



# MAYOR AND COUNCIL MEETING

## MARCH 14, 2007

A Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands will be held MARCH 14, 2007 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 1/02/2007. This agenda is complete to the extent known and formal action will be taken.

- I. Silent prayer
2. Pledge of allegiance
3. Roll call
4. Approval of previous meeting minutes:
  - a. January 24, 2007 — Regular Meeting
  - b. February 21, 2007— Regular Meeting
5. Reports—Council, Administrator, Professional, Other
6. Discussion: Dr. Fadina, Henry Hudson Regional School- RE: *School Resource Officer*
7. Comments from the Public
  
8. Unfinished Business:
  - Proposed Ordinances — Possessing or Consuming Alcohol on Private Property Requiring Beer Keg Registration Prior to Sale [NEW]
9. New Business:
  - a. Resolution 054-2007, Appropriations Reserve Transfer [AMENDED]
  - b. Resolution 055-2007, Emergency Temporary Appropriations [AMENDED]
  - c. Resolution 056-2007, Awarding Contract — Fire Department Ladder Truck Repair
  - d. Resolution 057-2007, Authorizing Agreement with Monmouth County
  - e. Resolution 058-2007, Authorizing Execution of Release to MELJIF
  - f. Resolution 059-2007, Appointment of Tax Collector
  - g. Resolution 060-2007, Appointment of Deputy Tax Collector
  - h. Resolution 061-2007, Requesting Participation in County led PARIS Project
  - i. Resolution 062-2007, Authorizing Fair and Open Contracting
  - j. Consent Agenda: These items will be enacted by one motion. If detailed deliberation is desired on any item, Council may remove that item from the consent agenda and consider it separately:
    - i. Resolution 063-2007, Authorizing Bid Advertisement and Receipt — Dredge Removal
    - ii. Resolution 064-207, Accepting Fire Dept. Memberships
    - iii. Resolution 065-2007, Waiver of Tax Interest
    - iv. Resolution 066-2007, Payment of Bills
    - v. Approval Raffle License — CHSO01- PTA Leonardo Grade School — Chance Auction — April 13, 2007
    - vi. Approval Raffle License - RA 2009- Sandy Hook Little League — Off Premise 50/50 — June 10, 2007
  
10. Comments from the Public
11. Executive Session
12. Adjourn



## MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF MARCH 14, 2007

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on March 14, 2007 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, Dellosso, Doyle, Fligor, Spatola and Sutton. Administrator Hubeny, Borough Attorney Reilly, Borough Engineer Robert Bucco, and Municipal Clerk Harris were also present.

Mr. Harris 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 1/02/2007. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

Mayor Donoghue acknowledged the presence of Highland's Mayor, Rick O'Neal.

### APPROVAL OF MINUTES

Regular Meetings— January 24, 2007 and February 21, 2007

This motion was offered and moved for passage by Council member Archibald and was seconded by Council member Spatola.

This motion passed by the following vote.

AYES: Council members Archibald, Dellosso, Doyle, Spatola and Sutton

NAYS:

ABSTAIN: Council member Fligor

Dr. Fadina, Superintendent of Henry Hudson Regional School made a presentation to the Governing Body regarding a School Resource Officer. Parents have requested the presence of a full time officer at the school in response to a recent event and the increased presence of gangs. The jurisdiction of the school would fall in Highlands who cannot offer a full time officer, and they would like to form a partnership with the Borough to share the \$50,000.00 cost. Dr. Fadina's intention would be to put a second question on the ballot to appropriate \$50,000 for a School Resource Officer and the voters would decide on it.

Chief Bluett from the Highlands Police clarified that Highlands would pay for half of the officer and the additional funding would be shared through the school taxes.

Mayor Rick O'Neal commented that he believes that this item, being bought under the school board, and regardless of the budget cap, it should be raised by the revenue of the school, and the expense should be 50/50. He would not support any of this as a Municipal part and his governing body feels the same. He feels there is a lot more on this issue that needs to be investigated before this moves forward.

Several members of the community shared their personal positions regarding this matter.

### REPORTS - COUNCIL MEMBER, COMMITTEE, PROFESSIONAL

Council member Dellosso reported that he had attended the senior meeting and commented that they are a wonderful group. He commented that Henry Hudson had a web design team that finished fifth in the State, at a competition at Stevens Institute. He called upon the Library Committee member and proceeded to give an extensive report on the work they had done.

The committee made recommendations to the Governing Body and requested that *they* include \$60,000.00 in this year's budget. \$10,000 is to be used for a feasibility and design study and \$50,000 would be available for the 5% down payment required if the Governing Body determined to move forward with this project.

Administrator Hubeny commented that these funds would need to be put in the 2007 budget, which the finance committee has been meeting on. It would have to be included under the Capital Improvement Fund.

Attorney Reilly clarified that you are giving a non-binding commitment that you are going to direct the budget committee to put those monies in the budget and that the group, as a group, is committed to those items being included in the budget, but it is not final until the budget is adopted in its final form. You are basically giving a pledge that you are going to work to have that in the budget.

