



Highlands Borough Mayor & Council Meeting Minutes
Municipal Building, 151 Navesink Avenue, Highlands
March 4, 2026 – Meeting Minutes

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, 2026. Items listed on the agenda are subject to change.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmember Cervantes, Councilmember Chelak, Councilmember Melnyk, Councilmember Olszewski, and Mayor Broullon were all Present.

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

APPROVAL OF MINUTES

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Motion: Chelak

Second: Cervantes

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

Nays: None

Abstain: None

Absent: None

PUBLIC HEARING ON PROPOSED ORDINANCE:

ORDINANCE O-26-04

AMENDING CHAPTER 2 (ADMINISTRATION), SECTION 41 (USE OF BUILDINGS AND FACILITIES OWNED BY OR UNDER THE SUPERVISION, CONTROL AND MAINTENANCE OF THE BOROUGH OF HIGHLANDS), SECTION 41.1 (AUTHORITY), SCHEDULE A OF SECTION 41.3 (FEES) AND SECTION 41.5 (WAIVER OF FEE) OF THE CODE OF THE BOROUGH OF HIGHLANDS

WHEREAS, Chapter 2, Section 41 of the Code of the Borough of Highlands governs the use of buildings and facilities owned by or under the supervision, control and maintenance of the Borough of Highlands including the Community Center; and

WHEREAS, Chapter 2, Section 41.1 designates the director of recreation to accept and process applications by not for profit entities to utilize the Community Center; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to allow for individuals and not for profit entities to utilize the Community Center for non-commercial purposes; and

WHEREAS, Schedule A (Chapter 2, Section 41.3) sets forth the general rules and conditions applicable to applications for use of the Community Center, including provisions stating that no alcohol is permitted within the Community Center; and

WHEREAS, the governing body has also determined that it is in the best interest of the Borough to permit a process by which the Borough Administrator may approve or deny a waiver of the alcohol prohibition based upon information submitted by an applicant, including the requirement that the applicant provide proof of insurance and name the Borough as an additional insured on the policy of insurance; and

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WHEREAS, the governing body has also determined that that is in the best interest of the Borough to correct Section 2-41.5 insofar as the waiver of fees is concerned.

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

SECTION I.

Chapter 2, Section 41 Use of Buildings and Facilities Owned By Or Under The Supervision, Control And Maintenance of the Borough of Highlands, Section 41.1, Authority, Schedule A Section 41.3 Fees, and Section 41.5 Waiver of Fee are hereby amended to provide as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ***strikeouts in bold italics.***)

Section 2-41.1 **Authority.**

The governing body does hereby designate the director of recreation to accept and process applications ***by individuals*** and not for profit entities to utilize the Community Center ***for non-commercial purposes.***

Section 2-41.2 **Application and Approval.**

No change.

Section 2-41.3 **Fees.**

As a condition of any approval, the borough will impose and collect a fee as set forth on Schedule A adopted herewith to defray additional building opening and maintenance costs incurred by the borough in connection with making the facility available and accessible to the applicant during non-business hours. In addition, for programs or activities that require staff assistance in addition to the opening of the center, a rate of \$50 per hour per employee will be charged.

Schedule A
(Section 2-41)

- A. Recreation Department Activities as Prioritized
- B. Must have Insurance as required by MEL/JIF (T.U.L.I.P. program), or homeowners policy if adequate.
- C. ~~***No Alcohol Permitted***~~ ***Alcohol shall not be permitted unless a waiver is granted by the Borough Administrator. Any applicant seeking a waiver of the alcohol prohibition within the Community Center must submit a written request, which shall be reviewed and approved or denied by the Borough Administrator based upon the information provided. Where a waiver is granted, the applicant shall provide proof of insurance in amounts acceptable to the Borough Administrator and name the Borough of Highlands as an additional insured on the policy of insurance.***
- D. Dates of Availability are limited based on scheduling
- E. Exemptions from Fee: HHRS, HES, SHLL or cosponsored activities (HHRS and HES do not charge for gym or field use)

Community Center – Main Room or Small Meeting Room – Library General meeting space for specified activity as listed on the permit	Annual Permit Fee
1. Community Group (Highlands based)	\$50.00
2. Community Group (Nonresident)	\$250.00
3. Non-Profit (must have proof of non-profit status)	\$25.00
4. Human Services/Youth Activities	\$50.00

