



MAYOR AND COUNCIL MEETING JULY 12, 2006

A Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands will be held July 12 2006 at 7:30 PM in the Borough Hall, 100 First Avenue Atlantic Highlands NJ. This meeting is in compliance with the Open Public Meetings Act. Adequate notice has been provided by transmitting the Resolution of Annual Meetings to the Asbury Park Press and the Courier, by posting it in the Borough Hall on a bulletin board reserved for such announcements and by filing it with the Municipal Clerk of Atlantic Highlands, on 1/04/2006. This agenda is complete to the extent known and formal action will be taken.

AMMENDED / REVISED 7-12-06

1. Silent prayer
2. Pledge of allegiance
3. Roll call
4. Approval of previous meeting minutes -- STILL IN PROGRESS
5. Reports -- Council, Administrator, Professional, Other
6. Comments from the Public
7. Unfinished Business:
 - a. Ordinance 10-2006, Amending and Supplementing Ordinance 657
Second Reading & Possible Adoption
 - b. Ordinance 11-2006, Bond Ordinance -- Water Utility
Second Reading & Possible Adoption
 - c. Ordinance 12-2006, Bond Ordinance-Multi Purpose
Second Reading & Possible Adoption
 - d. Ordinance 13-2006, Bond Ordinance- Municipal Harbor
Second Reading & Possible Adoption
8. New Business:
 - a. Ordinance 14-2006, Creating The Position of Municipal Housing Liaison
Introduction & First Reading
 - b. Resolution 144-2006, Authorizing Execution of Developers Agreement for
Providing of Affordable Housing Units as Part of Borough's COAH Obligation.
 - c. Resolution 145-2006, Authorizing Appointment and Contract with
Administrative Agent
 - d. Resolution 146-2006, Payment of Bills Totaling \$1,188,434.72
 - e. Resolution 147-2006, Awarding of Contract for Installation and Electrical
Upgrades
 - f. Resolution 148-2006, Awarding of Professional Service Contract for Harbor Slip -
Pump Out System.
9. Comments from the Public
10. Executive Session
11. Adjourn



MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF JULY 12, 2006

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on July 12, 2006 in the public meeting room of Borough Hall, 100 First Avenue Atlantic Highlands NJ.

Mayor Donoghue called the meeting to order at 7:30 PM. After a silent prayer and the Pledge of Allegiance, the following roll call was taken: Council members Archibald, Doyle, Fligor, Spatola, and absent was Ladiana. Council member Nolan arrived a few minutes late. Administrator Hubeny, Borough Attorney Reilly, Borough Engineer Robert Bucco, and Deputy Clerk Merkel were also present.

Mrs. Merkel stated that notice of this meeting has been transmitted to the Asbury Park Press and the Courier, continuously posted in the Borough Hall on a bulletin board reserved for such announcements, and filed with the Municipal Clerk of Atlantic Highlands, on 1/04/2006. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

Mayor Donoghue at this time thanked Mrs. Merkel for filling in for our Municipal Clerk, Dwayne Harris who is in Riverview hospital.

APPROVAL OF MINUTES

The minutes from the meeting of June 28th are pending due to Mr. Harris being ill.

REPORTS-COUNCIL MEMBER, COMMITTEE, PROFESSIONAL

Council member Fligor had nothing to report.

Council member Archibald asked the Mayor to come back to him, although he had one item for executive session. He gave a report of the Police calls for the month of June. He thanked all the Police and emergency workers that were involved with the Fireworks for the Fourth of July.

Council member Spatola thanked all the Council members that volunteered for the Firemen's Fair. She also thanked everyone who participated in the Buy a Rocket Campaign, also there were some people who were missed in the brochure and they will be meeting this week to put together something to list all the contributors in the papers. She reported the Deck the Docks event that took place down at the Harbor Marina, and first place for lighting went to Princess Gwen, second place went to Matuna Matata. The non-lighting category Shot To Hell was the winner. Everyone enjoyed this event.

Mayor Donoghue praised all the people involved in the Fourth of July festivities and the Garden State Fireworks personnel. They did a great job.

Council member Doyle had nothing to report.

Council member Nolan had nothing to report.

Borough Administrator Hubeny reported that Street Scape II is winding down. All the brick pavers are down the next part is the lights. There was a small issue with the lights. The design phase called for 14 ft poles, Phase I, used 12 ft poles. The problem with 14 ft poles the light goes on top of it and all the cable and telephone lines would have to be raised, so he authorized a change to use 12 to keep it consistent.

Borough Engineer Bucco from T & M Associates reported that as authorized by the Mayor & Council he met with Joe Ator the County Engineer to resolve the Bayside Drive issue as to who is responsible for what. In a May 19th report done by the County