Members of the Finance Committee commented on their concerns at discomfort with being forced to commit to something. Also by giving the perception that we are going to pursue this, he is concerned that we are conveying a false image to the owner, and feels we are being asked to make a multi-million dollar decision.

Council Member Dellosso made a motion to give non-binding advise to the finance committee to include \$60,000.00 in the 2007 budget, for the purposes of moving forward with the proposed new Borough Hall project.

This motion was seconded by Council member Sutton and passed by the following vote:

AYES: Council members Dellosso, Fligor and Sutton  
NAYS: Council members Archibald and Doyle  
ABSTENTIONS: Council member Spatola

Council member Sutton reported that he attended the Library Board meeting. The library had a "Food for Fines" program and they collected five containers of food that were donated to the food bank at the Methodist Church. The Elementary School students visited in February with 14 classes going through. They are currently running a program for underprivileged children called "Bridge to Books". He reported on Water and Sewer and T&M having completed the Water Allocation Permit renewal application, which will be submitted within the next two weeks. He also mentioned that French and Parello have submitted the report on the Water Clarifier and the Borough will be meeting with them and NJNG regarding this matter.

Council member Fligor reminded everyone that the JIF training session is March 22 at 7:00pm. He reported that the Police used 37.5 hours for February in comparison to last year at 138 hours. Three officers would be out on medical leave in the upcoming months. The Chief and Captain attended a half-day session on Ethics at Monmouth University, along with the Mayor. Sgt. Porter and Ptlm. Doherty attended a half-day seminar on a Fire Departments role in an active shooter situation and Lt. Lee and Det. Glietz attended the Monmouth County Law Enforcement Technology Information meeting. Sgt. Stone and Det. Glietz attended a review on Megan's Law. Sgt. Porter attended a seminar on Culture and Customs at Brookdale, as well as a meeting of the Monmouth County Fire Arms instructors with Ptlm Doherty. Officer Murtha is attending a training session in Michigan on Major Crimes. He will be there for a week. This whole course including transportation and accommodations is not costing the Borough any money. There will be one officer retiring after June and we should begin the process of looking for a replacement. He reported on the NJNG meeting that was sparsely attended. The meeting was informative and those that showed from South Ave were supplied with his cell phone number to call if they have any problems. They will begin working between April first and the fifteenth and could be done by September.

Council member Archibald reported that the recreation Basketball Shoot-Out is March 31 with the Easter egg hunt shortly there after. The Environmental Commission will have its first meeting of the year tomorrow. Earth Day, planned for April 22<sup>nd</sup> will be on the table for discussion.

Council member Spatola commented that we would be voting on a resolution to repair the Fire Ladder. This is an important repair and she hope everyone will vote to the affirmative on that. She reported that the roof at the Shore Casino is leaking, and the Harbor Lease Committee is working with Mr. Sweeney to repair the roof for up to \$200,000.00 and working it out with his lease. The Harbor Commission received and approved the Fire Works contract, so we will be having fire works. The tennis courts will be refurbished at the Harbor also. It is a four-day job and will cost about \$11,000.00 to complete.

Council member Doyle reported that the Finance Committee is continuing to work on the 2007 budget.

Council member Archibald commented on the passing of Richard Bacos.

Administrator Hubeny reported that the library sidewalks have been repaired. We also received a \$1,035.00 from the Smart Start Program with JCP&L for our new lights on First Ave. After some persistence from Beth, himself and our insurance carrier, our third party insurance carrier will cover \$32,000 of the \$35,000 expense incurred due to the power problems at Borough Hall. He and Mr. Reilly are continuing to work through the ADA deficiencies at Borough Hall. There is a letter into the plaintiff's attorney, and we hope this matter will be resolved. The Borough needs to come up with a Transition Plan to correct all of the deficiencies in the Borough. This plan will protect us from further future suits. He would like to seek approval from the finance committee to go out for bonding in the amount of \$200,000 to cover the anticipated costs for the Second Ave and Sixth Ave. project.

#### PUBLIC COMMENT SESSION

Jane Frotton – 12 Memorial Parkway has concerns with what happened with the \$10,000 non-binding commitment. She is uncertain as to whether the Council wants to continue this committee to further the negotiations for the purchase of that property, with or without the spending of that money. She is looking for this Council to come up with an agreement or motion to go further and would like to see a full commitment from this Council to pursue this opportunity.

William Phillips- Memorial Pkwy thanked the Mayor for his open town meeting. He appreciates the work the library committee has done and pointed out some errors in the data presented, particularly the lot size and the option to have a taller (3 stories) building. He thanked the volunteers that have been working on this project for the past few years.

Mayor Rick O'Neal – Highlands, NJ reemphasized the need to review the issues on the School Resource Officer.

March 14, 2007

Stephanie Ladiana- commented on some of the errors pointed out by Mr. Phillips and apologized for the misinformation. She commented that time is money and it would be detrimental to stall this project. It is imperative that the Council acts quickly.

