



# MAYOR AND COUNCIL MEETING

## AUGUST 12, 2009

This Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice has been provided by transmitting the Resolution of Annual Meetings to the Asbury Park Press and the Two River Times and by posting it, in the Borough Hall on a bulletin board reserved for such announcements, and by filing it with the Municipal Clerk on 1/05/2009. This agenda is complete to the extent known and formal action will be taken.

1. Silent prayer
2. Pledge of allegiance
3. Roll call
4. Approval of previous meeting minutes:  
Regular Meeting – July 15, 2009
5. Resolution 141-2009, Appointment of Police Sergeant
6. Reports - Council, Administration, Professional, Other
7. Public Comment Session - **[Please Stand, State your name and address and Speak loudly]**
8. Unfinished Business:
  - a. Green Acres Diversion - Civic Center Park-Library Plaza  
Public Hearing
9. New Business
  - a. Resolution 143-2009, Reaffirming Application for Green Acres Diversion
  - b. Resolution 133-2009, Certification of the 2008 Annual Audit
  - c. Resolution 134-2009, Approval of Change Order #1 - Wagner Creek Wetlands
  - d. Resolution 135-2009, Approval of Change Order #2 - Center Ave Park
  - e. Resolution 137-2009, Awarding Contract - 2009 Sidewalk Improvement Program
  - f. ~~Resolution 138-2009, [WITHDRAWN]~~
  - g. Resolution 140-2009, Award Contract - Fireman's Filed Roof Repair
  - h. Ordinance 14-2009 - Appropriating \$121,500.00 for Various Capital Projects  
Introduction/First Reading
  - i. Ordinance 15-2009 - Appropriating &460,000 for Streetscape Phase III  
Introduction/First Reading
10. **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:
  - a. Resolution 136-2009, Authorizing Destruction of Unneeded Personal Property
  - b. Resolution 139-2009, Payment of Bills
  - c. Resolution 142-2009, Approval of Raffle Application
  - d. Resolution 144-2009, Accepting Membership - AH Fire Dept
11. Public Comment Session - **[Please Stand, State your name and address and Speak loudly]**
12. Adjourn



## **MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF AUGUST 12, 2009**

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on August 12, 2009 in the public meeting room of Borough Hall, 100 First Avenue Atlantic Highlands NJ.

Mayor Rast called the meeting to order at 7:00 PM. After a silent prayer and the Pledge of Allegiance, the following roll call was taken: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton and Mayor Rast. Administrator Hubeny, Borough Attorney Reilly, Borough Engineer David Marks of T & M Associates 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 Two River Times, continuously posted in the Borough Hall on a bulletin board reserved for such announcements, and filed with the Municipal Clerk of Atlantic Highlands, on 1/05/2009. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

### **APPROVAL OF PREVIOUS MEETING MINUTES:**

Regular Meeting – July 15, 2009

A motion was made by council member Sutton to approve these minutes. It was seconded by council member Archibald. The motion carried by the following roll call vote:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton  
NAYS: None  
ABSTAIN: None  
ABSENT: None

### **RESOLUTION 141-2009, APPOINTMENT OF POLICE SERGEANT**

This Resolution was offered and moved by Council member Sutton, seconded by Council member Archibald and adopted on August 12, 2009 as follows:

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

Mayor Rast Administered the Oath of Office to Sergeant Glietz.

### **REPORTS - COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER**

Council member Archibald reported that the Environmental Commission's Waterfront Day will be held on September 19 and Woods Day will be held on September 20 the focus will be on the west section of Lenape Woods. They have looked at a prototype of trail maps that will be placed on kiosks along the trails in the woods. They have been discussing two Eagle projects one is cleaning up Henry Hudson Springs, and the other is a potential rain Garden at Hilton Station and a third is a possible path from Conifer Village to one of the trails in Lenape Woods. They did take an informal vote and did support us in the Green Acres Diversion. He reported Summer Recreation was going well. There will be fall tennis, look for sign ups. Fall Soccer sign ups have ended. He finally reported on the Police activity for July and gave the year to date statistics for the Borough.