they had determined that the Borough was responsible for 75% of the run off and the County was only responsible for 25%. After some discussion, based on how storm sewer pipes are sized, based on that type of volume that we thought that that was a fair was to determine what percentage of who is responsible for what percentage of the flow. As a result of that meeting the County is responsible for 56% and the Borough is responsible for 44%. That was what was negotiated, and that is the agreement they will be sending to the Borough. This is based on the volume not the velocity. The way the calculations work out, and Mr. Bucco checked the calculations as far as flow goes, it was determined to be 56-44 percent. This is what the County is going to come to the Borough with, and also to let the Council know that the County has accepted full responsibility for all the flow that comes off of Ocean Boulevard not what was worked out in the original agreement. They are also going to accept full maintenance of the pipe not only on Ocean Blvd but also the pipe going down the hill that ties into the storm drain on Bayside Drive. Now there is a dual responsibility for the pipe coming down the hill. The County will take full responsibility for that pipe. In return the Borough take responsibility for the three inlets on Bayside Drive and the outfall of Bayside Drive once it is fixed. The County's agreement to the Borough is going to come back where the County is responsible for 56 % of the cost and the maintenance of all of the drainage from Ocean Blvd down to the inlet on Bayside Drive and the Borough will be responsible for 44% and the three inlets and the outfall. The final plans and specs were completed on Monday. They are asking for authorization to bid tomorrow at the Freeholders meeting. The estimated cost is Two Hundred Thousand dollars. Advertising for this would be on Friday the 14, they will receive bids on 8/1 and going to award the project on 8/10. There is no action needed by this Council except to sign the agreement. Council member Fligor indicated that he has an issue with the percentages and also the Borough taking 100% responsibility for part of the line that we are having a problem with already. Mr. Bucco responded that they are going to realign the existing pipe that still remains in Bayside Drive.

Administrator Hubeny indicated that the Mayor & Council need to be aware that from Bayside Drive down to the Bay, you are going to have 100% responsibility. They are going to slip-line the pipe going under the road and the concern is the size of the pipe and the flow of the water. Will it be sufficient? Understand that if the agreement comes without modification the Borough will be responsible for 100% of Bayside Drive under the road out to the Bay. Council member Nolan stated that that road is in danger.

Bernard Frotton came forward to indicate that he has seen this issue develop over the years and says that there isn't a problem with the pipe from Ocean Blvd to Bayside Drive. It's not leaking. Mr. Hubeny, Mr. Fligor and Mr. Frotton went down there and saw that the water coming out the 10" pipe was like there was a pump pumping it. If they shrink that pipe they are going to reduce the flow going out there. Ocean Blvd is the County's, all the water is there responsibility, and they did the damage.

Mr. Bucco indicted that it was left, as the percentage was ok, the maintenance percentage was not ok. He can only tell the County that what they negotiated was not acceptable to the Borough and that we will have to continue to negotiated. It is Mr. Bucco's understanding that they are not going to stop construction, they will continue. The agreement is a secondary item to be resolved.

Mayor Donoghue indicated that no one is happy with the 100% responsibility for the Borough of the land North of Bayside Drive. We need to give the engineer some guidance as to the percentage of responsibility that we would like to see achieved. Mr. Reilly indicated that we'd like to negotiate further.

Borough Attorney Reilly had nothing to report.

PUBLIC COMMENT SESSION

Bill Kuzmin-33 Avenue D-with regards to the meeting tomorrow in Freehold, he recommends that a Council member attend the meeting with Mr. Bucco. Mayor Donoghue indicated that the Council would have Mr. Bucco discuss with the County the Borough's recommendations.

William Phillips-President of the AH Fire Dept.-The Department appreciated what each Council member attributed to the Firemen's Fair, and the lights on First Ave. were a great idea. Thanked everyone.

Mike Rybeck-North Ave-Asked Adam about the Hylandia matters. Mr. Hubeny indicated that a letter went out two weeks ago. They were provided with rules and regulations, and this matter is being monitored. What is the status of the development of the homes by Sears Ave? Mr. Hubeny indicated that there were going to be some condos built across from the A & P on the West Bound side of 36. This is a Middletown issue and that the zoning has been approved other than that he has no other information.

Michael Harmon-33 Bonnie Brae Path-Congratulated the Borough on the Streetscape it looks great. He indicated that there is going to be a final hearing on July 19th on the Conifer matter with the Planning Board of Middletown. He would point out some aspects of the plan that will be voted on in Middletown. With looking at the GIS sketch IV agreement, you will notice that there is no retention basin next to the building. Mr. Harmon has also hired an attorney for himself because his property is near this site. Mr. Harmon went through issues he had listed for the Council to go over and has discussed this in detail. Mayor Donoghue indicated that this matter will be discussed in Executive Session.

UNFINISHED BUSINESS

ORDINANCE 10-2006, AMENDING & SUPPLEMENTING ORDINANCE 657

This Ordinance was previously introduced and a public hearing was done two weeks ago. A motion to open the Public Hearing was made by Council member Nolan and seconded by Council member Archibald and was unanimously approved.

There were no comments from the audience on this Ordinance.

A motion to close the Public Hearing was made by Council member Nolan and seconded by Council member Spatola, and unanimously approved.

A motion to adopt Ordinance 10 was made by Council member Doyle and seconded by Council member Archibald.

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola.

NAYS:

ORDINANCE 11-2006, BOND ORDINANCE-WATER UTILITY

This Ordinance was previously introduced and a public hearing was done two weeks ago. A motion to open the Public Hearing was made by Council member Fligor and seconded by Council member Nolan and was unanimously approved.

There were no comments from the audience on this Ordinance.

A motion to close the Public Hearing was made by Council member Fligor and seconded by Council member Spatola.

A motion to adopt Ordinance 11 was made by Council member Nolan and seconded by Council member Archibald.