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5. Homeowner/Condominium Association	\$50.00
6. Recreation Program – Independent Contractor	\$250.00
7. Recreation/Education/Health/Leisure Program – (Company or Business)	\$150.00 plus \$250 damage deposit
Exemptions from Fee: Henry Hudson Reg., Highlands Elem., Sandy Hook LL or any directly affiliated Borough of Highlands Organizations.	N/A

Community Center – (Building) Private Rental	Fee	Clean-Up	Damage Deposit	Kitchen (Cooking)	(Staff assignments will be made for all private rentals)
8. Resident – 1 to 4 hours (includes set-up and clean-up time)	\$500.00	\$50.00	\$250.00	\$25.00	
9. Non-Resident	\$1,000.00	\$50.00	\$500.00	\$25.00	
10. Resident – 4 to 6 hours (include set-up and clean-up time)	\$750.00	\$50.00	\$250.00	\$25.00	
11. Non-Resident	\$1,250.00	\$50.00	\$500.00	\$25.00	

Other: Facility/Park/Group Use Requests	Fee	Damage Deposit
12. Park Use – For Private Event		
13. 12. Resident 1 to 4 hours (includes set-up and clean-up time)	\$150.00/day	\$250.00
14. 13. Non-Resident	\$500.00/day	\$500.00
15. 14. Resident 4 to 6 hours (includes set-up and clean-up)	\$250.00/day	\$250.00
16. 15. Non-Resident	\$750.00/day	\$500.00

Athletic Field (Kavookjian Scheduled Use)		
17. 16 Public Event or Activity – hourly or daily rate as established	as set	as set
Exemptions: Rec. Activities, HHRS, HES, SHLL	N/A	N/A
18. 17. Adult Sports League- 1 x per week during established season	\$400.00/use	\$250.00
19. 18. Single Games (permit)	\$400.00/use	\$250.00
Exemptions: Rec. Activities, HHRS, HES, SHLL & Rec. Co-sponsored Events or directly affiliated Borough of Highlands Organizations.	N/A	N/A

(Staff assignments will be made for all private rentals)

Section 2-41.4 Community Program Agreement.

No change.

Section 2-41.5 Waiver of Fee.

Concurrent with the filing of an application pursuant to subsection 2-41.2, a not-for-profit corporation, may request that the fee provided for in subsection 2-41.3 **be waived** where the use of the building or facility is not primarily for fund raising purposes, or for other good cause shown.

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 the 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

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of such inconsistency.

SECTION IV. EFFECTIVE DATE.

This Ordinance shall take effect after final passage as provided by law.

With no public in attendance, Mayor Broullon offered the ordinance for adoption.

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

Municipal Clerk Tran stated that the Ordinance passed on second and final reading.

INTRODUCTION OF PROPOSED ORDINANCE:

ORDINANCE O-26-05

**REMOVING RESTRICTED PARKING SPACE IN FRONT OF RESIDENCE PREVIOUSLY
OCCUPIED BY A PERSON WITH DISABILITIES**

WHEREAS, N.J.S.A. 39:4-197.6 provides that any municipality may, by ordinance, establish a restricted parking zone in front of a residence occupied by a person with a disability provided such parking is not otherwise prohibited and the permitting thereof would not interfere with the normal flow of traffic; and.

WHEREAS, Chapter 7, Section 3.6B of the Borough Code governs applications for restricted parking in front of residences occupied by persons with disabilities; and

WHEREAS, pursuant to the aforesaid Code section, the Borough of Highlands previously designated a space for resident parking for a person with a disability at 48 Fourth Street; and

WHEREAS, the Highlands Police Department was notified of the vacation of the premises by said person with a disability at 48 Fourth Street, therefore, the space is no longer needed; and

WHEREAS, pursuant to Chapter 7, Section 3.6B(g) of the Borough Code, if the Resident Parking Permit for Persons with Disabilities is no longer necessary for the residence, the Borough shall remove any signs installed pursuant to the Code.