#### UNFINISHED BUSINESS

Police Chief Vasto led the governing body in a discussion on a proposed Ordinance that would require the retailer of party balls and kegs, to have a serial number placed on these items. If they appeared at a party where there is underage drinking, they have a way to trace back its origin. He wanted to know if Atlantic Highlands would be in favor of this Ordinance, which would require the agreement of all municipalities for it to have it's intended effect.

#### RESOLUTION 054-2007, APPROPRIATION RESERVE TRANSFER

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

This resolution was adopted by the following vote.

AYES: Council members Archibald, Delloso, Doyle, Rigor, Spatola and Sutton

NAYS:

#### RESOLUTION 055-2007, EMERGENCY TEMPORARY APPROPRIATIONS

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

This resolution was adopted by the following vote.

AYES: Council members Archibald, Delloso, Doyle, Fligor, Spatola and Sutton

NAYS:

#### RESOLUTION 056-2007, AWARDING CONTRACT- FIRE DEPT. LADDER TRUCK REPAIR

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

This resolution was adopted by the following vote.

AYES: Council members Archibald, Delloso, Doyle, Fligor, Spatola and Sutton

NAYS:

#### RESOLUTION 057-2007, AUTHORIZING AGREEMENT WITH MONMOUTH COUNTY — BAYSIDE DRIVE REPAIRS

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

This resolution was adopted by the following vote.

AYES: Council members Archibald, Delloso, Doyle, Fligor, Spatola and Sutton

NAYS:

#### RESOLUTION 058-2007, AUTHORIZING EXECUTION OF RELEASE TO MELJIF

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

This resolution was adopted by the following vote.

AYES: Council members Archibald, Delloso, Doyle, Fligor, Spatola and Sutton

NAYS:

#### RESOLUTION 059 -2007, APPOINTMENT OF TAX COLLECTOR

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

This resolution was adopted by the following vote.

AYES: Council member Archibald, Delloso, Doyle, Fligor, Spatola and Sutton.

NAYS:

#### RESOLUTION 060 -2007, APPOINTMENT OF DEPUTY TAX COLLECTOR

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

This resolution was adopted by the following vote.

AYES: Council member Archibald, Delloso, Doyle, Fligor, Spatola and Sutton.

NAYS:

**RESOLUTION 061-2007, REQUESTING PARTICIPATION IN COUNTY PARIS PROJECT**

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

This resolution was adopted by the following vote.

AYES: Council member Archibald, Dellosso, Doyle, Fligor, Spatola and Sutton.

NAYS:

**RESOLUTION 062-2007, AUTHORIZING FAIR AND OPEN CONTRACTING**

Mayor Donoghue was encouraging this as a natural extension of what was done with professional appointments earlier and extending it to any and all contracts.

Council member Archibald made a motion to table this resolution. Council member Spatola seconded it

Council member Archibald expressed his concern that this resolution will handcuff us in situations that we do not want to be handcuffed in. He also feels that this requires more discussion by the Governing Body.

Council member Spatola commented that she would like it to be determined on a case-by-case basis if we should go to bid.

Council member Fligor questioned the percentage of a contract that the engineer can charge. He commented that most engineers are around the 16% are for costs.

Mayor Donoghue commented that he would like to enter into this program in an effort to open up the process and to save money, but ensure the public that we are serious about open government, saving them money wherever possible and getting the best person or firm in a given situation.

Council member Archibald commented that last year we did this with our professionals and he thinks that says enough to the people of Atlantic Highlands. If this is such a burning issue, he is still looking for the people here demanding us to do this. He still thinks this handcuffs us, and he [Mayor Donoghue] has not shown us how it is going to save us money, although you [Mayor] suspects it will, you have not shown where and how it would save us money.

Attorney Reilly commented on some wording in the resolution that needs correcting. He also remarked that there is a reasonable amount of work in preparing an RFP.

Council member Sutton commented that he would like a little more time to look at this and maybe we could consider it at the next meeting.

Council member Doyle feels we can all agree on the intent, but he feels that not only will this handcuff us, but it may be damaging to the relationships developed between professionals and contractors.

This motion passed by the following vote.

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

NAYS: Council member Dellosso

CONSENT AGENDA: These items were offered and moved for adoption by Council member Spatola and seconded by Council member Archibald:

1. Resolution 063-2007, Authorizing Bid Advertisement and Receipt – Dredge Removal
2. Resolution 064-207, Accepting Fire Dept. Memberships
3. Resolution 065-2007, Waiver of Tax Interest
4. Resolution 066-2007, Payment of Bills
5. Approval Raffle License – CHSO01- PTA Leonardo Grade School – Chance Auction – April 13, 2007
6. Approval Raffle License - RA 2009- Sandy Hook Little League–Off Premise 50/50–June 10, 2007

They were adopted by the following vote.

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Spatola and Sutton

NAYS:

PUBLIC COMMENT SESSION

William Phillips Memorial Parkway commented on some articles posted on the Atlantic Highlands Herald regarding some un-factual, incorrect and hurtful information regarding mutual aid situation and a fire emergency on Grand Ave. He presented the facts surrounding the situation so if a citizen asks any member of the governing body, they would have all of the information.