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

ORDINANCE 12-2006, BOND ORDINANCE-MULTI PURPOSE

This Ordinance was previously introduced and a public hearing was done two weeks ago. A motion to open the Public Hearing was made by Council member Nolan and seconded by Council member Archibald and unanimously approved.

The Mayor indicated that this Ordinance is for various roadways in the town.

Joe Hawley addressed the Council on this Ordinance. He stated his opposition to this ordinance by reading a letter he wrote aloud.

A motion to close the Public Hearing was made by Council member Nolan and seconded by Council member Doyle.

A motion to adopt Ordinance 12 was made by Council member Nolan and seconded by Council member Spatola.

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

ORDINANCE 13-2006, BOND ORDINANCE-MUNICIPAL HARBOR

This Ordinance was previously introduced and a public hearing was done two weeks ago. A motion to open the Public Hearing was made by Council member Archibald and seconded by Council member Fligor.

There were no comments made by the audience on this Ordinance.

A motion to close the Public Hearing was made by Council member Nolan and Seconded by Council member Spatola and unanimously approved.

A motion to adopt Ordinance 13 was made by Council member Nolan and seconded by Council member Doyle.

AYES: Council member Archibald, Doyle, Fligor, Nolan and Spatola.

NAYS:

ORDINANCE 14-2006, CREATING THE POSITION OF MUNICIPAL HOUSING LIAISON

A motion to introduce this ordinance was made by Council member Spatola and seconded by Council member Nolan.

Council member Fligor and Doyle pointed out Mr. Hubeny's workload is heavy currently and the Council needs to take that into consideration.

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

Ordinance 14 has been properly introduced and will be considered on July 26 after a second hearing for possible adoption.

RESOLUTION 144-2006, AUTHORIZING EXECUTION OF DEVELOPERS AGREEMENT FOR PROVIDING OF AFFORDABLE HOUSING UNITS

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Doyle.

There was no discussion on this resolution.

This resolution was adopted by the following vote.

AYES: Council member Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

RESOLUTION 145-2006, AUTHORIZING APPOINTMENT AND CONTRACT WITH ADMINISTRATIVE AGENT

This resolution was offered and moved for adoption by Council member Fligor and seconded by Council member Nolan.

There was no discussion on this resolution.

This resolution was adopted by the following vote.

AYES: Council member Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

RESOLUTION 146-2006, PAYMENT OF BILLS TOTALING \$1,188,434.72

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Archibald.
There was no discussion on this resolution.

This resolution was adopted by the following vote.

AYES: Council member Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

RESOLUTION 147-2006, AWARDING OF CONTRACT FOR INSTALLION OF ELECTRICAL UPGRADES

This resolution was offered and moved for adoption by Council member Archibald and seconded by Council member Doyle.
There was no discussion on this resolution.

This resolution was adopted by the following vote.

AYES: Council member Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

RESOLUTION 148-2006, AWARDING OF PROFESSIONAL SERVICE CONTRACT FOR HARBOR SLIP PUMP OUT SYSTEM.

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Archibald.
There was no discussion on this resolution.

This resolution was adopted by the following vote.

AYES: Council member Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

RESOLUTION 149-2006, AUTHORIZING SEWER & WATER BILL ADJUSTMENTS

This resolution was offered and moved for adoption by Council member Nolan seconded by Council member Spatola.

Borough administrator Hubeny explained briefly this resolution.

This resolution was adopted by the following vote.

AYES: Council member Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

PUBLIC COMMENT SESSION

There were no comments from the public at this time.

RESOLUTION TO ENTER EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist; and,

WHEREAS, the Governing Body wishes to discuss:

1. Item-Property Acquisition-Giuliani
2. Item- Pending Litigation-COAH
3. Item-Police Contract Negotiations
4. Item-Possible Litigation-Conifer/Edgewood Park

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes will be made public.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council to go into Executive Session to discuss the above items and the public are excluded form this meeting.

July 12, 2006

Mayor Donoghue read this resolution in full. It was offered and moved for adoption by Council member Nolan at 9:15PM, seconded by Council member Fligor and adopted by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

RECONVENE - At 10:15pm the meeting was resumed.

RESOLUTION 150-2006, APPOINTMENT OF SPECIAL ATTORNEY

This resolution was offered and moved by Council member Archibald and seconded by Council member Nolan.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

ADJOURN - There being no further business before the Mayor & Council, Council member Fligor moved to adjourn the meeting at 10:30pm the motion was seconded by Council member Nolan and unanimously approved.

The Governing Body approved these Minutes at their Regular Meeting on July 26, 2006.



Dwayne M. Harris, RMC
Municipal Clerk



ORDINANCE 10-2006

AMENDING BOROUGH ORDINANCE 657 REGULATING RESTRICTING AND CONTROLLING TRAFFIC WITHIN THE BOROUGH OF ATLANTIC HIGHLANDS

BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey that, Ordinance 657 is hereby amended and supplemented to include the following:

Schedule I: In accordance with the provisions of Section 2-2, no person shall park a vehicle, at any time, upon any of the following described streets:

Name of Street	Sides	Location
West Mount Avenue	South	From a point starting at 115 feet from the westerly curb line of First Avenue to a point 201 feet West
West Mount Avenue	South	The easterly curb line of West Avenue to a point 31 feet East
Railroad Avenue	East	31 feet from the curb line of West Mount Avenue
West Mount Avenue	North	No Parking from the westerly curb line of First Ave to Railroad Ave

