**WHEREAS**, as a result of the approval of Change Order No. 2, the contract amount was increased by \$326,100.00, thereby increasing the contract amount from \$6,748,648.00 to \$7,074,748.00; and

**WHEREAS**, due to unforeseen conditions encountered during construction, by way of Resolution 24-076 duly adopted on March 6, 2024, Change Order No. 3 changing the contract amount for the Phase I Sanitary Sewer Improvements Project was approved; and

**WHEREAS**, as a result of the approval of Change Order No. 3, the contract amount was increased by \$385,980.92, thereby increasing the Contract amount from \$7,074,748.00 to \$7,460,728.92; and

**WHEREAS**, by way of Resolution 24-130 duly adopted on June 19, 2024, Change Order No. 4 reducing the contract price due additional scope items, associated credits and a removed scope item due to a water main conflict on Bay Avenue was approved; and

**WHEREAS**, as a result of the approval of Change Order No. 4, the contract amount was decreased by \$465,343.00, thereby decreasing the Contract amount from \$7,460,728.92 to \$6,995,385.92; and

**WHEREAS**, by letter dated August 13, 2024, the Project Engineer, H2M Associates, Inc., advised that an additional Change Order is necessary to increase the overall contract price; and

**WHEREAS**, the scope of work for Change Order No. 5 reflects a change to the contract amount with an increase of \$630,122.05, thereby increasing the Contract amount from \$6,995,385.92 to \$7,625,507.97; and

**WHEREAS**, this increase in contract price is due to an increase in the hourly rate for police officers for traffic control, leftover and unused materials that were a result of the removed scope of sewer main replacement on Bay Avenue due to a water main conflict, installation and removal of dewatering wells, removal of concrete slabs on Waterwitch Avenue as well as additional work required for the reconstruction of Central, Ocean and Beach including a new survey of proposed grades, new storm inlet, piping for positive drainage and a driveway cut-in allowance for potential work outside of the right of way, as set forth in detail in the letter dated August 13, 2024 from the Project Engineer, H2M Associates, Inc.; and

**WHEREAS**, in accordance with the aforesaid letter, the Project Engineer recommends that the Borough approve Change Order No. 5 in order to allow for the Phase I Sanitary Sewer Project to be completed; and

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer of

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the Borough of Highlands.

I hereby certify that funds are available as follows: Acct# C-06-22-101-000-201

  
\_\_\_\_\_  
Patrick DeBlasio, Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands that Change Order No. 5 changing the contract amount to reflect an increase of \$630,122.05, thereby increasing the Contract amount from \$6,995,385.92 to \$7,625,507.97 be and is hereby approved; and

**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 Roman E&G Corporation.

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

**RESOLUTION 24-152  
APPOINTING A SHADE TREE COMMISSION MEMBER AND TREE COMMISSIONER**

**WHEREAS**, Borough Code §2-21 establishes the Shade Tree Commission (Advisory); and

**WHEREAS**, Resolution No. 24-024, duly adopted on January 1, 2024 appointed members of the Shade Tree Commission; and

**WHEREAS**, Resolution No. 24-036, duly adopted on January 1, 2024 appointed Christian Lee as Tree Commissioner for a term of one (1) year with an expiration date of December 31, 2024; and

**WHEREAS**, due to the resignation of Christian Lee as Tree Commissioner, there is a vacancy in the position; and

**WHEREAS**, the uncontrolled and excessive destruction or removal of trees within the Borough of Highlands has caused or contributed to potential hazards to persons and property including but not limited to soil erosion, changes in drainage patterns, increased dust and noise pollution; and

**WHEREAS**, Borough Code §22-1.1 Establishes the Borough of Highlands Tree Removal and Protection Ordinance to prevent uncontrolled and excessive destruction and removal of trees within the Borough and to restrict the removal of other trees thereby maintaining the beauty and character of the Borough of Highlands and restricting actions which could create a hazard to persons or property; and

**WHEREAS**, Borough Code §22-1.3 provides that the Borough Council may appoint a Tree Commissioner by Resolution to administer permitting and enforcement of the Borough's Tree Removal and Protection Ordinance wherein the Tree Commissioner shall be a member of the Shade Tree Commission; and

**WHEREAS**, the Governing Body of the Borough of Highlands wishes to appoint Joseph DeCrescenzo to serve as a Shade Tree Commission Member for the remainder of the calendar year 2024 with an expiration date of December 31, 2024; and

**WHEREAS**, the Governing Body of the Borough of Highlands wishes to appoint Joseph DeCrescenzo to serve as the Tree Commissioner to fill the unexpired term for the remainder of the calendar year 2024 with an expiration date of December 31, 2024.