Debbie Traphagen suggested Mayor and Council putting a letter on the forum supporting the Fire Department.

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- Contract Negotiations-MEA/MSA; Police Chief/Captain
2. Property Acquisition —Giuliani
3. Potential Litigation - Sex Offenders Ordinance
4. Pending Litigation- Conifer

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.

Mayor Donoghue read this resolution in full. It was offered and moved for adoption by Council member Spatola at 10:47 PM, seconded by Council member Fligor and was approved by unanimous consent.

RECONVENE - At 11:31 PM the meeting was resumed.

ADJOURN - There being no further business before the Mayor & Council, Council member Fligor moved to adjourn the meeting at 11:31 PM, the motion was seconded by Council member Archibald and was unanimously approved.

The Governing Body approved these Minutes on April 11, 2007.



Dwayne M. Harris, RMC, CMR  
Municipal Clerk





# RESOLUTION 054-2007

## APPROPRIATION RESERVE TRANSFER

WHEREAS, N.J.S. 40A: 4-59 provides that during *the* first three (3) months of a succeeding year, by a resolution adopted by a two-thirds (2/3) vote of the full membership, appropriation reserves can be transferred from one line item to another within that budget,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey that transfers be made *from* the following 2006 appropriations in the following amounts:

FROM APPROPRIATION TITLE	ACCOUNT NO.	TO APPROPRIATION TITLE	ACCOUNT NO.	AMOUNT
Audit Fees	01-203-20-135-215			(\$750.00)
Construction Official, Salary	01-203-22-196-111			(\$135.00)
Building & Ground, SW	01-201-26-310-111			(\$742.43)
General Admin, OE	01-203-20-100-207			(\$123.50)
Police, SW	01-201-25-240-111			(\$20,000.00)
Streets & Roads, SW	01-203-26-290-111			(\$3,000.00)
Vehicle Maintenance, SW	01-203-26-315-111			(\$2,000.00)
Vehicle Maintenance, SW OT	01-203-26-315-112			(\$3,000.00)
Recreation, SW	01-203-28-370-111			(\$2,500.00)
Street Lighting, OE	01-203-21-435-299			(\$4,500.00)
Telecommunications Exp.	01-203-31-430-206			(\$5,000.00)
Revenue Collections, OE	01-203-20-145-201			(\$500.00)
revenue collections, OE OT	01-203-20-145-206			(\$500.00)
Construction Official, SW	01-203-22-196-111			(\$5,000.00)
Streets & Roads, SW	01-203-26-290-111			(\$2,000.00)
<b>TOTAL</b>				<b>(\$49,750.93)</b>
		Buildings/Ground — Firemen's Field	01-203-26-310-287	\$750.00
		Construction Official, Other Expenses	01-203-22-196-201	\$135.00
		Buildings & Grounds, OE	01-201-26-310-201	\$742.43
		Financial Admin, OE	01-203-20-130-201	\$123.50
		Electricity	01-203-31430-303	\$35,000.00
		Legal Expenses, OE	01-203-20-155-211	\$13,000.00
<b>TOTAL</b>				<b>\$49,750.93</b>

This Resolution was offered and moved by Council member Spatola, seconded by Council member Sutton and adopted on March 14, 2007 as follows:

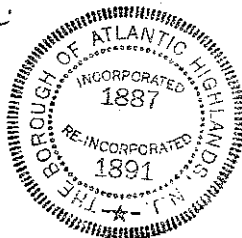
AYES: Council members Archibald, Delloso, Doyle, Fligor, Spatola and Sutton

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 March 14, 2007. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 16th day of March 2007.

Dwayne M. Harris, RMC  
Municipal Clerk





## RESOLUTION 055-2007

### EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, N.J.S.A. 40A: 4-20 provides that the governing body, by a 2/3 vote of the full membership, make emergency temporary appropriations] for any purposes for which appropriation's] may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year; and,

WHEREAS, the amount of such emergency temporary appropriations] shall be included under the correct heading in the current fiscal year budget, as adopted; and,

NOW, THEREFORE, BE IT RESOLVED, [by not less than two-thirds of all the members thereof affirmatively concurring) by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A: 4-20;

1. An emergency temporary appropriation[s] be and the same is hereby made for the following line item's]:

#### **CAPITAL IMPROVEMENT FUND:**

Repair to Fire Ladder Truck \$50,000.00

**TOTAL SUBJECT TO NJSA 40A: 4-20 **\$50,000.00****

2. That said emergency temporary appropriation[s] would be provided for in the 2007 Municipal Budget.
3. That one certified copy of this resolution is filed with the Director of Local Government Services.

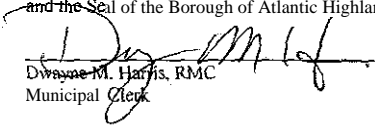
This Resolution was offered and moved by Council member Spatola, seconded by Council member Doyle and adopted on March 14, 2007 as follows:

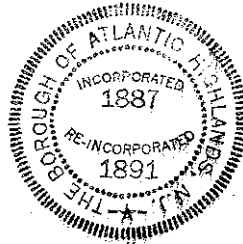
AYES: Council members Archibald, Delloso, Doyle, Fligor, Spatola and Sutton

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 March 14, 2007. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 16th day of March 2007.