Schedule II: In accordance with the provisions of section 2-3, no person shall park a vehicle between the hours specified upon any of the following described streets, parts of streets or Municipal owned or controlled parking lots

Name of Street	Sides	Hours	Location
West Mount Avenue	Both	2:30am-7:00am	From First Avenue to West Avenue
Railroad Avenue	East	2:30am-7:00am	From West Mount Ave to Center Ave

Schedule IV: In accordance with the provisions of Section 2-5, no person shall park a vehicle for longer than the time limit shown upon any of the following streets, parts of streets or Municipal owned or controlled parking lots

Name of Street	Sides	Time Limit	Hours	Location
West Mount Avenue	North	15 Minutes	8:00am-6:00pm Monday- Saturday	A point starting at 25 feet from the westerly curb line of Railroad Avenue to a point 85 feet west
West Mount Avenue	South	1 Hour	7:00am-6:00pm	The westerly curb line of First Ave to a point 115 feet west
West Mount Avenue	South	1 Hour	All Day	A point starting at 31 feet east of the easterly curb line of West Ave to the driveway of 111 First Ave.
Railroad Avenue	East	15 Minute	8:00am-6:00pm Monday- Saturday	From a point starting 31 feet west of the westerly curb line of West Mount Avenue to a

				point 149 feet west, and from a point 161 feet west of the westerly curb line to a point 202 feet west and from a point 214 feet west of the westerly curb line to a point 260 feet west
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Schedule X: Loading Zones

Name of Street	Sides	Location
West Lincoln Avenue	South	Beginning at a point 50 feet west of the westerly curb line of West Avenue to a point 100 feet west thereof

All Ordinances or parts of Ordinances, which are inconsistent with the terms of this Ordinance, be and the same are hereby repealed to the extent of their inconsistency.

This Ordinance shall take effect immediately upon proper passage and publication in accordance with law.

Council member Fligor introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Doyle and approved by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola
 NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for July 12, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held June 28, 2006.
 WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 29th day of June 2006.

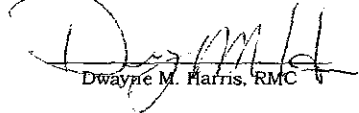

 Dwayne M. Harris, RMC

SECOND READING AND FINAL ADOPTION: PASSED July 12, 2006

After a Public Hearing and Second Reading, Councilmember Fligor moved for Final Adoption of this Ordinance. It was seconded by Councilmember Archibald and adopted by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola
 NAYS:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006.
 WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2006.


 Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: July 25, 2006


 Peter E. Donoghue, Mayor



ORDINANCE 11-2006

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$440,000 FOR WATER/SEWER IMPROVEMENTS FOR AND BY THE BOROUGH OF ATLANTIC HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$418,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF ATLANTIC HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Atlantic Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$440,000 such sum includes \$22,000 received from the capital improvement fund. No down payment is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law") as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$418,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$418,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
Various water system infrastructure improvements within the Borough, including but not limited to water main replacement, water and rebuild drywell #4, water clarifier, and including all work or materials necessary therefor or incidental thereto and all as shown on and in accordance with the plans and specifications on file in the office of the Clerk and hereby approved.	\$340,000	\$323,000	40
Various sewer system infrastructure improvements within the Borough including but not limited to relining sewer lines and inflow and infrastructure upgrades, including all work or materials necessary therefor or incidental thereto and all as shown on and in accordance with the plans and specifications on	100,000	95,000	40

file in the office of the Clerk and hereby approved.

TOTAL	\$440,000	\$418,000
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(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$418,000.

(c) The estimated cost of the Improvements is \$440,000 which amount represents the initial appropriation made by the Borough.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$418,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$110,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$418,000.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

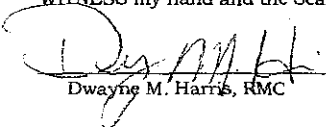
Council member Nolan introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Fligor and approved by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola
NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for July 12, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held June 28, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 29th day of June 2006.


Dwayne M. Harris, RMC

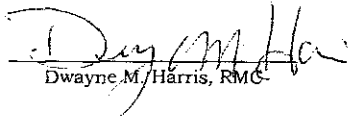
SECOND READING AND FINAL ADOPTION: PASSED July 12, 2006

After a Public Hearing and Second Reading, Councilmember Nolan moved for Final Adoption of this Ordinance. It was seconded by Councilmember Archibald and adopted by the following vote.

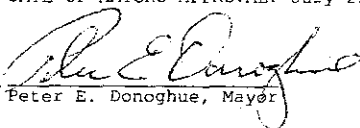
AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola
NAYS:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2006.


Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: July 25, 2006


Peter E. Donoghue, Mayor



ORDINANCE 12-2006

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,705,000 FOR VARIOUS IMPROVEMENTS FOR AND BY THE BOROUGH OF ATLANTIC HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$1,619,750 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF ATLANTIC HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Atlantic Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$1,705,000, such sum includes the sum of \$85,250 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provisions in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,619,750 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$1,619,750 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
Improvements to various roadways in the Borough, including but not limited to Avenue C between South Avenue and Highland Avenue, Scenic Court between Highland Place and Ocean Boulevard and Seventh Avenue between Wesley Avenue and Highway 36; including, as required, roadway excavation, concrete curbing, milling and drainage structures, and including all work or materials necessary therefor or incidental thereto, and all as shown on and in accordance with the plans and specifications on file in the office of the Clerk and hereby approved.	\$310,000	\$294,500	20
Acquisition of property located at 13 Leonard Avenue, 21 Leonard Avenue and 25 Leonard Avenue.	265,000	251,750	40
Regional Contribution Agreement with Township of Lakewood for	420,000	399,950	6

Improvements	Appropriation and Cost	Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
twelve affordable housing units.				
Improvements to Bayshore Bike Trail/Wagner Creek, and including all work or materials necessary therefor or incidental thereto, and all as shown on and in accordance with the plans and specifications on file in the office of the Clerk and hereby approved.	710,000		674,500	15
TOTAL	\$1,705,000		\$1,619,750	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$1,619,750.

(c) The estimated cost of the Improvements is \$1,705,000 which amount represents the initial appropriation made by the Borough.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 17.57 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,619,750 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$351,250 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$1,619,750.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council member Nolan introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Ladiana and approved by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola
NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for July 12, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held June 28, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 29th day of June 2006.


Dwayne M. Harris, RMC

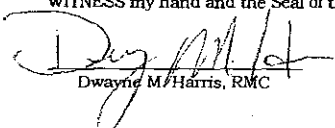
SECOND READING AND FINAL ADOPTION: PASSED July 12, 2006

After a Public Hearing and Second Reading, Councilmember Nolan moved for Final Adoption of this Ordinance. It was seconded by Councilmember Spatola and adopted by the following vote.

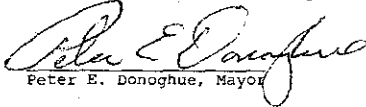
AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola
NAYS:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2006.


Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: July 25, 2006


Peter E. Donoghue, Mayor



ORDINANCE 13-2006

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF
\$840,000 FOR HARBOR IMPROVEMENTS FOR AND BY THE
BOROUGH OF ATLANTIC HIGHLANDS IN THE COUNTY OF
MONMOUTH, NEW JERSEY AND, AUTHORIZING THE
ISSUANCE OF \$820,000 BONDS OR NOTES OF THE BOROUGH
FOR FINANCING PART OF THE APPROPRIATION.**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF ATLANTIC HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Atlantic Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$840,000, such sum includes the sum of \$20,000 received from the capital improvement fund. No down payment is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law") as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

SECTION 2:

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$820,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$820,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
Harbor dredging, and including all work or materials necessary therefore or incidental thereto and all as shown on and in accordance with the plans and specifications on file in the office of the Clerk and hereby approved.	\$840,000	\$820,000	15
TOTAL	\$840,000	\$820,000	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$820,000.

(c) The estimated cost of the Improvements is \$840,000 which amount represents the initial appropriation made by the Borough.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$820,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the

obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$820,000.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

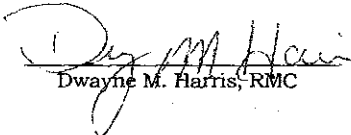
Council member Fligor introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Doyle and approved by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola
NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for July 12, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held June 28, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 29th day of June 2006.


Dwayne M. Harris, RMC

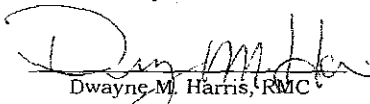
SECOND READING AND FINAL ADOPTION: PASSED July 12, 2006

After a Public Hearing and Second Reading, Councilmember Nolan moved for Final Adoption of this Ordinance. It was seconded by Councilmember Doyle and adopted by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola
NAYS:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2006.


Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: July 25, 2006


Peter E. Donoghue, Mayor



ORDINANCE 14-2006

ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE BOROUGH OF ATLANTIC HIGHLANDS AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT

WHEREAS, the Council on Affordable Housing (COAH) requires that each certified municipality appoint a specified municipal employee to serve as municipal housing liaison for the purpose of administering its affordable housing program, including affordability controls and Affirmative Marketing Plan and supervising any contracting Administrative Agent.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Atlantic Highlands in the County of Monmouth and State of New Jersey as follows:

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Borough of Atlantic Highland's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL HOUSING LIAISON - The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Borough of Atlantic Highlands.

ADMINISTRATIVE AGENT - The entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Borough of Atlantic Highlands to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low-and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison Position And Compensation.

A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Borough of Atlantic Highlands.

B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.

C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough, including the following responsibilities which may not be contracted out:

(1) Serving as the Borough's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;

(2) Monitoring the status of all restricted units in the Borough's Fair Share Plan;

(3) Compiling, verifying, and submitting annual reporting as required by COAH;

(4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;

(5) Attending continuing education programs as may be required by COAH;

(6) If applicable, serving as the Administrative Agent for some or all of the restricted units in the Borough as describe in F. below.

D. Subject to approval by COAH, the Borough may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the Borough. If the Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.

E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.

F. The powers and duties of the Municipal Housing Liaison may include but are not limited to the following, some of which may be delegated to an approved Administrative Agent:

(1) Affirmative Marketing

(a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Borough and the provisions of N.J.A.C. 5:80-26.15.

(2) Household Certification

(a) Soliciting, scheduling, conducting and following up on interviews with interested households;

(b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

(c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

(d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

(e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

(f) Employing the random selection process as provided in the Affirmative Marketing Plan of the Borough when referring household for certification to affordable units.

