

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands November 12, 2020– Meeting Minutes

This meeting of November 12, 2020, is called pursuant to the provisions of the Open Public Meetings Law and was included in a list of meetings notice transmitted to the Two River Times and the Asbury Park Press and posted on the bulletin board in the Municipal Building on January 1, 2020. The meeting notice has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk. Official action may be taken at this meeting.

Special notice regarding conduct of borough of highlands council meetings – excluding general public from meetings members of the public may access the public portion of the October 21, 2020 meeting via Zoom using the following link:

<https://zoom.us/j/91568636592?pwd=U2JYbEpEYitMRlJWb0ERxeThGT0x0dz09>

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

Passcode: 140912 (No participant code required)

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

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

EXECUTIVE SESSION 6:30PM

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

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

1. Pending or Anticipated Litigation: - Docket No. MON-L-3043-20
2. Contract Negotiations: - Shared Services-Court
-Waterwitch Beach Association
3. Purchase, Lease or Sale of Real Estate: - None
4. Matters of Personnel: - None
5. Attorney/Client Privilege: -Fair Share Housing Update
-Captain's Cove

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

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

REGULAR MEETING 8:01PM

Roll Call

Councilmember Braswell, Councilmember Mazzola, Councilmember Valkos, Mayor Broullon were Present. Council President Ryan was absent.

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

The Borough Clerk read the public meetings statement.

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AWARDS:

Lifesaving Award for Kaylee Ann Terwilliger

INTRODUCTION OF PROPOSED ORDINANCES:

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

O-20-25 AN ORDINANCE ADDING SECTION 3-3 OF THE BOROUGH CODE TO ESTABLISH REGULATIONS FOR THE PLANTING, GROWING OR CULTIVATING OF INVASIVE PLANTS
It was moved by Councilmember Valkos and seconded by Mayor Broullon to pass this ordinance on first reading.

Roll Call Vote:

Ayes: Braswell, Mazzola, Valkos, Mayor Broullon

Nays: None

Abstention: None

Absent: Ryan

Acting Borough Clerk Hutchinson stated motion carried to pass this ordinance on first reading with a public hearing to be held on December 2, 2020.

O-20-26 AN ORDINANCE AMENDING SECTION 7-3.5 OF BOROUGH CODE TO ADDRESS PUBLIC PARKING REQUIREMENTS

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

Roll Call Vote:

Ayes: Braswell, Mazzola, Valkos, Mayor Broullon

Nays: None

Abstention: None

Absent: Ryan

Acting Borough Clerk Hutchinson stated motion carried to pass this ordinance on first reading with a public hearing to be held on December 2, 2020.

RESOLUTIONS:

Resolution 20-234

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 November 12, 2020, which totals as follows:

Current Fund	\$ 1,218,525.22
Sewer Account	\$ 12,355.52
Capital Fund	\$ 39,956.25
Trust-Other	\$ 38,820.13
Federal/State Grants	\$ 645.00
Total	\$ 1,310,302.12

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$1,310,302.12** to be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at www.highlandsborough.org and on file in the Municipal Clerk's office for reference.

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

R 20-235

A RESOLUTION APPROVING RENEWAL OF LIQUOR LICENSES FOR THE 2020-2021 TERM

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (ABC) has extended the due date for renewal of Liquor Licenses to September 30, 2020 due to COVID 19; and

WHEREAS, renewal applications have been filed or submitted through POSSE ABC portal as directed by the ABC; and

WHEREAS, the submitted, renewal applications have been accepted via POSSE ABC, the Municipal Fees have been paid and a Tax Clearance Certificate has been received for the following licensee[s]; and

WHEREAS, the submitted license renewal application received a 12.39 special ruling dated November 6, 2020 and was approved by the State Alcohol Beverage Control Director, a copy of which is annexed hereto; and

WHEREAS, the applicants are qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the renewal of the following Liquor License[s] for the 2020-2021 term ending on September 30th 2020, is hereby authorized:

License Number	Licensee	Establishment
1317-33-004-014	Bay Avenue Entertainment LLC	INACTIVE

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

RESOLUTION 20-236

A RESOLUTION AUTHORIZING PURCHASE OF A DUMP TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Borough of Highlands has the need to purchase a Peterbilt 348 Single Axle Cab and Chassis Dump Truck with 37,600 lb. gross vehicle weight, using Sourcewell, Contract # 060920-PMC from

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Hunter Truck; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available using the following accounts, 0-01-44-901-000-269 & 0-01-26-292-000-296 in the total amount of \$196,748.00.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highlands authorizes the purchase of a Peterbilt 348 Single Axle Cab and Chassis Dump Truck with 37,600 lb. gross vehicle weight, in the amount of \$196,748.00.

