



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 20-194**

### **RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR SNOW REMOVAL AND STREET LIGHTING REIMBURSEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE GRAVELLY POINT BEACH ASSOCIATION, INC.**

**WHEREAS**, the Municipal Services Act, N.J.S.A. 40:67-23.2, et. seq. and amendments thereto, provides in pertinent part that a municipality, in lieu of providing certain municipal services to the private community, may opt to financially reimburse the qualified private communities for the cost of certain municipal services; and

**WHEREAS**, Gravelly Point Beach Association, Inc., is a qualified private community, as defined under the Act, and the Borough of Highlands is a municipality governed by the Act; and

**WHEREAS**, the Borough and the Gravelly Point Beach Association, Inc. have mutually agreed that the Association shall perform its own snow removal and pay the cost for street lighting, and that the Borough shall reimburse the Association for the cost of those services at a rate not to exceed the cost that would have been incurred by the Borough in providing those services directly; and

**WHEREAS**, N.J.S.A. 40:47-23.5 requires a written agreement to annually reimburse a qualified private community; and

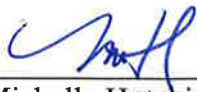
**WHEREAS**, the Borough has prepared a written agreement, with an effective date of January 1, 2020, to reimburse the Gravelly Point Beach Association, Inc. for snow removal and the cost of street lighting, as set forth in the Agreement, and wishes to enter into a such an Agreement with the Gravelly Point Beach Association, Inc; and

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Highlands, that the appropriate Municipal officials, including the Mayor and Borough Administrator, be and are hereby authorized to execute an Agreement for Reimbursement for Municipal Services, as prepared and approved by the Borough Attorney and the Chief Financial Officer of the Borough.

**BE IT FURTHER RESOLVED**, that the Agreement for Reimbursement for Municipal Services shall become effective upon being fully executed, for the dates contained therein, with an effective date of January 1, 2020.

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

Date of Vote: October 7, 2020

  
 Michelle Hutchinson, Acting Municipal Clerk



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**Resolution 20-211**

**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 October 7, 2020, which totals as follows:

Current Fund	\$ 738,766.99
Sewer Account	\$ 37,106.16
Capital Fund	\$ 245,461.16
Trust-Other	\$ 22,084.50
Federal/State Grants	\$
Total	\$ 1,043,418.81

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$ 1,043,418.81 to be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at [www.highlandsborough.org](http://www.highlandsborough.org) and on file in the Municipal Clerk's office for reference.

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

Vote to remove Gateway Villas from  
Resolution 20-211  
Date of Vote: October 7, 2020

  
Michelle Hutchinson, Acting Municipal Clerk

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

Vote to Approve Resolution 20-211 without  
Gateway Villas

Date of Vote: October 7, 2020

  
Michelle Hutchinson, Acting Municipal Clerk

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

Vote to Approve the POB for Gateway Villas

Date of Vote: October 7, 2020

  
Michelle Hutchinson, Acting Municipal Clerk



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 20-212

### RESOLUTION APPOINTING MICHELLE HUTCHINSON TO SERVE IN THE POSITION OF ACTING MUNICIPAL CLERK FOR AN ADDITIONAL TEN (10) MONTH PERIOD

WHEREAS, by Resolution No. 20-181, Michelle Hutchinson was appointed to serve in the position of Acting Municipal Clerk for a period of sixty (60) days as a result of a vacancy which occurred, effective August 18, 2020; and

WHEREAS, N.J.S.A. 40A:9-133 provides that "Within 90 days of the occurrence of a vacancy in the office of municipal clerk by reason of the departure of a registered municipal clerk, the governing body may appoint a person who does not hold a registered municipal clerk certificate to serve as acting municipal clerk for a period not to exceed one year and commencing on the date of the vacancy."; and

WHEREAS, the Borough wishes to appoint Michelle Hutchinson to serve as the Acting Municipal Clerk for an additional ten (10) month period pursuant to the above referenced statute.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, that Michelle Hutchinson be and is hereby appointed to serve as Acting Municipal Clerk for an additional ten (10) month period with a term expiring on August 18, 2021, in accordance with N.J.S.A. 40A:9-133.

