

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands December 2, 2020– Meeting Minutes

This meeting of December 2, 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/91369788979?pwd=WWFVWG1WM29YYWtHTVIOcDVWeUZQZz09>

To call into the meeting dial: 1- 929- 436- 2866. Enter Meeting ID: 913 6978 8979

Passcode: 214272 (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: - None
2. Contract Negotiations: - Waterwitch Beach Association
3. Purchase, Lease or Sale of Real Estate: - None
4. Matters of Personnel: - None
5. Attorney/Client Privilege: - Municipal Building
-Huddy Tree Planting
-DEP

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 8:23PM

Roll Call

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

Absent: None

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

The Borough Clerk read the public meetings statement.

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

Approval of Minutes

1. August 19, 2020-Regular Meeting Minutes
2. August 19, 2020-Executive Session Minutes
3. September 2, 2020-Regular Meeting Minutes
4. September 2, 2020-Executive Session Minutes

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5. September 16, 2020- Regular Meeting Minutes
6. September 16, 2020- Executive Session Minutes

Councilmember Mazzola motioned to approve minutes, seconded by Council President Ryan.

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

Nays: None

Abstain: None

Absent:

Motion was carried to move to approve minutes.

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES:

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

Mayor Broullon opened the meeting for public comments.

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

Roll Call Vote:

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

Nays: None

Abstention: None

Absent:

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

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

Mayor Broullon opened the meeting for public comments.

Kim Skorka questioned exactly where parking on Shore Drive would be and why public parking was taken away. Mayor and Chief Burton explained what is included and excluded in ordinance. Mayor Broullon stated this is a way to restrict cars from being left there.

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

Roll Call Vote:

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

Nays: None

Abstention: None

Absent:

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

INTRODUCTION OF PROPOSED ORDINANCES:

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

O-20-27 AN ORDINANCE AMENDING SCHEDULE A OF THE BOROUGH OF HIGHLANDS SALARY ORDINANCE

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

Roll Call Vote:

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

Nays: None

Abstention: None

Absent: None

Acting Borough Clerk Hutchinson stated motion carried to pass this ordinance on first reading with a public hearing to be held on December 16, 2020.

RESOLUTIONS:

Resolution 20-248

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	\$ 791,420.78
Sewer Account	\$ 58,540.48
Capital Fund	\$ 238,123.64

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Trust-Other	\$ 24,702.59
Federal/State Grants	\$ 0
Total	\$ 1,112,787.49

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ 1,112,787.49 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.

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

RESOLUTION 20-249
A RESOLUTION AUTHORIZING PURCHASE OF POLICE VEHICLE

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 replace a Chevrolet Tahoe 4WD (Fleet) 4 Door police vehicle using NJ Cooperative Purchasing Program, Contract # ESCNJ-20/21-9, from Mall Chevrolet; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available using budget # 0-01-25-240-000-297 in the amount of \$45,712.48.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Highlands authorizes the purchase of a police vehicle for the Police Department in the amount of \$45,712.48.

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

Resolution 20-250

A Resolution Authorizing the Refund of a Tax Overpayment

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and **WHEREAS**, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

NOW, THEREFORE IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of

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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:

BLOCK LOT YEAR AMOUNT NAME

6 13 2019/2020 \$6,454.42 Corelogic

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

RESOLUTION 20-251

**A RESOLUTION EXTENDING SHARED SERVICES AGREEMENT
WITH THE BOROUGH OF ATLANTIC HIGHLANDS FOR
MUNICIPAL COURT SERVICES**

WHEREAS, the Borough of Highlands approved execution of a Shared Services Agreement with the Borough of Atlantic Highlands for Municipal Court Services; and

WHEREAS, in accordance with the terms of the said Shared Services Agreement, the Borough of Atlantic Highlands provides the Borough of Highlands with space in the Atlantic Highlands Municipal Building to conduct Municipal Court hearings and the municipalities share facilities, equipment and staff pursuant to N.J.S.A. 2B:12-1(c) in accordance with the terms and conditions set forth therein; and

WHEREAS, the aforesaid Shared Services Agreement was for a term of three (3) years, beginning December 1, 2013 through November 30, 2016, in an amount not to exceed \$220,501.82 for the three-year period; and

WHEREAS, in accordance with the terms of the said Shared Services Agreement, the Borough of Highlands agreed to pay the Borough of Atlantic Highlands the following amounts on or before the dates referenced:

December 1, 2013 - \$72,050.00 (for the one (1) year period to November 30, 2014)
December 1, 2014 - \$73,491.00 (for the one (1) year period to November 30, 2015)
December 1, 2015 - \$74,960.82 (for the one (1) year period to November 30, 2016); and

WHEREAS, the aforesaid Shared Services Agreement set forth that the Agreement may be extended for a period of up to five (5) additional years with resolutions of both municipalities; and