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

**RESOLUTION 20-237
A RESOLUTION AUTHORIZING PROPERTY TAX CANCELLATION**

WHEREAS, properties were recently subdivided or listed as exempt property, and

WHEREAS, the Tax Assessor has reviewed the records and has made a determination that the 2019 valuations were overstated, and

WHEREAS, the Tax Collector is recommending that the following taxes be cancelled accordingly:

Block	Lot	Year	Amount
78	9.01	2019	\$3,655.55
98	6.03	2019	3,672.50
98	6.03	2020	3,229.20

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, County of Monmouth, New Jersey, that the Tax Collector cancel taxes as set forth above.

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

RESOLUTION 20-238

A RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE PBA LOCAL 48 (“PBA”) AND THE BOROUGH OF HIGHLANDS

WHEREAS, the PBA Local 48 (“PBA”) filed a grievance challenging imposition of the fourteen (14) day travel advisory quarantine to Police Officers upon return to New Jersey from certain States or territories; and

WHEREAS, the State of New Jersey, Department of Health (NJDOH) guidance first issued on or about June 25, 2020 and updated thereafter, sets forth that critical and essential infrastructure workers as defined by the CDC are exempt from the travel advisory quarantine recommendations; and

WHEREAS, the parties actively engaged in settlement discussions concerning the aforesaid grievance; and

WHEREAS, the PBA and the Borough have reached an agreement in resolution of this dispute, which will allow officers to return to work after travel to a State or territory on the quarantine list upon certain specified requirements being met.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that the appropriate Borough officials, including the Mayor and Borough Administrator, be and are hereby authorized to execute a Settlement Agreement between the PBA and the Borough of Highlands resolving the aforesaid grievance.

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

RESOLUTION 20-239

A RESOLUTION AUTHORIZING THE RELEASE OF ESCROW ENGINEERING FUNDS FOR QUICKCHECK

WHEREAS, QuickCheck submitted an escrow for engineering in 2012, this escrow has been requested to be released, and pursuant to Borough Ordinance, the remaining escrow in the amount of \$15,125.18 will be released; and

WHEREAS, upon completion of the work, the Borough Administrator has authorized said release; and

WHEREAS, the Borough’s CFO has recommended the return of the aforementioned escrow in the account of T-13-58-901-000-205.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands that the Borough’s Finance Officer is hereby authorized to return the escrow deposit in the amount of \$15,125.18 to QuickCheck for the escrow deposits for the property located at Block 108, Lots 1 & 2.01.

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

1. Borough Finance Officer.
2. Quick Check Jennifer Caldwell.

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

RESOLUTION 20-240
A RESOLUTION AUTHORIZING THE RELEASE OF
ESCROW ENGINEERING FUNDS FOR CAPTAINS COVE MARINA

WHEREAS, Fred Rosiak, Captains Cove Marina submitted an escrow for engineering in 2012, this escrow has been requested to be released, and pursuant to Borough Ordinance, the remaining escrow in the amount of \$ 1,590.30 will be released; and

WHEREAS, upon completion of the work, the Borough Administrator has authorized said release; and

WHEREAS, the Borough’s CFO has recommended the return of the aforementioned escrow in the accounts of T-03-56-856-810-166 and T-03-56-856-815-121.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands that the Borough’s Finance Officer is hereby authorized to return the escrow deposit in the amount of \$1,590.30 to Fred Rosiak, Captains Cove Marina for the escrow deposits for the property located at 2 Washington Ave, Highlands, NJ 07732 .

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

1. Borough Finance Officer.
2. Fred Rosiak, Captains Cove Marina.

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

RESOLUTION 20-241
RESOLUTION APPOINTING DEPARTMENT OF PUBLIC WORKS LABORER
FOR THE BOROUGH OF HIGHLANDS

WHEREAS, the Borough has the need to hire a full-time employee to work with the DPW due to an opening in the department; and

WHEREAS, Kim Gonzales, Borough Administrator, has made the following recommendation to the Governing Body for appointment.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that

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the following appointment be and hereby is approved:

DPW	Position	Name	Salary
Full-time	Laborer	Cody Tyler Burbank	\$45,000/year

BE IT FURTHER RESOLVED that the aforesaid appointment is effective November 30, 2020.