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

Date of Vote: October 7, 2020

Michelle Hutchinson, Acting Municipal Clerk



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**Resolution 20-213**

**A Resolution Authorizing the Release of Escrow Funds for 1 Seadrift Avenue**

**WHEREAS**, on January 24, 2020 Mr. Gerard Scarano submitted a Sidewalk & Curb Permit Application to the Borough of Highlands, and pursuant to Borough Ordinance, submitted the required escrow deposit in the amount of \$1,000.00; and

**WHEREAS**, upon completion of the work on the sidewalk and driveway apron, the Borough's Superintendent of Public Works performed an inspection and approved and released the work performed; and

**WHEREAS**, Gerard Scarano has requested a return of the escrow deposit; and

**WHEREAS**, the Borough's Superintendent of Public work has recommended the return of the aforementioned escrow deposit.

**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 \$1,000.00 to Gerard Scarano for the escrow deposits for the property at 1 Seadrift Avenue.

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

1. Borough Finance Officer.
2. Mr. Gerard Scarano.

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

Date of Vote: October 7, 2020

Michelle Hutchinson, Acting Municipal Clerk



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**Resolution 20-214**

**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 Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
11.08	2	2020	\$2,585.85	PALMA, RUDOLPH

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

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 7, 2020

Michelle Hutchinson, Acting Municipal Clerk



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**Resolution 20-215**

**Adopting Corrective Action Plan for the 2019 Municipal Audit**

**WHEREAS**, the Audit for the year ending December 31, 2019 has been previously received and reviewed by the members of the Mayor and Borough Council, and

**WHEREAS**, any Recommendations of the Audit requires that a Corrective Action Plan be undertaken, and

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Members of the Borough Council hereby adopt the attached Corrective Action Plan, as submitted by the Borough Chief Finance Officer.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be placed on file in the office of the Borough Clerk and that a copy be electronically forwarded to the State of New Jersey.

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

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 7, 2020

  
Michelle Hutchinson, Acting Municipal Clerk





BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 20-216

### RESOLUTION APPOINTING PROVISIONAL SERGEANTS WITHIN THE POLICE DEPARTMENT

**WHEREAS**, there exists a need within the Police Department to appoint two (2) provisional Sergeants; and

**WHEREAS**, it is the recommendation of the Chief of Police that both Nicholas Riker and Ryan Clark be appointed; and

**WHEREAS**, it is further the recommendation of the Chief of Police that due to a retirement within the Police Department, that Ryan Clark be appointed to fill the position of Juvenile Officer as well.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Highlands, that Nicholas Riker and Ryan Clark are hereby appointed to serve as provisional Sergeants of the Borough of Highlands Police Department, effective October 1, 2020.

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Highlands that Ryan Clark be and is hereby appointed to serve as Juvenile Officer of the Borough of Highlands Police Department, effective October 1, 2020.

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

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 7, 2020

Michelle Hutchinson, Acting Municipal Clerk



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 20-217

### RESOLUTION APPOINTING SPECIAL COUNSEL FOR REDEVELOPMENT PROJECTS

**WHEREAS**, the Borough of Highlands requires special counsel to perform professional legal services in connection with its various redevelopment projects in the Borough of Highlands; and

**WHEREAS**, such specialized legal services can only be provided by licensed professionals and McManimon, Scotland & Baumann, LLC are so recognized; and

**WHEREAS**, the law firm of McManimon, Scotland & Baumann, LLC have completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c271; and

**WHEREAS**, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 for an amount not to exceed \$10,000.00 at an hourly rate of \$220.00 per hour for attorneys and \$155.00 per hour for legal assistants; and

**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 of Highlands governing body as follows:

1. The law firm of McManimon, Scotland & Baumann, LLC is hereby retained to provide professional legal services as described above for an amount not to exceed \$10,000.00.
2. This 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)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk.

