



MAYOR AND COUNCIL EMERGENCY MEETING AUGUST 28, 2008

This Emergency meeting was called pursuant to the provisions of N.J.S.A. 10:4-9 and the Open Public Meetings Law. Adequate notice was not provided. This meeting will be limited to discussion of and acting with respect to the failure and subsequent repair of the million gallon water tank located on Observatory Place that has developed a critical leak which continues to increase in its severity. The Borough will lose the ability to adequately supply water in the case of a fire emergency which could cause substantial harm to the public interest. Notice of this meeting was transmitted to the Asbury Park Press on August 27, 2008. In addition copies of this notice was posted on the bulletin board in Borough Hall, posted on the Borough website and filed in the Office of the Municipal Clerk on the aforementioned date. The need for this emergency meeting could not reasonably have been foreseen at a time when adequate notice could have been provided because the leak has increased in its severity while the repair process was already being investigated. . Formal action will be taken.

Roll call

- 1) Resolution 142-2008, Approving Emergency Appropriation – Under 3%
- 2) Resolution 143-2008, Awarding Contract for Emergency Repair
- 3) Resolution 144-2008, Authorizing Engineering Service for Emergency Repair

Adjourn



RESOLUTION 142-2008

APPROVING AN EMERGENCY APPROPRIATIONS OF LESS THAN 3 PERCENT TOTAL OPERATING APPROPRIATIONS FOR THE REPAIR OF THE WATER STORAGE TANK

WHEREAS, an emergency has arisen with respect to the failure and subsequent repair of the million gallon water tank, located on Observatory Place, that has developed a critical leak which continues to increase in its severity, and no adequate provision was made in the 2008 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$150,000.00 and three percent of the total operating appropriations in the budget for 2008 is \$463,479.64; and

WHEREAS, the foregoing appropriation, together with prior appropriations, does not exceed three percent of the total current operating appropriations (including utility operating appropriations) in the budget for 2008;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Atlantic Highlands in the County of Monmouth that not less than two thirds of all the members thereof affirmatively concurring that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation be and the same is hereby made for Other Expenses: Water Tank Emergency in the amount of \$150,000.00.
2. That said emergency appropriation shall be provided for in full in the 2009 budget and is requested to be excluded from CAPS pursuant to N.J.S.A. 40A:4-45.3.c(1).
3. That two certified copies of this resolution be filed with the Director of Local Government Services.

This Resolution was offered and moved by Council member Archibald, seconded by Council member Hoffmann and adopted on August 28, 2008 as follows:

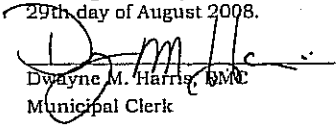
AYES: Council members Archibald, Fligor, Dellosso, Doyle, Hoffmann and Sutton

NAYS:

ABSTAIN:

ABSENT:

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 August 28, 2008. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 29th day of August 2008.


Dwayne M. Harris, BMC
Municipal Clerk



RESOLUTION 143-2008

AWARDING CONTRACT FOR THE EMERGENCY REPAIR OF THE MILLION GALLON WATER TANK

WHEREAS, an Emergency situation has arisen with respect to the failure and subsequent repair of the million gallon water tank located on Observatory Place, that has developed a critical leak which continues to increase in its severity.; and,

WHEREAS, this situation adversely affects the public health, safety or welfare of the residents in the Borough of Atlantic Highlands and requires the immediate delivery of goods or performance of services to repair the leaking million gallon water tank; 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: and,

WHEREAS, N.J.S.A 40A:11-4.1 to 4.5 provides that when a contracting unit experiences an emergency that meets the requirement of law, a waiver of Chapter 19 is automatically granted, as long as the requirements of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-6 and the rules at N.J.A.C. 5:34-6.1 are met.

WHEREAS, proposals were solicited on Monday August 25, 2008 for the above referenced project; and,

WHEREAS, two [2] proposals were received and opened on Tuesday August 26, 2008 as follows;

Pittsburg Tank & Tower Maintenance Co Inc.	\$86,770.00
The Kessler Tank Co. Inc.	\$95,500.00

; and

WHEREAS, the Engineer and Borough Administrator have reviewed the proposals and finds that all meet the specifications, that the contractors are experienced and qualified for performing this type of work and have provided the required security bonds for the job; and recommends the contract be awarded to Pittsburg Tank & Tower Maintenance; and,

WHEREAS, Gerard T. Gagliano, Temporary Chief Financial Officer for the Borough of Atlantic Highlands, does hereby certify that an emergency appropriation has been made for Other Expenses: Water Tank Emergency and has verified that funds will be available for this;

Gerard T. Gagliano, Temp CFO

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 Pittsburg Tank & Tower Maintenance Co to make the emergency repair to the leaking million gallon water tank, in an amount not to exceed \$ 86,770.00

This Resolution was offered and moved by Council member Fligor, seconded by Council member Delosso and adopted on August 28, 2008 as follows:

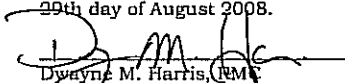
AYES: Council members Archibald, Fligor, Delosso, Doyle, Hoffmann and Sutton

NAYS:

ABSTAIN:

ABSENT:

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 August 28, 2008. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 29th day of August 2008.


Dwayne M. Harris, ~~PMC~~
Municipal Clerk



RESOLUTION 144-2008

RESOLUTION AUTHORIZING THE PERFORMANCE OF ENGINEERING SERVICES FOR THE EMERGENCY REPAIR OF THE MILLION GALLON WATER TANK

WHEREAS, the Borough of Atlantic Highlands has a need to contract for engineering services associated to the failure and subsequent repair of the million gallon water tank, located on Observatory Place, in the Borough of Atlantic Highlands, and,

WHEREAS, the anticipated term of this contract is for 1 year and may be extended upon the approval of the governing body; and

WHEREAS, the Borough Administrator has determined that the value of these services will not exceed \$9,700.00; and,

WHEREAS through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, The Borough of Atlantic Highlands has solicited proposals from qualified professionals to provide services as the Borough Engineer for a three-year term as per N.J.S.A. 40A: 9-140.

WHEREAS, on January 24, 2007, ROBERT W. BUCCO, JR. an engineer licensed by the State of New Jersey who is experienced with municipal law and meets all of the requirements as set forth in the Borough's request for proposal, was appointed through the "Fair and Open" process, pursuant to N.J.S.A. 19:44A-20.4 et seq."

WHEREAS, all purchase orders placed by the Borough of Atlantic Highlands for engineering services, will be subject to such controls or approvals as required by the governing body or other administrative agency; and

WHEREAS, the Chief Financial Officer for the Borough of Atlantic Highlands shall ensure that funds are available for such purposes through either an encumbrance or certification of availability of funds, each time a purchase order is placed,

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Atlantic Highlands authorizes David Marks of T&M Associates to perform the engineering services, on behalf of Robert Bucco, as outlined in his proposal dated August 28, 2008, pursuant to N.J.A.C. 5:30-11.10, associated with the failure and subsequent repair of the million gallon water tank, located on Observatory Place, in the Borough of Atlantic Highlands, for an amount not to exceed \$9,700.00.00.

This Resolution was offered and moved by Council member Archibald, seconded by Council member Fligor and adopted on August 28, 2008 as follows:

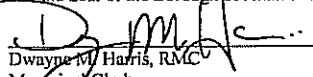
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Dwayne M. Harris, RMC
Municipal Clerk