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

RESOLUTION 20-242

A RESOLUTION APPOINTING A PART-TIME PAYROLL CLERK FOR THE BOROUGH OF HIGHLANDS

WHEREAS, the Borough has a need for a part-time Payroll Clerk with a work schedule not to exceed fifteen (15) hours per week; and

WHEREAS, Kim Gonzales, Borough Administrator, has made the following recommendation to the Governing Body for appointment; and

WHEREAS, the position for a part-time Payroll Clerk has been included in the Municipal Budget.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that Betsy Gomes is hereby appointed as a part-time Payroll Clerk for the Borough of Highlands with a work schedule not to exceed fifteen (15) hours per week, at a yearly rate of \$14,400/year, effective November 12, 2020.

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

RESOLUTION 20-243

**A RESOLUTION APPOINTING A
PUBLIC WORKS SUPERINTENDENT**

WHEREAS, in accordance with N.J.S.A. 40A:9-154.5 et seq. and Borough Code § 232.3(b), the Borough established the position of Public Works Superintendent to manage and supervise the Borough's Department of Public Works; and

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WHEREAS, by way of Resolution R-20-233, the Borough accepted the resignation of David Milmo, effective October 30, 2020, who was previously appointed to serve as the Public Works Superintendent for the Borough of Highlands; and

WHEREAS, in accordance with the aforementioned resignation, the Public Works Superintendent position is presently vacant; and

WHEREAS, the Borough has determined that Ronald Boyce is the most qualified candidate to serve in the vacant position; and

WHEREAS, the Borough is desirous of hiring Ronald Boyce as Public Works Superintendent and Ronald Boyce has expressed his interest in serving the Borough and its residents in said role; and

WHEREAS, the Borough has reached an Agreement with Ronald Boyce concerning the terms and conditions of his employment.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands that the Borough officials are hereby authorized to enter into an Employment Agreement with Ronald Boyce concerning the terms and conditions of his employment and will confer with his bargaining unit insofar as the same may be necessary.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands that Ronald Boyce be and is hereby appointed to serve as Public Works Superintendent, effective November 23, 2020 pursuant to the terms and conditions set forth in the aforesaid Employment Agreement.

BE IT FURTHER RESOLVED, that the Mayor and Borough Administrator are hereby authorized to execute an Employment Agreement governing the terms and conditions of Ronald Boyce’s employment as aforesaid.

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

**RESOLUTION 20-244
A RESOLUTION APPOINTING MEMBER TO THE BOROUGH OF HIGHLANDS
HOUSING AUTHORITY**

WHEREAS, the five (5) year appointment for Ellen Williams to the Highlands Housing Authority expires on November 30, 2020; and

WHEREAS, the governing body desires to fill this position with the Highlands Housing Authority.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the following appointment to the Highlands Housing Authority be and are hereby made as follows:

Ellen Williams – Five-year term to expire November 30, 2025

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

RESOLUTION 20-245

A RESOLUTION AUTHORIZING EXECUTION OF A TRANSPORTATION AGREEMENT WITH THE COUNTY OF MONMOUTH FOR THE SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM (SCAT)

WHEREAS the Board of Chosen Freeholders of the County of Monmouth has established the Special Citizens Area Transportation System (hereinafter referred to as SCAT); and,

WHEREAS the Borough of Highlands has requested that the County provide services to eligible residents; and,

WHEREAS, it is necessary to set forth the responsibilities of both parties in a written agreement outlining the mutual covenants and conditions for consideration;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands in the County of Monmouth State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized to execute the 2021 Transportation Agreement with the County of Monmouth.

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

RESOLUTION 20-246

A RESOLUTION APPROVING FIRST AID SQUAD APPLICATIONS

WHEREAS, the following individuals have submitted Membership Applications to the Highlands First Aid Squad:

Larry Chesal
Aidan O'Sullivan*
Carly O'Sullivan*

WHEREAS, Jay Terwiliger, Captain of the First Aid Squad has approved the Membership Applications;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the First Aid Squad Membership Applications of the above listed individuals are hereby approved.