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands, that Joseph DeCrescenzo be and is hereby appointed Shade Tree Commission Member and Tree Commissioner for the unexpired term, with an expiration date of December 31, 2024.

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

**RESOLUTION 24-153  
AUTHORIZING AN EXTENSION TO PAY TAXES TO SEPTEMBER 6, 2024**

**WHEREAS**, the Borough of Highlands adopted its 2024 Municipal Budget on May 1, 2024, and

**WHEREAS**, because of the late calculation of the Tax Rate by the County Board of Taxation and the corresponding late printing of the tax bills, third quarter tax bills did not get mailed by the deadline of July 15, 2024; and

**WHEREAS**, the Borough Council believes that the residents of the Borough are entitled to a reasonable time to receive their tax bills for the third quarter and to pay the same without being delinquent and subject to the payment of interest; and

**NOW THEREFORE, BE IT RESOLVED** that pursuant to N.J.S. 54:4-66.5 interest at a rate of \$.00000001% shall be charged on unpaid third quarter 2024 taxes provided same are paid on or before September 6, 2024 and provided further that interest thereafter shall be payable at the rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 to be calculated from August 1, 2024 until the date of actual payment.

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Finance and Tax Collector's Offices forthwith.

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

**RESOLUTION 24-154  
AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated August 21, 2024, which totals as follows:

Current Fund	\$ 1,071,596.19
Sewer Account	\$ 96,980.36
Capital Fund	\$ 1,149,316.95
Trust-Other	\$ 30,994.21
Federal/State Grants	\$ 4,641.86
<b>Total</b>	<b>\$ 2,353,529.57</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ 2,353,529.57 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

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

**RESOLUTION 24-155  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR  
PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE WASHINGTON AVENUE  
IMPROVEMENTS PROJECT**

**WHEREAS**, the Borough of Highlands has a need for professional engineering design services for the Washington Avenue Improvements Project pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Colliers Engineering & Design, Inc. has set forth its proposed services in a written revised proposal dated August 16, 2024, a copy of which is available at the office of the Borough Clerk; and

**WHEREAS**, the scope of work in said proposal includes the following: Underground Utility Investigation and Mark-Out, Roadway Topographic Survey, Roadway Survey Limits, Design Services, Engineering Design & Construction Documents, and Bidding Services; and

**WHEREAS**, the proposed amount of the contract with Colliers Engineering & Design is \$27,500.00 and consists of the following:

Phase 1.0 – Underground Utility Investigation and Mark-Out	\$ 3,200.00
Phase 2.0 – Roadway Topographic Survey	
2.1 – Roadway Survey Limits	\$ 5,950.00
Phase 3.0 – Design Services	
3.1 Engineering Design & Construction Documents	\$ 15,600.00
3.2 Bidding Services	\$ 2,500.00
Reimbursable Expenses	<u>\$ 250.00</u>
	Total Fee: \$ 27,500.00; and

**WHEREAS**, such professional engineering services can only be provided by licensed professionals and the firm of Colliers Engineering & Design, Inc., 101 Crawfords Corner Road Suite 3400, Holmdel, New Jersey 07733 is so recognized; and

**WHEREAS**, the governing body has determined that it is in the best interest of the Borough to retain Colliers Engineering & Design, Inc. for the proposed professional engineering design services in connection with the Washington Avenue Improvements Project; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$27,500.00 for professional engineering design services as stated in Colliers Engineering & Design, Inc.'s revised proposal dated August 16, 2024; and

**WHEREAS**, Colliers Engineering & Design, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Colliers Engineering & Design, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit Colliers Engineering & Design, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, Colliers Engineering & Design, Inc. has completed and submitted a Political

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Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify that funds are available as follows: Acct# C-04-23-101-000-202

  
\_\_\_\_\_  
Patrick DeBlasio, Chief Financial Officer

**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 Council of the Borough of Highlands as follows:

1. Colliers Engineering & Design, Inc. is hereby retained to provide professional engineering services for the Washington Avenue Improvements Project as outlined above for an amount not to exceed \$27,500.00.
2. The 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). The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 24-156**