  
Dwayne M. Harris, RMC  
Municipal Clerk







# RESOLUTION 056-2007

## AWARDING CONTRACT 'FOR THE REPAIR OF THE FIRE DEPARTMENT LADDER TRUCK

WHEREAS, the Atlantic Highlands Fire Department needs to perform repair and service work to the 1985- 102' Grumman Ladder Tower Truck; and,

WHEREAS, the Governing Body has determined the services to be performed, to repair the 22-year-old ladder tower and turntable as well as to service various electrical components and perform the related performance tests, are specialized and qualitative in nature, requiring expertise, extensive training and a proven reputation in the field of endeavor; and,

WHEREAS, N.J.S.A. 40A: 11-51ij provides that any contract the amount of which exceeds the bid threshold may be negotiated and awarded by the Governing Body without public advertising for bids and bidding therefore and shall be awarded by resolution of the Governing Body if the subject matter thereof consists of equipment repair service, if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such service, shall be in accordance with the requirements for extraordinary unspecifiable services; and,

WHEREAS, KME Fire Apparatus of Nesquehoning, PA has submitted a preliminary proposal to repair the 102' Grumman Ladder Tower Truck in the amount of \$35, 456.00 with an additional pricing estimate of \$10, 000 to repair the swivel; and,

WHEREAS, these quotes are estimated as many of the items require some disassembling for visual inspections and will be thoroughly inspected and priced accordingly when the unit arrives at the facility,

WHEREAS, Lorraine Carafa, Acting Chief Financial Officer for the Borough of Atlantic Highlands, does hereby certify that funds are or will be available for this contract in

\_\_\_\_\_  
Lorraine Carafa

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 Borough Administrator are authorized and directed to enter into an contract with KME Fire Apparatus for the repair and servicing of the 1985- 102' Grumman Ladder Tower truck, in an amount not to exceed of \$50,000.00

BE IT FURTHER RESOLVED, that the Municipal Clerk shall forthwith cause to be printed once, in the official newspaper, a brief notice stating the nature, service and amount of the contract and that this resolution and contract be on file and available for public inspection, in the office of the Municipal Clerk.

This Resolution was offered and moved by Council member Spatola, seconded by Council member Fligor and adopted on March 14, 2007 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Spatola and Sutton  
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 March 14, 2007. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 16th day of March 2007,

Dwayne M. Harris, RMC.  
Municipal Clerk



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## RESOLUTION 057-2007

### AUTHORIZING THE AGREEMENT WITH MONMOUTH COUNTY FOR THE REPAIRS ON BAYSIDE DRIVE

WHEREAS, water run off from storm sewer pipes owned by the County of Monmouth [County] and the Borough of Atlantic Highlands [Borough] caused severe erosion and damage to Bayside Drive in the Borough; and,

WHEREAS, after discussions with the County it had been agreed that the water run off would be determined by volume instead of velocity, leaving the County responsible for 56% and the Borough responsible for 44% of the damages and subsequent repair costs; and,

WHEREAS, the Borough shall be responsible to provide routine maintenance after the expiration of the Contractor's bond, 56 % of the maintenance cost of any major maintenance and/or replacement costs of the Bayside Drive outfall pipe, which thereafter becomes necessary, will be paid by the County, subject to the County's prior review and consent to the performance of such work; and,

WHEREAS, the Borough has agreed to reimburse the County 44% of the repair costs, totaling \$88,000.00, paid in two installments of \$44,000.00, the first being in FY2007, with the balance being payable in FY2008,

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 is authorized to execute the agreement between the County and the Borough for the repair work completed and future maintenance of Bayside Drive.

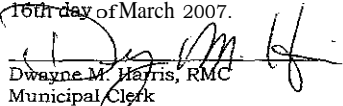
This Resolution was offered and moved by Council member Fligor, seconded by Council member Sutton and adopted on March 14, 2007 as follows:

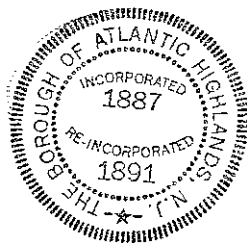
AYES: Council members Archibald, Dellosso, Doyle, Fligor, Spatola and Sutton

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 March 14, 2007. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 16th day of March 2007.