4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

Date of Vote: October 7, 2020

  
Michelle Hutchinson, Acting Municipal Clerk



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 20-218**

### **A RESOLUTION MAKING AN ADDITIONAL DETERMINATION REGARDING THE APPLICATION FOR A MERCANTILE LICENSE FOR THE YEAR 2020 FOR CAPTAIN'S COVE MARINA, LLC**

**WHEREAS**, Captain's Cove Marina, LLC submitted a Mercantile License Application for the year 2020, wherein the applicant identified the type of business as a marina with a description consisting of boat and slip rentals; and

**WHEREAS**, by way of correspondence dated July 17, 2020, the Borough Administrator denied the aforesaid application; and

**WHEREAS**, in accordance with Borough Code, Section 4-9.4(b), the applicant appealed the notice of disapproval to the Borough Council; and

**WHEREAS**, in accordance with the said appeal, a remote hearing was conducted before the governing body, via Zoom, on August 3, 2020 wherein testimony was taken and exhibits were marked; and

**WHEREAS**, after due consideration of the applicant's appeal of the denial of a Mercantile License Application for the year 2020, by way of Resolution 20-183, duly adopted on August 19, 2020, the governing body granted a temporary conditional Mercantile License for Captain's Cove Marina, LLC., for a period of thirty (30) days based on conditions as outlined in the aforesaid Resolution, for slip rentals and boat rentals which are consistent with the boat rentals that have occurred at the site previously; and

**WHEREAS**, by way of Resolution 20-206, duly adopted on September 16, 2020, the governing body extended the temporary conditional Mercantile License for an additional twenty-one (21) day period based on conditions as outlined in the aforesaid Resolution.

**WHEREAS**, in light of the impending expiration of the temporary conditional Mercantile License, the governing body has given due consideration as to the application for the year 2020.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Highlands that the Mercantile License for Captain's Cove Marina, LLC be restored for the remainder of the year 2020.

**BE IT FURTHER RESOLVED**, that a Certified Copy of this Resolution shall be filed in the Municipal Clerk's Office and a copy transmitted to the Applicant, the Code Enforcement Officer for the Borough of Highlands, as well as any other necessary parties.

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

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 7, 2020



Michelle Hutchinson, Acting Municipal Clerk

Motion failed to reinstate mercantile license for the remainder of 2020.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 20-219

### RESOLUTION AUTHORIZING TEMPORARY STREET CLOSURE

**WHEREAS**, a request has been received for the closing of Highland Avenue from South Peak Street to Lighthouse Road for a block party on Saturday, October 17, 2020 between the hours of 2:00p.m. and 7:00p.m.; and

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

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council hereby approve the request for the closing of Highland Avenue from South Peak Street to Lighthouse Road on Saturday, October 17, 2020 between the hours of 2:00p.m. and 7:00p.m.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Chief of Police.

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

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 7, 2020

Michelle Hutchinson, Acting Municipal Clerk



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 20-220

### RESOLUTION ADOPTING REMOTE MEETING STANDARD PROCEDURES AND REQUIREMENTS

**WHEREAS**, the Division of Local Government Services has promulgated emergency regulations addressing requirements for remote meetings held during a state of emergency in response to the restrictions necessitated by COVID-19; and

**WHEREAS**, the governing body of the Borough of Highlands wishes to adopt its standard procedures and requirements governing the conduct of its remote meetings in accordance with the aforementioned regulations.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Highlands governing body that the following standard procedures and requirements shall govern remote public meetings of the governing body:

**1. Submission of written public comment in advance of the remote meeting.**

- a. Public comments may be submitted in writing to the Borough Clerk in advance of a remote governing body meeting to be read aloud and addressed during the public portion of the meeting.
- b. Written public comments may be submitted by email to [clerk@highlandsborough.org](mailto:clerk@highlandsborough.org) with the subject line "Written Public Comment", or by regular mail to:  
Municipal Clerk, Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732
- c. All written public comments must be received at least twenty-four (24) hours prior to the beginning of the governing body meeting to be read aloud. Comments received after that deadline shall be read at the following governing body meeting.
- d. A time limit of three (3) minutes shall be allotted to the reading of each written public comment to ensure that all public comments have a fair opportunity to be heard.
- e. Written public comments that are duplicative of previously-submitted comments shall be noted for the record and their content shall be summarized rather than read in full.