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES IN CONNECTION WITH A USDOT RECONNECTING COMMUNITIES GRANT APPLICATION**

**WHEREAS**, the Borough of Highlands has a need for professional services in connection with the submission of a USDOT Reconnecting Communities Grant application for support in the planning and design of a pedestrian footbridge over Route 36; and

**WHEREAS**, the pedestrian footbridge will connect the northside of the highway to Kavookjian field on the southside of the highway; and

**WHEREAS**, Colliers Engineering & Design has set forth its proposed services in a written proposal dated August 19, 2024, a copy of which is available at the office of the Borough Clerk; and

**WHEREAS**, the said proposal encompasses preparation and submission of the final grant application as detailed in the proposal; and

**WHEREAS**, the proposed amount of the contract with Colliers Engineering & Design is \$17,500.00, consisting of preparing and submitting a grant application to the USDOT Reconnecting

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Communities Grant Program for the purpose of requesting funds to support planning and design of a pedestrian footbridge over Route 36; and

**WHEREAS**, such professional services can only be provided by licensed professionals and the firm of Colliers Engineering & Design, 101 Crawfords Corner Road, Holmdel, NJ 07733 is so recognized; and

**WHEREAS**, the governing body has determined that it is in the best interest of the Borough to retain Colliers Engineering & Design for the proposed services in connection with the application for the USDOT Reconnecting Communities Grant as set forth in its proposal; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$17,500.00 for professional services as stated in Colliers Engineering & Design's proposal dated August 19, 2024; and

**WHEREAS**, Colliers Engineering & Design has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit Colliers Engineering & Design from making any reportable contributions through the term of the contract; and

**WHEREAS**, Colliers Engineering & Design has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify that funds are available as follows: Acct # 4-01-20-165-000-244

  
\_\_\_\_\_  
Patrick DeBlasio, Chief Financial Officer

**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 Council of the Borough of Highlands as follows:

1. Colliers Engineering & Design is hereby retained to provide professional services in connection with preparing and submitting the USDOT Reconnecting Communities Grant as described above, and in their proposal dated August 19, 2024, for an amount not to exceed \$17,500.00.
2. The 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). The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Motion: Mayor Broullon

Second: Melnyk

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

Nays: None

Abstain: None

Absent: None

**RESOLUTION 24-157  
APPROVING CLOSEOUT CHANGE ORDER AND DECLARING ACCEPTANCE OF  
CONTRACT FOR DRAINAGE REPAIRS PROJECT AT 88-6 PORTLAND ROAD**

**WHEREAS**, by way of Resolution 23-213 duly adopted on October 18, 2023, Seacoast Construction, Inc. was awarded a contract for the Drainage Repairs Project at 88-6 Portland Road; and

**WHEREAS**, in accordance with the aforesaid contract award, the amount of the contract that was awarded to Seacoast Construction, Inc. was in the amount of \$124,520.00; and

**WHEREAS**, by letter dated August 7, 2024, Colliers Engineering & Design advised that a Closeout Change Order is necessary which reflects final as-built quantity adjustments; and

**WHEREAS**, the scope of Closeout Change Order No. 1 reflects a net increase of \$3,180.00 (2.55%) increasing the contract amount to \$127,000.00; and

**WHEREAS**, in accordance with the aforesaid letter, the Borough Engineer recommends that the Borough approve Closeout Change Order No. 1; and

**WHEREAS**, the Borough Engineer, Colliers Engineering & Design, has advised that the project is complete at this time; and

**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 \$12,700.00, which is ten (10) percent of the final Contract Amount; and

**WHEREAS**, the Borough Engineer, Colliers Engineering & Design, has recommended authorizing the aforesaid Closeout 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 Closeout Change Order No. 1 changing the original contract amount 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. B 1293669 in the sum of \$12,700.00 issued by Selective Insurance Company of America.