Council member Hoffmann reported that the Harbor is humming. Signs have been put up for the trail and the fence along the trail seems to be working. We have stepped up security in the Harbor; they have had some boats in the immediate area stolen on trailers. The Harbor rates for 2010 have been approved and Councilman Doyle will review them for you. There is a young man in the Harbor going for his Eagle Scout by constructing a warm-up station for the Bayshore Trail. We are trying to help him as much as we can and he is soliciting businesses around town for money.

Council member Doyle reported that the harbor rates for 2010 have been approved the formal proposal will be presented at the next meeting. Sailboats- no increase for the mooring fields. Boat Slips- \$3.00 per foot. Dry winter storage \$2.00 for power boats and \$4.00 for sail boats. Day Storage will be a \$25.00 increase. The head boats are \$800.00 proposed increase. Overall with the increases there should be an additional \$96,000.00 in revenue to the Harbor.

Mayor Rast commented that he is hesitant on passing an increase for the head boats. Business is down and they are hurting.

Council man Doyle further reported that the Harbor commission has changed the payment streams to 50% due December 1<sup>st</sup>, 25% due February 1<sup>st</sup> and 25% to March 15<sup>th</sup> trying to spread the cash flow and offer flexibility to the tenants. Finally the Harbor approved up to \$6,500.00 to Nijerian to do a study on

August 12, 2009

building a pier on the abandoned racetrack pier. It is very initial and preliminary so we can go to Pallone's office and get whatever money is available.

Council member Sutton reported that TOMSA flows are at 43.6% for the month of July. We are going to award the contract to Mark Woszczak Mechanical Contractors for the Seventh Ave under drain project. They are going to try to coordinate that project with the work on Center Ave. The project should take about four weeks to complete and we hope to see about \$90,000 in savings to TOMSA.

Council member Dellosso gave a report on the library circulation being 4400 items, 13% over last year and the highest total ever. They ran 19 different programs as well. The Elementary school had volunteers help assemble the new school playground saving over \$50,000.00 in assembly.

Administrator Hubeny gave his report on the different issues around the Borough. He hopes to have the Grand Opening for the soccer field sometime in September.

Clerk Harris just reminded everyone that the next Council meeting would not be until the second Wednesday in September.

David Marks briefly reported on the Streetscape contracts going out and the contracts for the Seventh Avenue under drain project.

#### **PUBLIC COMMENT SESSION**

Michelle Rast - 49 8<sup>th</sup> Avenue questioned her prior request on getting a cell tower in town. There are areas in town that don't get cell service, especially along the Bayshore Trail. She also commented that something needs to be done about the water and sewer rates in the Borough.

William Phillips - Memorial Pkwy questioned what would happen if the money from the Federal Government did not come as planned for the construction of the Borough Hall renovations.

Mike Rybeck - North Ave asked if the costs for Borough Hall included Bonding costs.

Mary Wall - Ocean Blvd asked what a "rain garden" was. She also asked if more trash cans could be put along the Bayshore Trail.

Jim Krauss - 77 Bayside Drive commented that he feels cell phone antennas would be best on the breakwater. Regarding the party boats, with a slow economic recovery or the changing of the Fluke regulations, under either condition an additional 16 passengers over the course of the season would pay for their increase in rent.

Kathleen Wigginton - Ave D asked if there had to be distance between one cell tower and another. With the tower on Hillside, a tower at the Borough yard would be too close.

William Phillips - Memorial Pkwy commented that he had discussed the cell situation in the Borough with experts in the field, who told him that there were no monies allocated for towers and the Borough would have to complain to the BPU to get additional funds.

Richard Faller - Second Ave agreed with Mr. Phillips regarding his what if the monies do not come in for the new library construction. If we are going to do it, now is the time to do it because prices are going to go up.