  
Dwayne M. Harris, RMC  
Municipal Clerk





# RESOLUTION 058-2007

## RESOLUTION AUTHORIZING EXECUTION OF RELEASE TO MUNICIPAL EXCESS JOINT LIABILITY INSURANCE FUND SINGER v. BOROUGH OF ATLANTIC HIGHLANDS DOCKET L 44-07

WHEREAS, the Borough has certain liability lawsuit coverage with the Municipal Excess Joint Liability Excess Fund involving claims or lawsuits for damages against the Borough or its officials, and

WHEREAS, that coverage does not include coverage for the type of lawsuit against a municipality seeking relief from a zoning or administrative type decision, legally known as a Complaint in Lieu of Prerogative Writ, as those suits typically do not have as a component a viable claim for damages and normally seek only to reverse or revise the municipal action, and

WHEREAS, the Borough recently was the subject of a lawsuit entitled Singer v. Borough of Atlantic Highlands, filed as a Complaint in Lieu of Prerogative Writ but also asserting a claim for damages; said suit involving a municipal administrative decision related to the zoning and use status of property located at Block 69 Lot 1, and because the Complaint asserted a damage claim an issue arose with the Joint Fund as to whether insurance coverage and the requirement of providing a defense applied, and

WHEREAS, as a settlement of that issue the Joint Fund has offered to contribute \$5,000 to the Borough in exchange for a release of any claims for coverage and defense costs, and the lawsuit having already been dismissed by Court Order of February 16, 2007 the acceptance of this settlement and the execution of the Release is recommended by the Borough Attorney.

NOW WHEREFORE BE IT RESOLVED by the Mayor and Borough Council of Atlantic Highlands that the Mayor and Municipal Clerk are authorized to execute the Release to the Municipal Excess Joint Liability Insurance Fund, releasing any claims that the Borough could assert for insurance coverage and/or indemnification of *defense* costs, with regard to the lawsuit entitled Singer v. Borough of Atlantic Highlands. Docket L 44-07 in exchange for the payment by the Joint Fund to the Borough of \$5,000.

This Resolution was offered and moved by Council member Rigor, seconded by Council member Spatola and adopted on March 14, 2007 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Spatola and Sutton

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 March 14, 2007. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 16th day of March 2007.

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# RESOLUTION 059-2007

## APPOINTMENT OF TAX COLLECTOR

WHEREAS, a vacancy exists in the position of Municipal Tax Collector due to the resignation of Adeline F. Schmidt; and

WHEREAS, N.J.S.A 40A: 9-142 requires that vacancies other than due to expiration of term shall be filled by appointment for the unexpired term; and,

WHEREAS, N.J.S.A 40A: 9-145.7 stipulates that no person shall be appointed or reappointed as tax collector in any Municipality of this State unless he shall hold a tax collector certificate issued pursuant to NJSA. 40A: 9-141, section 2 of P.L. 1979, c.384 and section 6 of P.L. 1993 c.25; and,

WHEREAS, N.J.S.A 40A: 60-510 provides that the Mayor nominate, and with the advice and consent of Council, appoint all subordinate officers of the Borough, unless the specific terms of the general law clearly require a different appointment procedure, and he shall make his nomination to any such office within thirty days of that office becoming vacant; and,

WHEREAS, the Mayor has offered the nomination of JUDITH WERCHINSKI who has years of experience in municipal government, serving as Tax Collector and holds a NJ Tax Collector Certificate,

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 the appointment JUDITH WERCHINSKI, CTC as Tax Collector, effective April 01, 2007, at a salary of \$7,000.00 per annum, is hereby confirmed for the unexpired term ending December 31, 2007, or until their successor is appointed and confirmed.

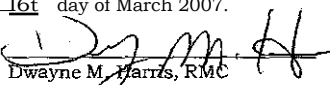
This Resolution was offered and moved by Council member Fligor, seconded by Council member Dellosso and adopted on March 14, 2007 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Spatola and Sutton

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 March 14, 2007. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 16<sup>th</sup> day of March 2007.

  
Dwayne M. Harris, RMC  
Municipal Clerk

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# RESOLUTION 060-2007

## APPOINTING DEPUTY TAX COLLECTOR

WHEREAS, the resignation of Catherine Hendrickson as Deputy Tax Collector has caused a vacancy in that position; and,

WHEREAS, there is a need to fill this position to provide necessary tax collection services and to complete the day to day administrative duties within the tax department; and,

WHEREAS, N.J.S.A 40A: 60-5[g] provides that the Mayor *nominate*, and with the advice and *consent* of Council, appoint all subordinate officers of the Borough, unless the specific terms of the general law clearly require a different appointment procedure, and he shall make his nomination to any such office within thirty days of that office becoming vacant; and,

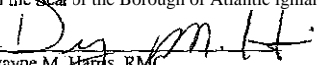
WHEREAS, the Mayor has offered the nomination of Debra Hough for this position,

NOW, THEREFORE, BE IT RESOLVED by the *Governing* Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that Debra Hough is hereby appointed Deputy Tax collector for a term of three years effective March 15, 2007 and ending March 14, 2010, with a salary of \$12,000.00 per annum, is hereby confirmed.

This Resolution was offered and moved by Council member Dellosso, seconded by Council member Doyle and adopted on March 14, 2007 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Rigor, Spatola and Sutton  
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 true copy of the action of the Governing Body at its meeting held March 14, 2007. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 16th day of March 2007.