**BE IT FURTHER RESOLVED**, that any lien claims filed more than sixty (60) days after the adoption of this 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 Performance Bond No. 1293669, issued by Selective Insurance Company in the amount of \$124,520.00

**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 Borough Engineer, Purchasing Agent and to the Contractor.

Motion: Mayor Broullon

Second: Melnyk

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



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Nays: None  
Abstain: None  
Absent: None

**RESOLUTION 24-158  
CANCEL TAX OVERPAYMENTS**

**WHEREAS**, the Tax Collector of the Borough of Highlands has reviewed the tax rolls and determined that certain properties have credit balances that are old and outstanding, and

**WHEREAS**, some balances are the result of subdivisions, cancellations, sales and other various items that cannot be verified, and

**WHEREAS**, the Tax Collector recommends that the tax overpayments be cancelled,

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Council of the Borough of Highlands, in the County of Monmouth, New Jersey, that the Tax Collector cancel tax overpayments effective immediately as follows:

<u>Block</u>	<u>Lot</u>	<u>Amount</u>
1.04	12	\$1,417.61

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

**OTHER BUSINESS:** Home and Land Development Corp. Request for Easement  
Mr. Ball explained the request and gave the ground rules for the public hearing.

Evan Zimmerman, Esq. on behalf of Home and Land, explained his client's proposed plans for a retaining wall and sanitary sewer within Borough property. Mayor Broullon restated Mr. Ball's direction that the Governing Body will only be focused on the proposed plans and not Home and Land's Land Use Board application. Frank Farrell, engineer for Home and Land, gave further details of the proposed plans. Mayor Broullon asked about the location of the septic tank of the recently demolished building. Mr. Farrell and Charlie Farkouh, President of Home and Land, answered that the septic tank was still there.

Mr. Raftery gave his review and noted his concerns. Mr. Farkouh gave further details of the proposed retaining wall. Mr. Raftery continued his review and his concerns. Mayor Broullon asked if Home and Land had considered doing the project on their own property rather the Borough's. Mr. Farrell answered that there were no sewer lines on North Peak and that the proposed plans was the shortest distance to an existing sewer line. He added that the proposed concrete retaining wall would be an improvement to the existing wall. Councilmember Melnyk asked if the proposed plan has always been the original plan. Mr. Farrell and Mr. Farkouh answered. Mr. Ball asked about the proposed maintenance plans, design, and the number of manholes for the proposed sanitary sewer. Mr. Zimmerman, Mr. Farrell, and Mr. Farkouh answered. Mr. Raftery gave his input on their proposed plans.

Mayor Broullon noted her concerns and pointed out that the request is for two separate rights of way. She noted that the request is for two very separate projects – the retaining wall and the sanitary sewer – with their own issues. Mr. Farkouh stated that he was granted sewer connection permits. Council President Olszewski asked for clarification of the length of the proposed sewer. Mr. Farrell answered and explained the design.

Mayor Broullon opened the floor for the public.

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Vincent Delriccio, Esq. on behalf of objector, Joseph Dorin, introduced himself. He stated that they are most concerned about the proposed sewer line. He noted that the building and maintenance of the sewer would require easements from neighboring property and stated that his client will not allow any easement on this property. Mr. Delriccio noted that his client's property has repeatedly been damaged due to work done so far and feared that the proposed plans will cause further damage.

Joseph Dorin, objector, stated that he did not experience any damage on his property until the current owner removed trees on their property. He noted his objection to the proposed plans and subdivision.

Mr. Dorin's neighbor (no name given), Valley Ave., voiced his support of Mr. Dorin's objections. He believed that given the constraints of the project, if the Borough deems it important to build a sewer line there that they should do it themselves.

Councilmember Melnyk asked if the two components of the request could be considered separately. He found the retaining wall proposal compelling. Councilmember Chelak, Councilmember Cervantes, and Council President Olszewski voiced their comments. Mr. Ball reminded everyone to refocus on the proposed plans at hand.

Mr. Zimmerman summarized the request and consideration that septic is not an option. Mr. Ball asked for verification that septic is not allowed. Mr. Farrell clarified that it could be allowed in very rare circumstances. Councilmember Melnyk asked for clarification on how the proposed sewer line could benefit the community. Council Chelak asked for clarification of the Land Use Board's requirement. Mr. Farrell and Mr. Zimmerman answered. Mr. Raftery asked if there was a steep slope application. Discussion of the steep slope ordinance followed. Mr. Zimmerman asked for clarification for steep slope variance. Mr. Raftery answered. Mr. Zimmerman stated that the Borough would not need a variance. Councilmember Melnyk reiterated that there are two separate issues and found the retaining wall plans favorable but not the sewer plans. Mayor Broullon and fellow Councilmembers agreed that the proposed retaining wall plans on the upper right of way was doable. Mayor Broullon stated that the lower right of way plans was a different issue, that the Borough Engineer brought up many issues. She was not in favor of granting an easement for the lower right of way. Councilmember Melnyk was not convinced that septic was not entirely ruled out. Mayor Broullon made a motion to grant easement for the retaining wall on North Peak Street but not for constructing a new sewer line in the Borough's lower Right of Way. Mr. Ball clarified her motion before the Governing Body voted.