(3) Affordability Controls

(a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

(b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

(c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;

(d) Communicating with lenders regarding foreclosures; and

(e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

(4) Resale and rental

(a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

(b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

(5) Communicating with unit owners

(a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;

(b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and

(c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

(6) Enforcement

(a) Ensure that all restricted units are identified as affordable within the tax assessor's office and any municipal utility authority (MUA) and upon notification to the Administrative Agent of change in billing address, payment delinquency of two consecutive billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units, notifying all such owners that they must either move back to their unit or sell it;

(b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgment of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

(c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;

(d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4.

(e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;

(f) Establishing a rent-to-equity program;

(g) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and

(h) Providing annual reports to COAH as required.

(7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Section 4. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Council member Spatola introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Nolan and approved by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola
NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for July 26, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006.
WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 20th day of July 2006.


Dwayne M. Harris, RMC



RESOLUTION 144-2006

RESOLUTION AUTHORIZING EXECUTION OF DEVELOPERS AGREEMENT FOR PROVIDING OF AFFORDABLE HOUSING UNITS AS PART OF BOROUGH'S COAH OBLIGATION

WHEREAS, the Borough of Atlantic Highlands has an affordable housing obligation as set forth and required by the State Council on Affordable Housing (COAH) and in order to meet that obligation the Borough has presented a Third Round Affordable Housing Plan to COAH for certification, and

WHEREAS, as a portion of that Third Round Plan, the Borough proposes to establish and create 12 affordable housing units on properties acquired or to be acquired by the Borough, identified as follows:

- (1) Block 124 Lots 1 and 2 (13 Leonard Avenue)
- (2) Block 136 Lot 2 (25 Leonard Avenue)
- (3) Block 136 Lot 1 (21 Leonard Avenue)
- (4) Block 62 Lot 4 (Simpson Avenue)

WHEREAS, the Monmouth Housing Alliance (MHA) is a non-profit corporation having experience in the development and management of affordable housing units and the Borough has been in negotiations with the MHA for purposes of involving that entity as the developer of these properties and the 12 affordable units, and to that end a proposed Developers Agreement has been arrived at between the Borough and MHA, and

WHEREAS, the approval and execution of that Agreement has been recommended by the Borough's special Counsel on COAH matters and the Borough Administrator and Borough Attorney for purposes of providing and putting in place this portion of the Borough's Third Round Affordable Housing Plan.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of Atlantic Highlands that the Mayor and Borough Clerk are authorized to execute the Developers Agreement between the Atlantic Highlands Borough and the Monmouth Housing Alliance pursuant to which the Borough will provide the 4 lots identified above for the construction of 12 affordable housing units and MHA will develop and establish the units and manage the leasing and/or sale of the units in accord with COAH requirements and the Borough's Affordable Housing Plan as detailed in the proposed Agreement attached hereto and incorporated herein.

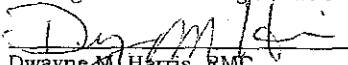
This Resolution was offered and moved by Council member Nolan, seconded by Council member Doyle and adopted on July 12, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS: Council member

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2006.


Dwayne M. Harris, RMC
Municipal Clerk



RESOLUTION 145-2006

RESOLUTION AUTHORIZING APPOINTMENT AND CONTRACT WITH ADMINISTRATIVE AGENT FOR AFFORDABLE HOUSING PLAN

WHEREAS, the Borough is in the process of obtaining certification from the Council on Affordable Housing (COAH) for its Third Round Affordable Housing Plan and the Plan requires the Borough to establish a certain number of affordable housing units in the Borough and for continuing requirements of monitoring and reporting on these affordable housing units, and

WHEREAS, COAH has established procedures and responsibilities that may be assigned to a contracted Administrative Agent, having specialized knowledge and expertise in the establishment and monitoring of such affordable housing units, and the Borough has determined that it is in the best interest of the proper establishment and supervision of these units to solicit and engage an experienced Administrative Agent to assist and work the Borough and its Municipal Housing Liaison, and

WHEREAS, the Borough has solicited proposals and has received a proposal for the providing of such services from the Monmouth Housing Alliance, Eatontown, New Jersey, which is an experienced and capable non-profit 501(C)(3) organization engaged in the establishment and assisting in the monitoring of affordable housing units in numerous municipalities in Monmouth County, and has determined it is in the best interest of the Borough to engage the Monmouth Housing Alliance as its Administrative Agent on the COAH Plan and Certification, and

WHEREAS, the services authorized by this Resolution are not subject to public bidding under the Local Public Contracts Law, N.J.S.A. 40A: 11-5(1)(a)(1), such services being both professional and extraordinary and Unspecifiable, and the solicitation and engagement has been through a non-fair and open process as per N.J.S.A. 19:44A-20.4 et seq., and funds have been certified as re available.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Atlantic Highlands as follows:

1. The appointment of the Monmouth Housing Alliance, a non-profit 501(C)(3) organization located in Eatontown, New Jersey, to provide Administrative Agency Services in accord with the Uniform Housing Affordability Controls Manual Section 5:80-26.14A(1-19) and the response to the request for proposals for the Borough of Atlantic Highlands and its Municipal Housing Liaison for the purpose of compliance with the Borough's COAH obligation and its Third Round Affordable Housing Plan, is hereby approved. The Mayor is hereby authorized to execute and the Borough Clerk to attest to an agreement engaging the Monmouth Housing Alliance in accord with the terms of the request for proposal submitted by the Monmouth Housing Alliance which sets forth the Contractual terms for their services.