  
Dwayne M. Harris, RMC  
Municipal Clerk

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# RESOLUTION 061-2007

## RESOLUTION REQUESTING PARTICIPATION IN COUNTY-LED RECORDS MANAGEMENT NEEDS ASSESSMENT

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation and storage needs of county and municipal governments; and

WHEREAS, the State Records Committee (SRC), New Jersey Division of Archives and Records Management (DARM) and the Corzine administration have all declared shared *services of* utmost priority and importance with the goal *of* saving taxpayer dollars; and

WHEREAS, the SRC has declared that projects that call for the county government *to* provide for a records needs *assessment, inventory* and strategic plan for all constituent municipalities within their government to be *of* high priority for the PARIS program; and

WHEREAS, the Borough *of* Atlantic Highlands is interested in pursuing records management shared services with the County *of* Monmouth and acknowledges that a comprehensive records management needs assessment is an essential building block of our own records management program; and

WHEREAS, doing so will allow the county to pursue an efficient and centralized records *management* program; and

WHEREAS, applying for such will give the county a higher competitive edge during the application and grant review process;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council *of* the Borough *of* Atlantic Highlands that the Governing Body encourages the Board *of* Chosen Freeholders *of* the County *of* Monmouth to agree to conduct a comprehensive needs assessment for the Borough *of* Atlantic Highlands.

BE IT FURTHER RESOLVED, that the Clerk forward a certified true copy *of* this resolution to Mark E. Acker, Director *of* Finance, County *of* Monmouth.

This Resolution was offered and moved by Council member Rigor, seconded by Council member Delosso and adopted on March 14, 2007 as follows:

AYES: Council members Archibald, Delosso, Doyle, Rigor, Spatola and Sutton

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 March 14, 2007. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 16th day of March 2007.

  
Dwayne M. Harris, RMC  
Municipal Clerk

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# RESOLUTION 062-2007

## [withdrawn]

### RESOLUTION AUTHORIZING THE USE OF "FAIR AND OPEN" FOR THE COMPETATIVE CONTRACTING OF BOROUGH PROJECTS

WHEREAS, competitive contracting is based on the principle that what is most important is the cost, quality, and availability of the goods and services, not who provides it; and,

WHEREAS, competition and choice are important marketplace forces that when utilized correctly within local government will save taxpayer money which can help reduce the tax burden of each homeowner and business; and,

WHEREAS, because the decision-making is not open, the public is (1) not certain about the potential and actual conflict[s] of interests of each contractor and public officials involved in the process; (2) suspicious of financial benefits that contractors and potential contractors may bestow on public officials and (3) concerned about the influence that campaign contributions may have on elected public officials which in turn exert influence on decision-makers in the contracting process; and,

WHEREAS on January 1, 2006, P.L. 2004, c.19, known as the "New Jersey Local Unit Pay-To-Play" law (N.J.S.A 19:44A-20.4 et seq) requiring that all contracts with a value over \$17,500 be awarded pursuant to a "fair and open" or "non-fair and open" process, both of which are defined in the law, took effect; and,

WHEREAS The Law defines that "*fair and open process*" means, at a minimum, that the contract shall be: publicly advertised in newspapers or on the Internet website maintained by the public entity in sufficient time to give notice in advance of the contract; awarded under a process that provides for public solicitation of proposals or qualifications and awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or qualifications; and publicly opened and announced when awarded; and,

WHEREAS, free and open competition is conducive to production, economic growth and the efficient use of limited resources, it is in the public interest, especially when public contracts and tax dollars are concerned, that all qualified and capable contractors are fairly considered,

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of Atlantic Highlands that the Borough of Atlantic Highlands, or any agency, or instrumentality thereof shall not enter into a contract having an anticipated aggregate value in excess of \$17,500.00 as determined in advance and certified in writing, by the Chief Financial Officer, or Borough Administrator, with a business entity and for Professional, except a contract that is awarded pursuant to a "fair and open" process.

BE IT FURTHER RESOLVED any contract may be negotiated or awarded within the Borough without public advertising for bids and bidding therefore, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; provided that the awarding of such contracts is made in the following manner:

- a. The official in charge of the department wherein the emergency occurred, or such other officer or employee as may be authorized to act in place of that official, shall notify the Mayor, the Borough Administrator, or a designated representative of the governing body, of the need for the performance of a contract, the nature of the emergency, the time of its occurrence and the need for invoking this section. If that person is satisfied that an emergency exists, that person shall be authorized to award a contract or contracts for such purposes as may be necessary to respond to the emergent needs. Such notification shall be reduced to writing and filed with the purchasing agent as soon as practicable, and kept on file along with the contract
- b. The governing body of the Borough may prescribe additional rules and procedures to implement the requirements of this section.