WHEREAS, the governing body of the Borough of Highlands wishes to remove the previously designated space for persons with disabilities with the recommendation of the Chief of Police.

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

SECTION I.

The previously designated parking space for resident parking for persons with disabilities located in front of 48 Fourth Street is no longer necessary and shall be removed. Any sign that was installed to identify the parking space, in accordance with Chapter 7, Section 3.6B of the Borough Code, shall be removed.

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.

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SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect upon adoption and publication according to law.

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

Municipal Clerk Tran stated motion carried to pass this ordinance on first reading with a public hearing to be held on March 18, 2026.

RESOLUTION

**RESOLUTION 26-077
AUTHORIZING EMERGENCY CONTRACT FOR REPLACEMENT OF MANHOLE FRAME
AND COVER ON ROUTE 36**

WHEREAS, the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-6 et seq. allows the award of contracts without public advertising for bids and bidding when an emergency exists affecting the public health, safety or welfare which requires the immediate delivery of goods or the performance of services, wherein the award of contract is made in the manner prescribed by the aforesaid statutory provisions; and

WHEREAS, the Borough of Highlands has determined that an emergency existed with respect to a raised and hazardous manhole frame and cover located on Route 36, which condition posed a danger to public health, safety, and welfare and required immediate repair; and

WHEREAS, in accordance with the Emergency Procurement Report dated February 24, 2026 and pursuant to N.J.S.A. 40A:11-6 et seq., the Borough authorized Branin’s Construction Co. to perform the replacement of the manhole frame and cover, in the amount of \$14,975.00; and

WHEREAS, certification of availability of funds has been provided by the Chief Financial Officer contingent upon adoption of the 2026 budget.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands that a contract for the aforesaid replacement of a manhole frame and cover located on Route 36 is hereby authorized and awarded to Branin’s Contracting Co. in an amount not to exceed \$14,975.00.

BE IT FURTHER RESOLVED, that the contract is being awarded without public advertisement for bids pursuant to an emergency situation affecting the public health, safety and/or welfare, and as authorized by the Local Public Contract Laws, in accordance with N.J.S.A. 40A:11-6, which permits the awarding of emergency contracts.

BE IT FURTHER RESOLVED, that the Borough officials, including but not limited to, the Borough Administrator, are hereby authorized to execute the said emergency contract, as well as any and all documents required to effectuate the same.

Prior to his vote, Councilmember Melnyk asked for clarification regarding the emergency manhole work. Mr. Muscillo answered that the manhole cover was for the Borough’s sanitary sewer. A discussion ensued regarding the history of the manhole, who has jurisdiction of the roadway, and possible reimbursement for the project.

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

CONSENT AGENDA: Municipal Clerk Tran read the following resolutions by title. The consent vote is as noted:

**RESOLUTION 26-078
APPROVING REVISED CLOSEOUT CHANGE ORDER NO. 2, DECLARING ACCEPTANCE
OF CONTRACT FOR THE SHORE DRIVE PEDESTRIAN IMPROVEMENTS PROJECT AND
AMENDING RESOLUTION NUMBER 26-047**

WHEREAS, by way of Resolution 25-094 duly adopted on April 2, 2025, Black Rock Enterprises, LLC was awarded a contract for the Shore Drive Pedestrian Improvements Project; and

WHEREAS, by way of Resolution 25-185 duly adopted on October 1, 2025, Change Order No. 1 was approved, increasing the contract amount from \$741,851.98 to \$783,999.28; and

WHEREAS, by way of Resolution 26-047 duly adopted on January 21, 2026, Change Order No. 2 was approved, decreasing the contract amount from \$783,999.28 to \$597,445.84; and

WHEREAS, the Project Engineer has since submitted an updated closeout change order and advised that Closeout Change Order No. 2 REV is required to reflect a final as-built quantity adjustment, which contains an adjustment to the contingency line item due to the contractor not billing for the Stop Bar until after processing of the final change order; and

WHEREAS, Closeout Change Order No. 2 REV decreases the total contract amount by \$185,322.44, resulting in a total and final contract amount of \$598,676.84; and

WHEREAS, in accordance with the requirements of the aforesaid contract, Black Rock Enterprises, LLC, has submitted a two (2) year Maintenance Bond in the amount of \$89,801.53, which is 15% of the final contract amount; and

WHEREAS, the Project Engineer has recommended authorizing the aforesaid Change Order No. 2 REV, 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 recommendation from the Project Engineer, that Closeout Change Order No. 2 REV in the amount of \$185,322.44, resulting in a total contract amount of \$598,676.84, be and is hereby approved; and

BE IT FURTHER RESOLVED, that Resolution 26-047 be and is hereby amended to reflect the approval of Closeout Change Order No. 2 REV and the resultant contract amounts as set forth above.