Nature of Services - Providing consultation and assistance to the Borough and its representatives in the development of its fair share plan and housing element, establishing such affordable housing units, and administering the units. Such services will be generally as defined and detailed on page 16 of the Uniform Housing Affordability Controls Manual Section 5:80-26.14(a)(1-19) and as detailed in the request for proposal response by the Monmouth Housing Alliance dated 5/06.

Duration - July 1, 2006 through June 30, 2007, or such time thereafter as such Administrative Agent services are completed.

Estimated Amount of Contract - As set forth in the request for proposal response, a number of fees and costs for the Administrative Agent services are funded and/or paid for by developers and/or property owners. The Borough is responsible for the annual fee of \$7,500 plus \$100 per certified Borough unit, together with such other costs and fees as may be incurred for specialized services. It is anticipated that the Borough costs should not exceed \$15,000 annually for the services authorized under this Resolution for Administrative Agent.

Reason for Awarding the Contract - Monmouth Housing Alliance is a very experienced and specialized non-profit entity which provides assistance and services to municipalities throughout Monmouth County in complying with COAH obligations and requirements. The Borough requires such assistance to the Borough and its Municipal Housing Liaison in order to establish the required affordable housing units and to properly monitor and supervise the operation of such units and the required reporting to COAH and other governmental agencies.

2. This Contract is awarded without competitive bidding as an extraordinary and unspcifiable service in accordance with N.J.S.A. 40A:11-5(1) of the Local Public Contracts Law for services. The Contract has been solicited and awarded pursuant to a non-open and fair process under N.J.S.A. 19:44A-20.4 et seq. due to the unique and specialized expertise of this non-profit entity.

3. The Borough Chief Financial Officer advises that there are funds available for the purpose of the within resolution.

4. The Mandatory Affirmative Action Language Applicable to Goods, Services and Professional Services Contracts required by N.J.A.C. 17:27 is expressly incorporated herein and made a part hereof.

5. Incorporated herein by reference is the request for proposal response submitted by the Monmouth Housing Alliance dated 5/06, the terms of which are the contract authorized by this Resolution.

6. Pursuant to N.J.S.A. 40A:11-5, this Resolution and the request for proposal response are available for public inspection at the Office of the Borough Clerk during regular business hours.

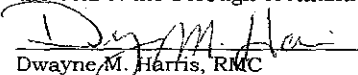
This Resolution was offered and moved by Council member Fligor, seconded by Council member Nolan and adopted on July 12, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2006.


Dwayne M. Harris, RMC
Municipal Clerk

Resolution 145-2006



RESOLUTION 146-2006

PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated July 06, 2006 which totals as follows:

Current Fund	\$740,122.79
Capital Fund	\$1,885.00
Trust-Other	\$15,092.43
Water/Sewer Operating Fund	\$4,168.90
Water /Sewer Utility Capital	\$11,622.80
Harbor Operating Fund	\$229,750.22
Harbor Utility Capital Fund	\$30,352.98
Federal/State Grants	\$489.60
Unemployment	\$0
Animal	\$0
MCIA	\$154,950.00
TOTAL	\$1,188,434.72

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, that these vouchers, totaling \$1,188,434.72 be paid to the persons named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers. An individual listing of all bills submitted has been posted on the bulletin board and is also on file in the Municipal Clerk's office for reference.

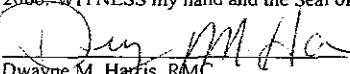
This Resolution was offered and moved by Council member Nolan, seconded by Council member Archibald and adopted on July 12, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2006.


Dwayne M. Harris, RMC
Municipal Clerk



RESOLUTION 147-2006

AWARD OF BIDS RECEIVED FOR INSTALLATION OF POWER PEDESTALS AND ELECTRICAL UPGRADES AT THE MUNICIPAL HARBOR

WHEREAS, the Borough of Atlantic Highlands desires to further advance the Installation of Power Pedestals and Electrical Upgrades at the Atlantic Highlands Municipal Harbor; and,

WHEREAS, this project exceeds the Borough's bid threshold and requires the contract, as outlined in N.J.S.A. 40A: 11-4a, to be awarded by resolution of the Governing Body to the lowest responsible bidder, after public advertising for bids and bidding therefore,

WHEREAS, bids were advertised and later opened on July 11, 2006 for the Installation of Power Pedestals and Electrical Upgrades at the Atlantic Highlands Municipal Harbor; and,

WHEREAS, the following bid was received and opened on July 11, 2006;

Sodon's Electric Inc. \$298,205.00,
; and

WHEREAS, the Borough Administrator has reviewed the bid and finds the bid is appropriate for the project; and,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the Mayor and Council approves the bid received on July 11, 2006 for the Installation of Power Pedestals and Electrical Upgrades at the Atlantic Highlands Municipal Harbor.

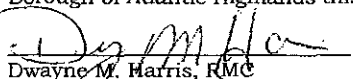
This Resolution was offered and moved by Council member Archibald, seconded by Council member Doyle and adopted on July 12, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2006.