## 2. Muting of disruptive members of the public

- a. Members of the public that are disruptive during a remote public meeting may be muted and/or removed from the meeting. For purposes of this section, “disruptive conduct” includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.
- b. Once a member of the public exhibits disruptive conduct, the member may be initially muted and warned that continue disruption may result in their being prevented from speaking during the meeting or removed from the remote meeting. The disruptive member shall then be unmuted.
- c. If the disruptive member continues to exhibit disruptive conduct, they may be muted without further warning while other members of the public are allowed to proceed with their questions or comments.
- d. If time permits, the muted disruptive member shall be allowed to speak after all other members of the public have been given the opportunity to make comment.
- e. If the member exhibits disruptive conduct again, they shall be muted for the remainder and/or removed from the meeting.

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

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 7, 2020

  
Michelle Hutchinson, Acting Municipal Clerk





**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**Resolution 20-221**

**A RESOLUTION OF THE GOVERNING BODY FOR CERTIFICATION OF THE ANNUAL  
AUDIT**

**WHEREAS, N.J.S.A. 40A: 5-4** requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS,** the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS, R.S. 52:27BB-34** authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS,** the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

**WHEREAS,** the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS,** such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS,** all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS,** failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED,** That the Committee of the Borough of Highlands, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 7, 2020

  
 Michelle Hutchinson, Acting Municipal Clerk



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**RESOLUTION 20-222**

**A Resolution Authorizing the Refund of a Certified Copy Fee**

**WHEREAS**, the Finance Officer of the Borough of Highlands has received a request to refund a fee for Certified Copy of Vital Record Fee

**WHEREAS**, the Finance Officer has confirmed with the Registrar that the record was issued used and accordingly determined that the fee is to be refunded and is due and payable by the Borough of Highlands; and

**WHEREAS**, the Finance Officer recommends the immediate refund of the Certified Copy Fee by the Borough of Highlands,

**NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Finance Officer is authorized to immediately refund the Certified Copy Fee to the individual property owner listed below:

<u>CHECK#</u>	<u>AMOUNT</u>	<u>NAME</u>
421	\$15.00	Jenene Calabretta

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

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: 10/07/2020

  
Michelle Hutchinson, Acting Municipal Clerk



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 20-223**

### **RESOLUTION APPROVING CLOSE OUT CHANGE ORDER AND DECLARING ACCEPTANCE OF THE CONTRACT FOR THE EMERGENCY CONTRACT FOR IMPROVEMENTS TO THE MUNICIPAL PARKING FACILITY**

**WHEREAS**, by way of Resolution 20-157 duly adopted on June 17, 2020, Seacoast Construction, Inc. was awarded the contract associated with improvements to the Municipal Parking Facility Project; and

**WHEREAS**, the contract awarded to Seacoast Construction, Inc., by way of Resolution 20-157 was in an amount not to exceed of \$179,250.00, wherein the bid equated to \$179,150; and

**WHEREAS**, the Project Engineer, CME Associates, has advised that the project is complete at this time, including all previously issued punch list items. The change order reflects increases and decreases in original contract quantities required to complete the project; and

**WHEREAS**, CME Associates has advised that the Closeout Change Order results in an increase in the project cost from the original amount of \$179,150.00 to an adjusted total of \$204,560.25 for an increase of \$25,410.25, as specifically set forth in their correspondence dated September 22, 2020; 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 \$30,684.04, fifteen (15) percent of the final Contract Amount; and

**WHEREAS**, the Project Engineer, CME Associates, has recommended authorizing the aforesaid Change Order, releasing the Performance Bond and accepting the project.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands, that based on the above recommendations from the Project Engineer, CME Associates, that the Closeout Change Order changing the original contract amount to \$204,560.25, resulting in an increase of \$25,410.25 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. BND26711197MB, in the sum of \$30,684.04 issued by QBE Insurance Corporation.

**BE IT FURTHER RESOLVED**, that any lien claims filed more than sixty (60) days after the adoption of the Resolution shall be ineffective pursuant to N.J.S.A. 2A:44-132.

**BE IT FURTHER RESOLVED**, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed, the Borough of Highlands shall release the Performance Bond issued by QBE Insurance Corporation in the amount of \$179,250.00.

**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 Project Engineer, Purchasing Agent and Seacoast Construction, Inc.

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

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 7, 2020



Michelle Hutchinson, Acting Municipal Clerk