#### **UNFINISHED BUSINESS:**

##### **Green Acres Diversion - Civic Center Park-Library Plaza - Public Hearing**

A motion to open the Public Hearing was made by Council member Sutton; it was seconded by Council member Dellosso and was unanimously approved.

##### **Comment -Mary Wall - 79 Ocean Blvd**

If a home owner puts a tree on their, and they're tax payers could we reach out also to the residents, saying if you bought a tree and you still have the receipt, could we start to maybe, add them also.

##### **Response - Administrator Hubeny**

I will pose that question to Mr. Smith tomorrow and see if that is possible. And again that is going to be the collection of a receipt that has to have the size of the tree, the diameter of the tree, and I guess a certification that the tree is still alive. That is the only way they'll consider it possible; but good question, I will ask.

August 12, 2009

**Comment - Councilman Louis Fligor**

Can we also look into, about 10-15 years ago; the Borough did a complete rebuild of the West side of town; sidewalks, sewers, roads and trees. It was done through a Community Development Block Grant, and Maser engineering were the engineer at the times, and they planted a whole lot of trees up and down Center Avenue, Highland Avenue.

**Response - Administrator Hubeny**

I am not even sure they are going to accept a five year planting program. You know we have worked very hard trying to find the records and we have done the best we can

**Comment - Councilman Peter Doyle**

What about the gas company, those trees they planted

**Response - Administrator Hubeny**

I have asked Mr. Merenda to give me the receipts for the trees on Leonard Avenue that were just planted. I am not sure if the State House Commission considers evergreens, I believe they have to be like a hard wood tree.

**Comment - Richard Faller - 19 Second Avenue**

I have asked Mr. Merenda to give me the receipts for the trees on Leonard Avenue that were just planted. I am not sure if the State House Commission considers evergreens, I believe they have to be like a hard wood tree.

**Response - Administrator Hubeny**

The law reads the law. The only ones that can supersede that is the State House Commission changing the rules. Which Mr. Smith said, there in the process of reviewing all of the rules right now?

**Comment - Jim Krauss - 77 Bayside Drive**

But it seems to me that if the town is willing to do something that will benefit the town that is a much better solution, for us, then sending \$112,000.00 off to the State

**Comment - Marilyn Scherfen - 55 Avenue D**

I couldn't agree with you more, nor could the Shade Tree Commission. They thought that was a terrible waste of money. But we felt that this alternate plan [five year planting program] would be a marvelous benefit to the town. It would be a win-win situation.

**Comment - William Phillips - Memorial Parkway**

Are we only getting a percentage of the remediation area the Gas Company did, those couple of hundred trees? I was under the impression that it was 180 trees they put in there, are they too small, not qualifying? If you have ten trees and you're a going to get ten credits per tree for one.

**Comment - Mayor Frederick J. Rast III**

What he is saying, is can you get 10 credits for a twenty inch tree as opposed to one credit for a two inch tree.

**Response - Administrator Hubeny**

I don't believe so. I think the minimum is a two inch diameter and that's the way they go, tree for tree.

**Comment - Councilman John Archibald**

The Environmental Commission did support the diversion.

**Comment - Mayor Frederick J. Rast III**

And so did the Shade Tree Commission. Everybody is on board and we all know that it is a good project.

**Comment - Justin DiAguano**

Was asking if the trees that Saint Agnes planted, as part of their new construction, would count towards the required number.

**Response - Administrator Hubeny**

I don't know the answer to that but that's private funding. I believe it has to be public money spent, because it was public money used to buy that park to purchase the park in 1969.

**Comment - Councilmember Louis Fligor**

Was proposing that consideration be given to the Borough for its efforts to preserve trees and open space through its acquisition of Lenape Woods and other areas threatened by developers?