Dwayne M. Harris, RMC
Municipal Clerk

Resolution 147-2006
Bids-Pedestal Installation



RESOLUTION 148-2006

AUTHORIZING PROFESSIONAL SERVICES CONTRACT TO PREPARE PLAN AND SPECIFICATIONS, BID AND AWARD AND PROJECT ADMINISTRATION FOR THE SLIP PUMP OUT SYSTEM IN THE MUNICIPAL HARBOR

WHEREAS, the Borough of Atlantic Highlands has a need to acquire engineering services to plan, design, bid and award the proposed improvements to the Municipal Harbor; and,

WHEREAS, French and Parello has submitted a proposal dated July 10, 2006 indicating they will provide the engineering services as follows:

- Planning of System Layout
- Preparation of Plans and Specifications
- Bidding and Award
- Project Administration

for \$5,940.00; and

WHEREAS, Edward Hudson, Temporary Chief Financial Officer for the Borough of Atlantic Highlands, does hereby certify that funds are available for this contract in

2006 Harbor Utility Operating Budget-Other Expenses-Engineering Fees 30-201-20-101-266

Edward Hudson C.F.O.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Atlantic Highlands authorizes the Harbor Master to enter into a contract with French and Parello for professional engineering services to design the proposed improvements for Slip Pump Out System in the Municipal Harbor for an amount not to exceed \$5,940.00.

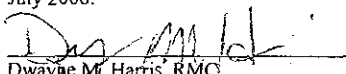
This Resolution was offered and moved by Council member Nolan, seconded by Council member Archibald and adopted on July 12, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS: Council member

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2006.


Dwayne M. Harris, RMC
Municipal Clerk



RESOLUTION 149-2006

RESOLUTION AUTHORIZING SEWER WATER BILL ADJUSTMENTS BY BOROUGH ADMINISTRATOR

WHEREAS, the Borough is in the process of installing and implementing new water meters within the Borough which permit readings by radio transmission, and which meters will provide a more accurate and efficient methodology for determining and billing for water/sewer usage, and

WHEREAS, the implementation of this new water meter system has resulted in certain inaccuracies being shown to have existed in certain of the previous meters in use, and certain of these inaccuracies have resulted in substantial or unusually large water sewer bills for the quarter 1/1/06 to 3/31/06 being sent out and resulting in inquiries or complaints from certain effected residents, and

WHEREAS, the Borough Administrator, the Water and Sewer Utility Collector and the Superintendent of the Water and Sewer Department are familiar with the types of inaccuracies and incorrect billings that have arisen as a result of this change in the water meter system and are in the best position to *review* the bill of any resident to determine and adjust the bill as appropriate, and the Borough Council determined that the effective transition from the old water meter system to the new technologically improved system can best be handled by granting the authority to the Borough Administrator to adjust the quarterly bill (1/1/06 to 3/31/06) of any property owner as determined appropriate to properly reflect an accurate bill.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of Atlantic Highlands that the Borough Administrator is granted the authority to adjust the quarterly water sewer bill (1/1/06 to 3/31/06) of any property owner who submitted a complaint in writing to address any inaccuracies or inefficiencies as determined to have existed, so as to establish a fair and accurate bill, in order to effect an orderly transition from the old water meter system to the new technologically improved water meter system. Interest accrued for non-payment of the 2nd quarter water and sewer bill (1/1/06 to 3/31/06) will be waived for a three (3) month period ending October 9, 2006.

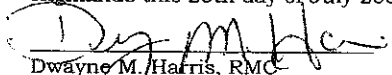
This Resolution was offered and moved by Council member Nolan, seconded by Council member Spatola and adopted on July 12, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor, Nolan and Spatola

NAYS: Council member

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2006.


Dwayne M. Harris, RMC
Municipal Clerk



RESOLUTION 150-2006 APPOINTMENT OF SPECIAL ATTORNEY

WHEREAS, there exists a need for the service of a Special Attorney to review and advise the Governing Body about the Edgewood Park Senior Housing Complex, a large development planned on the Atlantic Highlands-Middletown border, and identified as block 729, lots 16.01 and 16.02, Middletown; and,

WHEREAS, Nathan Edelstein, Esq., is an attorney licensed by the State of New Jersey who is experienced with land use law and familiar with this Borough; and,

WHEREAS, this contract is for "Professional Services", a service performed by a person in a recognized profession that is regulated by law, and may be awarded without competitive bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11 et seq.; and,

WHEREAS, funds are or will be available for this purpose,

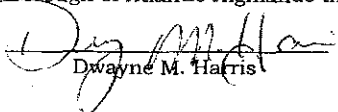
NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Atlantic Highlands, in the County of Monmouth, that:

1. The Mayor and Borough Administrator are hereby authorized and directed to execute an agreement with Nathan Edelstein, Esq., for services to review and advise the Governing Body about the Edgewood Park Senior Citizen Complex at an hourly fee of \$290.00 per hour.
2. A notice of this action shall be printed once in an official newspaper of the Borough and that this Resolution and the contract shall be available for public inspection in the office of the Municipal Clerk.

This Resolution was offered and moved by Council member Archibald, seconded by Council member Nolan and adopted on July 12, 2006 as follows:

AYES: Council members Archibald, Fligor, Doyle, Nolan and Spatola
NAYS: None

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 12, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2006.


Dwayne M. Harris