TABLED UNTIL 03/28/07



# RESOLUTION 063-2007

## AUTHORIZING BID ADVERTISEMENT AND RECEIPT FOR THE TRUCKING AND REMOVAL OF DREDGE MATERIAL FROM THE MUNICIPAL HARBOR

WHEREAS, the Borough of Atlantic Highlands entered into a contract with Wickburg Construction Company, for the Atlantic Highlands Harbor Dredge Project; and,

WHEREAS, the dredged materials generated by this project need to be removed from the Harbor's dredge pit and disposed of; and,

WHEREAS, N.J.S.A. 40A: 11-4 requires that every contract awarded by the contracting agent, for the provision of goods or services, the cost of which in the aggregate exceeds the bid threshold shall be awarded by resolution of the governing body of the contracting unit to the lowest responsible bidder after public advertising of bids and bidding therefore,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the advertisement for receipt of bids for the trucking and removal of dredge material at the Atlantic Highlands Municipal Harbor, is authorized and sealed bids will be received at the Borough Hall, 100 First Ave, on April 03, 2007 at 10:30am, at which time they will be publicly unsealed and the contents publicly announced.


This Resolution was offered and moved by Council member Spatola, seconded by Council member Archibald and adopted on March 14, 2007 as follows:

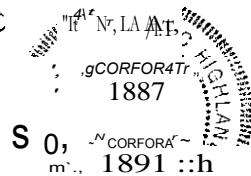
AYES: Council members Archibald, Dellosso, Doyle, Fligor, Spatola and Sutton

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 March 14, 2007. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 16th day of March 2007.

  
Dwayne M. Harris, RMC  
Municipal Clerk



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# RESOLUTION 064-2007

## ACCEPTING MEMBERSHIP INTO THE ATLANTIC HIGHLANDS FIRE DEPARTMENT

WHEREAS, Richard E. Faller has completed and filed an application for membership with the Atlantic Highlands Fire Department; and,

WHEREAS, the Volunteer Fire Department and First Aid Squad within the Borough of Atlantic Highlands accepts for membership those persons meeting certain criteria; and

WHEREAS, after the requisite background check, by the Atlantic Highlands Police, it has been established that Richard E. Faller meets all of the criteria for membership and has no outstanding record that would disqualify him from being accepted as a member,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey, that Richard E. Faller is hereby accepted as a member into the Atlantic Highlands Volunteer Fire Department.

BE IT FURTHER RESOLVED THAT, the effective date of his membership shall be retroactive to the first date of service as recorded on the sanctioned roster of the Atlantic Highlands Fire Department.

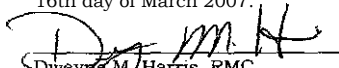
This Resolution was offered and moved by Council member Spatola, seconded by Council member Archibald and adopted on March 14, 2007 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Spatola and Sutton

NAYS:

ABSTAIN:

I, Dwayne M. Hams, 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 March 14, 2007. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 16th day of March 2007.

  
Dwayne M. Hams, RMC  
Municipal Clerk

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# RESOLUTION 065-2007

## WAIVER OF TAX INTEREST CHARGES

WHEREAS, the Collector of Taxes has advised the Governing Body that a waiver of interest for taxes should be awarded to the taxpayers named below,

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 the Tax Collector is authorized to waive the interest charges, resulting in a reversal of the interest, for the below named taxpayers,

BLOCK	LOT	NAME OF PAYEE	AMOUNT
7	9.01	AH Harbor Commission	16.89
<b>Total</b>			<b>\$16.89</b>

BE IT FURTHER RESOLVED that any overpayments resulting from the reversal of interest shall be refunded and the Chief Financial Officer is hereby authorized and directed to make said refund.

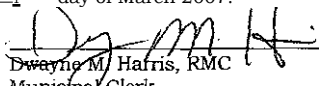
This Resolution was offered and moved by Council member Spatola, seconded by Council member Archibald and adopted on March 14, 2007 as follows:

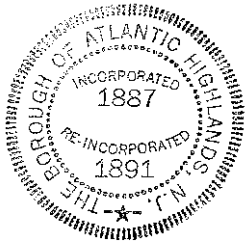
AYES: Council members Archibald, Delloso, Doyle, Fligor, Spatola and Sutton

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 March 14, 2007. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 14<sup>th</sup> day of March 2007.

  
Dwayne M. Harris, RMC  
Municipal Clerk





## RESOLUTION 066-2007 PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated March 07, 2007 which totals as follows:

Current Fund	\$702,094.76
Capital Fund	\$118,444.35
Trust-Other	\$4,224.25
Water/Sewer Operating Fund	\$74,726.78
Water /Sewer Utility Capital	\$13,529.70
Harbor Operating Fund	\$89,017.02
Harbor Utility Capital Fund	\$39,213.04
Federal/State Grants	\$660.45
LOSAP	\$0
Animal	\$35.40
MCIA	\$0
TOTAL	\$1,041,945.75

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 \$1,041,945.75 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.

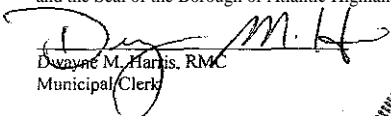
This Resolution was offered and moved by Council member Spatola, seconded by Council member Archibald and adopted on March 14, 2007 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Rigor, Spatola and Sutton

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 March 14, 2007. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 16th day of March 2007.

  
Dwayne M. Harris, RMC  
Municipal Clerk