**Response - Administrator Hubeny**

I don't think you could use that, The Borough saved the woods but I don't think you can get credits for that. Green Acres is familiar with all of our Green Acres property. We get inspected every two years. Mr. Smith is our representative. He has been working with us hand in hand, guiding us each step of the way.

A Motion to close the Public Hearing was made by Council member Sutton; it was seconded by Council member Archibald and was unanimously approved

**NEW BUSINESS:**

**RESOLUTION 143-2009, REAFFIRMING APPLICATION FOR GREEN ACRES DIVERSION**

This Resolution was offered and moved by Council member Archibald, seconded by Council member Fligor and adopted on August 12, 2009 as follows:

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

NAYS: NONE

ABSTAIN: NONE

**RESOLUTION 133-2009, CERTIFICATION OF THE 2008 ANNUAL AUDIT**

This Resolution was offered and moved by Council member Doyle, seconded by Council member Archibald and adopted on August 12, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 134-2009, APPROVAL OF CHANGE ORDER #1 - WAGNER CREEK WETLANDS**

This Resolution was offered and moved by Council member Sutton, seconded by Council member Dellosso and adopted on August 12, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 135-2009, APPROVAL OF CHANGE ORDER #2 - CENTER AVE PARK**

This Resolution was offered and moved by Council member Archibald, seconded by Council member Fligor and adopted on August 12, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 137-2009, AWARDED CONTRACT - 2009 SIDEWALK IMPROVEMENT PROGRAM**

This Resolution was offered and moved by Council member Archibald, seconded by Council member Doyle and adopted on August 12, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 140-2009, AWARD CONTRACT - FIREMAN'S FILED ROOF REPAIR**

This Resolution was offered and moved by Council member Dellosso, seconded by Council member Fligor and adopted on August 12, 2009 as follows:

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

NAYS:

ABSTAIN:

**ORDINANCE 14-2009 - APPROPRIATING \$121,500.00 FOR VARIOUS CAPITAL PROJECTS**

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

August 12, 2009

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton  
NAYS: None  
ABSTAIN: None  
ABSENT: None

The Second Reading, Public Hearing and possible adoption is scheduled for September 09, 2009.

**ORDINANCE 15-2009 - APPROPRIATING \$460,000 FOR STREETScape PHASE III**

Council member Dellosso 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, Dellosso, Doyle, Fligor, Hoffmann and Sutton  
NAYS: None  
ABSTAIN: None  
ABSENT: None

The Second Reading, Public Hearing and possible adoption is scheduled for September 09, 2009

**CONSENT AGENDA:** These items were enacted by one motion. If detailed deliberation was desired on any item, Council would remove that item from the consent agenda and consider it separately:

- Resolution 136-2009, Authorizing Destruction of Unneeded Personal Property
- Resolution 139-2009, Payment of Bills
- Resolution 142-2009, Approval of Raffle Application
- Resolution 144-2009, Accepting Membership - AH Fire Dept

These Resolutions were offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on August 12, 2009 as follows:

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

**PUBLIC COMMENT SESSION**

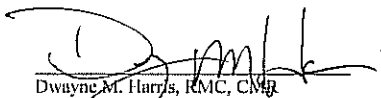
William Phillips - Memorial Pkwy asked when the bricks in front of the Scotto building would be replaced, and if the Borough had them stored somewhere. He feels that area has become a safety hazard and needs to be repaired before the school season begins.

**ADJOURN- THERE** being no further business before the Mayor and Council, Council member Archibald moved to adjourn the meeting at 8:59 PM; the motion was seconded by Council member Fligor and was unanimously approved.

A motion was made by council member Fligor to approve these minutes. It was seconded by council member Archibald. The motion carried by the following roll call vote:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton  
NAYS: None  
ABSTAIN: None  
ABSENT: 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 September 09, 2009.