*Pending Physicals

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

RESOLUTION 20-247
A RESOLUTION AUTHORIZING TAX SALE WITHOUT DELINQUENT SEWER CHARGES

WHEREAS, on October 15, 2020, Governor Murphy issued Executive Order 190 which, among other things, requires that “No gas or electric public or municipal utility or privately or publicly owned water system shall collect any fee or charge imposed for late or otherwise untimely payments or service reconnections that have accrued, and will continue to accrue, during the Public Health Emergency”; and

WHEREAS, the Borough of Highlands shall conduct an upcoming tax sale on December 1, 2020; and

WHEREAS, the Chief Financial Officer has determined that in order to fully comply with the requirements of Executive Order 190, the Borough should not sell any sewer delinquencies at the December 1, 2020 tax sale.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highlands shall proceed with the December 1, 2020 tax sale but shall not sell any sewer delinquencies at said tax sale in order to fully comply with Executive Order 190.

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

OTHER BUSINESS:

Huddy Park- Administrator Gonzales explained that there was a request by the HBP to put up a tree. Mayor asked if Council had any comments. Council stated no preference. Mayor stated many residents voiced that they missed the large tree. Council asked questions and the administrator answered the questions.

Street Vacation- Hillside Avenue – Mr. Chabarek read the requirements/statute of initial review of application.

Jules Rambo addressed Council and public on how this would be beneficial. This would be to provide access to build stairs to make it less dangerous also to add a retaining wall which would make it look nice.

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Mayor asked if council had any questions seeing none the Mayor opened it to the public. Stacy, neighbor of applicant voiced her concern if the proper engineering was in place to vacate this street. She asked if Council would consider vacating both sides. Borough Administrator assured it would be done correctly. Attorney Chabarek stated once initial review is approved an engineer would then do a formal report.

REPORTS:

None on agenda.

Administrator gave some updates:

Discussed Waterwatch plans for the large sanitary project with the DEP.

H2M engineering preliminary work with FEMA for pump station, money from Sandy now going in right direction.

Announcements:

Immediate Care will be providing COVID19 testing at Borough Hall, located at 42 Shore Drive, on Saturday from 9am to 1pm for employees and volunteers. The following Saturday will be for residents as well as employees. The testing will continue every Saturday.

Free Flu shots to be held tomorrow November 13th at the VFW from 9am to 12noon at no charge.

Gave her 30-day resignation. Thanked everyone.

Councilmember Mazzola thanked Ms. Gonzales for setting up the COVID testing.

Ms. Mazzola asked for an update on the Monmouth Hills project. Ms. Gonzales gave the update and explained the association.

Mayor Broullon asked if Mr. Boyce would like to make a statement.

Mr. Boyce gave the residents a brief explanation of his background and stated he is happy to join the borough and will do great things for the borough.

Mayor open public portion.

PUBLIC PORTION:

Kim Skorka, Shore Drive – welcomed Mr. Boyce. Devastated that Administrator is leaving she has done a lot for the town. Would like for someone to make sure tree in Huddy park is lit. Would like the ongoing issue with ferry traffic to be addressed. Administrator will check on traffic study with County.

Carol Bucco, 330 Shore Dr – asked for clarification of where Hillside Street vacation is. Attorney Chabarek explained where located on tax map.

Mike Mahoney, 5 Beach Boulevard – stated he has not heard back regarding lease agreement. Attorney Chabarek spoke on the matter.

Karen Burke, 59 Hillside Ct – requesting update on the HBP Audit if it was received and what the results were.

Doug Lentz – looking for general reflection of the organization by the council.

HBP members- Carla Cefalo along with other members – stated that they operate the way that they are advised to operate.

Kristen Cox, Unit A – feels there is a disconnect between businesses and borough.

Claudette D'Arigo, 12 Seadrift Ave- asking that the results of audits for years 2018 and 2019 be placed on website.

Kevin L. Martin, 47 South Bay Ave – questioned the cost spent on the audit.

ADJOURN:

Upon motion by Mayor Broullon, seconded by Councilmember Valkos, motion carries to adjourn at 9:18PM. All in Favor.

Approve: 
Carolyn Broullon

Attest: 
Michelle Hutchinson, Acting Borough Clerk