WHEREAS, the Borough of Highlands notified the Borough of Atlantic Highlands of its desire to extend the terms of the Shared Services Agreement for a period of two (2) years and one (1) month through December 31, 2018; and

WHEREAS, in accordance with the terms of the extension of the aforesaid Shared Services Agreement, the Borough of Highlands would pay the Borough of Atlantic Highlands the following amounts for the dates referenced, wherein any increase was effective January 1, 2017:

December 1, 2016 through December 31, 2016 - \$6,246.74
January 1, 2017 - \$77,209.64 (for the one (1) year period to December 31, 2017)
January 1, 2018 - \$79,525.93 (for the one (1) year period to December 31, 2018) and;

WHEREAS, the Borough of Highlands notified the Borough of Atlantic Highlands of its desire to extend the terms of the Shared Services Agreement for a period of two (2) years through December 31, 2020; and

WHEREAS, in accordance with the terms of the extension of the aforesaid Shared Services Agreement, the Borough of Highlands would pay the Borough of Atlantic Highlands the following amounts for the dates referenced effective January 1, 2019:

January 1, 2019 - \$79,500.00 (for the one (1) year period to December 31, 2019)

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January 1, 2020 - \$79,500.00 (for the one (1) year period to December 31, 2020); and

WHEREAS, the Borough of Highlands has notified the Borough of Atlantic Highlands of its desire to extend the terms of the Shared Services Agreement for a period of one (1) year through December 31, 2021; and

WHEREAS, in accordance with the terms of the extension of the aforesaid Shared Services Agreement, the Borough of Highlands will pay the Borough of Atlantic Highlands the following amount for the date referenced effective January 1, 2021:

January 1, 2021 - \$79,500.00 (for the one (1) year period to December 31, 2021); and

WHEREAS, in accordance with the terms of the aforesaid Shared Services Agreement, the Borough of Highlands will also pay 50% for a part time – hourly employee in an amount not to exceed \$11,000.00 for the year of this agreement with same being billed on a quarterly basis.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Borough of Highlands hereby approves an extension of the Shared Services Agreement for Municipal Court Services for a period of one (1) year through December 31, 2021, with the Borough of Atlantic Highlands, in an amount not to exceed \$79,500.00 (for the one-year period beginning January 1, 2021 through December 31, 2021 with an addition not to exceed \$11,000 for part time staff for the year of this agreement and all necessary Borough Officials, including but not limited to the Borough Administrator, are hereby authorized to execute any and all documents necessary in order to effectuate the same.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Borough of Atlantic Highlands Administrator and Municipal Clerk.

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

**RESOLUTION 20-252
A RESOLUTION APPOINTING AN INTERIM
BOROUGH ADMINISTRATOR**

WHEREAS, Kimberly Gonzales resigned from her position as the Borough Administrator effective December 11, 2020; and

WHEREAS, the Mayor and Council of the Borough of Highlands have determined that there is a need for an Interim Borough Administrator; and

WHEREAS, the Mayor has offered the name of the Chief of Police, Robert Burton, to serve as the Interim Borough Administrator; and

WHEREAS, the Mayor and Council have determined that Chief Robert Burton is qualified for the position of Interim Borough Administrator and will be able to perform the duties of Borough Administrator on an interim basis; and

WHEREAS, this appointment is effective as of December 12, 2020 and shall continue until such time as a full-time Administrator is hired, at which time this appointment will expire. Chief Robert Burton will not accept additional compensation for assuming these duties, in addition to his regular salary as the Chief of Police, provided that a full-time Administrator is hired by January 20, 2021.

WHEREAS, Chief Robert Burton shall perform the duties of Borough Administrator as delineated in Borough Code, Chapter 2-6.5 on an interim basis.

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 Chief Robert Burton is hereby appointed to serve as Interim Borough Administrator, with an effective date of December 12, 2020, and will perform such duties without additional compensation, in addition to his regular salary as the Chief of Police, provided that a full-

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time Administrator is hired by January 20, 2021.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to forward a copy of this Resolution to Chief Robert Burton as the Interim Borough Administrator and the Chief Financial Officer.

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

**RESOLUTION 20-253
A RESOLUTION AUTHORIZING SIGNATURES ON ALL
BOROUGH BANK ACCOUNTS**

WHEREAS, the Governing Body adopted Resolution No. R 20-252 appointing Chief Robert Burton as Interim Administrator for the Borough of Highlands effective December 12, 2020.

NOW THEREFORE BE IT RESOLVED that effective December 12, 2020, Chief Robert Burton is hereby an authorized signature on all the Borough of Highlands bank accounts at TD Bank, United Roosevelt Bank, Valley and Ocean First.