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, 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 final payment to Black Rock Enterprises, LLC is expressly conditioned upon and subject to approval by the New Jersey Department of Transportation (NJDOT), and no final payment shall be released unless and until such approval is obtained.

BE IT FURTHER RESOLVED, that upon receipt and acceptance of the original two (2) year

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Maintenance Bond, the Borough of Highlands shall release Performance Bond No. 108130727, issued by Travelers Casualty and Surety Company of America in the amount of \$741,851.98.

BE IT FURTHER RESOLVED, that upon expiration of said sixty (60) day period, if no lien claim notices have been filed and NJDOT approval has been obtained, 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 Black Rock Enterprises, LLC.

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

**RESOLUTION 26-079
AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared, and dated March 4, 2026, which totals as follows:

Current Fund	\$	100,861.53
Sewer Account	\$	21,683.07
Capital Fund	\$	17,868.92
Trust-Other	\$	60,406.78
Federal/State Grants	\$	4,382.76
TOTAL	\$	205,203.06

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$ 205,203.06** 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.highlandsnj.gov and on file with the Municipal Clerk's Office for reference.

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

**RESOLUTION 26-080
AUTHORIZING THE REFUND OF BOATER SAFETY COURSE REGISTRATION FEES**

WHEREAS, the Finance Officer of the Borough of Highlands has received a request to refund Boater Safety Course Registration fees; and

WHEREAS, the Recreation Department Supervisor has confirmed that the online payments should be refunded and is due and payable by the Borough of Highlands; and

WHEREAS, the Finance Officer recommends the immediate refund of the Boater Safety Course Registration fees 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 Boater Safety Course Registration fees to the individual listed below:

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<u>ADDRESS</u>	<u>AMOUNT</u>	<u>NAME</u>
65 Prince Charles Dr. Toms River, NJ 08757	\$215.56	Mark Carpone

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

**RESOLUTION 26-081
AUTHORIZING EXECUTION OF AN AGREEMENT FOR SNOW REMOVAL AND STREET
LIGHTING REIMBURSEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND
BAYPOINTE CONDOMINIUM ASSOCIATION**

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, Baypointe Condominium 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 Baypointe Condominium have mutually agreed that Baypointe Condominium shall perform its own snow removal and pay the cost for street lighting, and that the Borough shall reimburse Baypointe Condominium 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. 40:67-23.5 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, 2026, to reimburse the Baypointe Condominium for snow removal and the cost of street lighting as set forth in the Agreement, and wishes to enter into such an Agreement with Baypointe Condominium.

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, 2026.

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

REPORTS: Mayor's Report – Mayor reported on the emergency services call numbers, code enforcement totals, and the building department numbers. She added a special thank you for the

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Highlands Fire Department and responding emergency services agencies for their recent response in preventing the spread of the structural fire at the Marina Bay Court. She gave updates on Regionalization and the Land Use Board. Mayor Broullon concluded with updates on the tide valves, the Overlook Park, and the Frank Hall projects and an upcoming grant application submission.

Councilmember Chelak congratulated Councilmember Cervantes for winning the recent chili cook-off and shared upcoming events in Highlands.

Council President Olszewski asked for clarification of the updated voting districts due to the recent regionalization with Atlantic Highlands and Mayor Broullon answered.

PUBLIC PORTION: With no public in attendance, Mayor Broullon asked for an offer for adjournment.

ADJOURNMENT:

Offered by Councilmember Chelak and seconded by Council President Olszewski. All in Favor. None opposed. Meeting adjourned at 7:12pm.

Approve: _____
Carolyn Broullon, Mayor

Attest: _____
Nancy Tran, Municipal Clerk