Motion to grant easement for the retaining wall on North Peak Street but not for constructing a new sewer line in the Borough's lower Right of Way: Mayor Broullon

Second: Chelak

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

Nays: None

Abstain: None

Absent: None

Mr. Zimmerman thanked the Council.

**REPORTS:**

Mayor Broullon: reported that there would be a non-binding public question at the upcoming election. She reported on the numbers from the HFAS, HFD, HPD, Code Enforcement, and Building Department. She noted the amount of grants received so far. Mayor Broullon noted that the Recreation Department's page and the Highlands Business Partnership's website posts information on Highlands events. She reminded that there would be another public question on the November ballot regarding the Army Corps project. Mayor Broullon gave project updates on the gazebo at Huddy Park, Linden Ave. sidewalk, Sanitary Sewer, Jones Creek dredging, Veterans Park, BRIC, and the CRS Coordinator.

Mr. Muscillo: stated that the Mayor covered everything on his report.

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Councilmember Chelak asked him if there was any update regarding Shadowlawn. He responded that he had received a call from the original developer but then nothing came of it.

With no further reports, Mayor Broullon opened public portion.

**PUBLIC PORTION:**

George Minaidis, Atlantic Highlands, read a statement regarding the Peter White memorial and requested that it be reinstated. He voiced his support for the memorial to his childhood friend.

Michael Cannon, Central Ave., asked if an abridged guide to the amended CBD redevelopment plans and asked why the flat valve at Jones Creek was left open during the recent flooding conditions. Mr. Raftery gave the consideration, reasons, and decision behind it and stated that it was being monitored with each event. Mr. Cannon asked why there was no snow fence on Snug Harbor Beach this year as compared to previous years and when the public hearing for the BRIC project would be.

Tara White, Central Ave., spoke of her son's plaque, its subsequent removal, and wanted answers.

With no further comments from the public, Mayor Broullon closed the Public Portion.

**EXECUTIVE SESSION:** Clerk Tran read the following:

Executive Session will be held following the Regular Council Meeting. Prior to each Executive Session, the Borough Council will convene in open session at which time a resolution will be adopted in accordance with N.J.S.A. 10:4-13. No formal action will be taken during Executive Session.

**RESOLUTION TO ENTER EXECUTIVE SESSION**

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

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

- Litigation

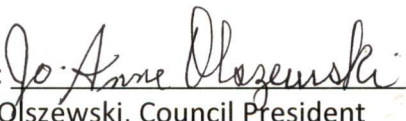
**BE IT FURTHER RESOLVED** that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists.

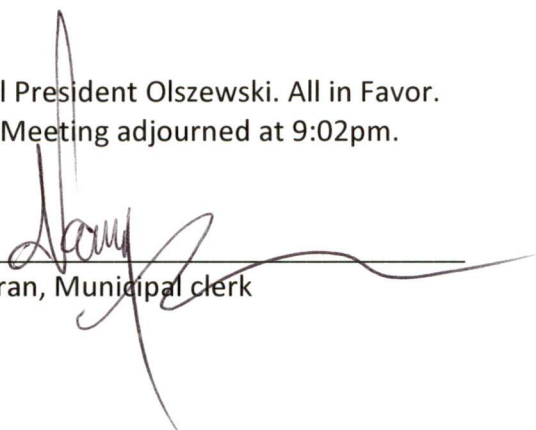
Motion: Mayor Broullon  
Second: Chelak  
All in favor. None opposed.

Council entered into Executive Session at 8:55pm and exited at 9:02pm.

**ADJOURNMENT:**

Offered by Councilmember Melnyk and seconded by Council President Olszewski. All in Favor. None opposed. Mayor Broullon left the meeting at 8:57pm. Meeting adjourned at 9:02pm.

Approve:   
Jo-Anne Olszewski, Council President

Attest:   
Nancy Tran, Municipal clerk