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

**RESOLUTION 20-254
A RESOLUTION APPROVING FIRST AID SQUAD APPLICATION**

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

Justin Vanbenecholtan *

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 20-255

RESOLUTION RAISING THE BID AND QUOTE THRESHOLD AND APPOINTING KATHLEEN INTRAVARTOLO AS INTERIM PART-TIME QUALIFIED PURCHASING AGENT (QPA)

WHEREAS, pursuant to N.J.S.A. 40A:11-3(c), local contracting units have the ability to increase their bid threshold up to \$44,000.00; and

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award contracts below the bid threshold; and

WHEREAS, N.J.S.A. 40A:11-9 and N.J.A.C. 5:32-1 et. seq. establish the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Kathleen Intravartolo possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.S.A. 40A:11-9 and N.J.A.C. 5:32-1 et. seq.; and

WHEREAS, the Borough of Highlands, desires to take advantage of the increase in bid threshold inclusive of \$44,000.00 and quotation threshold of \$6,600.00.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of Highlands appoints Kathleen Intravartolo as the Interim Part-Time Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility and accountability of the purchasing activity of the contracting unit. This appointment shall be effective as of December 12, 2020 and continue until such time as a Qualified Purchasing Agent is hired, at which time said appointment shall expire. The compensation shall be \$15,000.00 annually and paid on a prorated basis. This appointment may be terminated by the Borough of Highlands or Kathleen Intravartolo prior to a Qualified Purchasing Agent being hired provided that two (2) weeks advance notice is given.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40A:11-3(c), the Borough's bid threshold is hereby increased to \$44,000.00 and the Borough's quote threshold is increased to \$6,600.00.

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

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RESOLUTION 20-256

A RESOLUTION ACCEPTING RESIGNATION OF KIMBERLY GONZALES

WHEREAS, by way of Resolution R-20-017, duly adopted on January 1, 2020, Kimberly Gonzales was appointed to serve as the Borough Administrator for the Borough of Highlands; and

WHEREAS, Kimberly Gonzales has submitted a letter of resignation from her employment with the Borough of Highlands, inclusive of the positions of Borough Administrator and Senior Account Clerk, which included the duties of Qualified Purchasing Agent, effective December 11, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Borough hereby accepts the resignation of Kimberly Gonzales from the above positions, effective December 11, 2020, and wishes her well in her future endeavors.

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

OTHER BUSINESS:

None

REPORTS:

Engineer Reports

CME - Bulkhead almost complete. Jones creek should be complete next week. Locust Street onsite.

Monmouth County engineering sanitary sewer project once report complete moving forward. Borough has received DOT municipal grant.

Administrator has asked CFO that an ordinance be done in January.

H2M - Mr. Pat Cole FEMA funded Waterwitch pump station project. Complete winter 2021 and anticipate construction to begin in Spring. Council asked for clarification of timeline of project. Mr. Cole confirmed the dates. Should be complete by Labor Day.

Equipment down time will be kept to a minimum during project completion.

Settembrino-Municipal Building will be discussed at a later time.

Mayor open public portion.

PUBLIC PORTION:

Frank Nolan, 365 Snug Harbor thanked the Administrator for her service.

Jimmy Smith referenced the open public meetings act stating many issues with the meetings starting on time and deliberations for interim borough administrator. Council president Ryan apologized for the late start due to technical difficulties tonight executive session began late as well.

Carol Bucco, 330 Shore Dr – questioned why many employees are leaving. Also wanted clarification as to what the Chief will be doing as he is supposed to be for emergency health crisis. Mayor stated health crisis is global and that she is taking counsel's advice and not discussing personnel matters in public.

Kim Skorka, Shore Drive –expressed concerns with Chief becoming interim administrator. Mayor stated he will be part time for a month.

Tricia Rivera, 31 Waterwitch – questioned whether Captain's Cove soil testing was for resident's

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safety. Borough engineer explained what the general test was. His recommendation was that it be removed immediately. However, it is not a real concern to public safety. Ms. Rivera thanked Administrator for all her work.

Henry Walker, Marina Bay Ct – commented on QPA being temporary. Mayor explained that an administrator is usually not a QPA and that applicants are being interviewed next week.

Vin DeSantis, 35 Shore Dr – questioned if DEP was onsite at Captain's Cove. Mayor confirmed they were for sample testing.

Michael Warren, 254 State Route 36 – interested if Beryllium is harmful to humans. Engineer reiterated that it is not identified by DEP as being problematic. Violations were issued and Borough is taking action.

Melissa Pedersen, questioned who is receiving violations owner or leasee. She is opposed to Borough canceling some events and not others. Mayor stated she believed the Santa run was canceled. The tree lighting brings 100's of people and therefore had to be canceled.

Kim Skorka, Shore Drive – stated she is concerned for her pet.


ADJOURN:

Upon motion by Mayor Broullon, seconded by Council President Ryan, motion carries to adjourn at 9:33PM. All in Favor.

Approve: _____


Carolyn Broullon

Attest: _____


Michelle Hutchinson, Acting Borough Clerk