  
Dwayne M. Harris, RMC, CMG  
Municipal Clerk



# RESOLUTION 133-2009

## GOVERNING BODY CERTIFICATION OF THE 2008 ANNUAL AUDIT

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

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Atlantic Highlands, pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

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

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

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

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

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

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

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

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

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


This Resolution was offered and moved by Council member Doyle, seconded by Council member Archibald and adopted on August 12, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann 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 August 12, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



# RESOLUTION 134-2009

## APPROVAL OF CHANGE ORDER #1 THE WAGNER CREEK WETLANDS MITIGATION PROJECT

WHEREAS, the Borough of Atlantic Highlands entered into a contract with A. Montone Construction to undertake the construction of a public improvement within the Municipality commonly referred to as the Mitigation and Enhancement of Wagner Creek, in an amount not to exceed \$192,762.00; and,

WHEREAS the disposal of creosote timber and the addition of wood chips will increase the contract price of \$192,762.00 by \$12,547.85, to a revised contract price \$205,309.85, as modified by Change Order No.1, dated July 31, 2009,

WHEREAS, N.J.A.C.5: 30-11.3c requires that changes in payment for activities within the scope of activities of the contract shall be in accordance with a schedule of specific charges and shall be effectuated by a written change order authorized by the Governing Body,

WHEREAS, Gerard T. Gagliano, Temporary Chief Financial Officer for the Borough of Atlantic Highlands, does hereby certify that funds are available for this contract in

04-215-55-907-004



Gerard Gagliano, Temp. CFO

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, Change Order #1 dated July 31, 2009, modifying the Mitigation and Enhancement of Wagner Creek contract, with A. Montone Construction, is hereby approved.

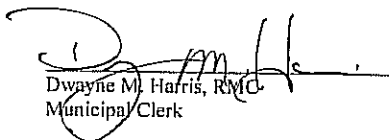
This Resolution was offered and moved by Council member Sutton, seconded by Council member Dellosso and adopted on August 12, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann 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 August 12, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2009.



Dwayne M. Harris, RMC  
Municipal Clerk





## RESOLUTION 135-2009

### APPROVAL OF CHANGE ORDER #2 FOR THE CENTER AVENUE PARK

WHEREAS, the Borough of Atlantic Highlands entered into a contract with A. Montone Construction to create youth size soccer fields in the park on Center Avenue, in an amount not to exceed \$ 154,217.20; and,

WHEREAS, The Borough had requested the installation of an alternate 8x8 timber curb, the inclusion of electrical service from the pump station and an increase in the chain link gate; and,

WHEREAS these additions will increase the contract price of \$158, 017.20 modified by change order #1 dated January 05, 2009, by \$12,661.52, to a revised contract price \$178,678.72, as modified by Change Order No.2, dated August 03, 2009,

WHEREAS, N.J.A.C.5: 30-11.3c requires that changes in payment for activities within the scope of activities of the contract shall be in accordance with a schedule of specific charges and shall be effectuated by a written change order authorized by the Governing Body,

WHEREAS, Gerard T. Gagliano, Temporary Chief Financial Officer for the Borough of Atlantic Highlands, does hereby certify that funds are available for this purpose in

04-215-55-907-099

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Gerard Gagliano, Temp. CFO

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, Change Order #2 dated August 03, 2009, modifying the contract with A. Montone Construction is hereby approved.

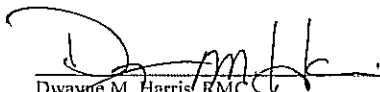
This Resolution was offered and moved by Council member Archibald, seconded by Council member Fligor and adopted on August 12, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann 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 August 12, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2009.



Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 136-2009

### AUTHORIZING THE DESTRUCTION OF UNNEEDED PERSONAL PROPERTY

WHEREAS, it has determined that certain equipment owned by the Atlantic Highlands Harbor Commission is unfit for use and is a threat to the safety and welfare of anyone who would attempt to use it; and,

WHEREAS N.J.S.A. 40A: 11-9 requires the purchasing agent to arrange, after governing body approval, for the disposal of surplus materials and equipment either by transfer to other municipal agencies or by public sale; and,

WHEREAS due to the nature and use of the equipment in question, it has been determined that transfer or sale of the equipment is impractical due to its potential threat to the safety and well being of the recipient.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the Atlantic Highlands Municipal Harbor and Harbor Commission have authority to dispose of the following equipment, due to its potential threat to the health, safety and welfare of anyone who attempts to operate it:

1. Garland Natural Gas Broiler - Serial #11A1983 Model #165627

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Chief Financial Officer as a record of disposal of this Borough asset.

This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on August 12, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann 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 August 12, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



# RESOLUTION 137-2009

## AWARDING CONTRACT FOR THE 2009 SIDEWALK IMPROVEMENT PROGRAM

WHEREAS, the Borough of Atlantic Highlands desires to further advance the 2009 Sidewalk Improvement Program which would provide for the repair of Sidewalks throughout the Borough; and,

WHEREAS, this Program 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 August 11, 2009 for the above referenced project; and,

WHEREAS, seven [7] bids were received and opened with the lowest three as follows;

R&B Builders	\$ 4.75 per sq. ft. 4500psi 4"
Diamond Construction	\$ 4.75 per sq. ft. 4500psi 4"
JADS Construction	\$ 4.93 per sq. ft. 4500psi 4"

; and

WHEREAS, the Borough Administrator has reviewed the bids and finds that all meet the specifications, that the bidders 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 R&B Builders; and,

WHEREAS, Gerard T. Gagliano, Temporary Chief Financial Officer for the Borough of Atlantic Highlands, does hereby certify that funds are available for this contract in

04-215-55-907-015



Gerard 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 Borough Administrator is authorized and directed to enter into an contract with R&B Builders to perform the 2009 Sidewalk Improvement Program, in the Borough of Atlantic Highlands, in an amount not to exceed \$25,000.00.

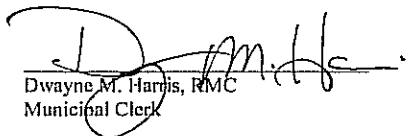
This Resolution was offered and moved by Council member Archibald, seconded by Council member Doyle and adopted on August 12, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann 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 August 12, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2009.



Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 139-2009 PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated August 06, 2009 which totals as follows:

Current Fund	\$124,735.84
Capital Fund	\$ 105,917.18
Trust-Other	\$2,075.00
Water/Sewer Operating Fund	\$105,303.52
Water /Sewer Utility Capital	\$
Harbor Operating Fund	\$182,820.19
Harbor Utility Capital Fund	\$12,173.00
Federal/State Grants	\$
NJ Unemployment Trust Fund	\$
Animal	\$62.13
Salary	\$0
TOTAL	<b><u>\$533,086.86</u></b>

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 **\$533,086.86** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills 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 Archibald, seconded by Council member Dellosso and adopted on August 12, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann 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 August 12, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 140-2009

### AWARDING CONTRACT FOR THE FIREMAN'S FIELD HOUSE ROOF REPAIR

WHEREAS, the Borough of Atlantic Highlands desires to further advance the Fireman's Field House Roof Repair project; 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 August 06, 2009 for the above referenced project; and,

WHEREAS, one [1] bid was received and opened being the lowest as follows;

Kraft Roofing Co., Inc.	\$ 28,650.00
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; and

WHEREAS, the Borough Administrator and Engineer have reviewed the bids and finds that it meets the specifications, that the bidder is experienced and qualified for performing this type of work and has provided the required security bonds for the job; and recommends the contract be awarded to Kraft roofing Co., Inc.; and,

WHEREAS, Gerard T. Gagliano, Temporary Chief Financial Officer for the Borough of Atlantic Highlands, does hereby certify that funds are available for this contract in

04-215-55-907-013



Gerard 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 Borough Administrator is authorized and directed to enter into an contract with Kraft Roofing Co., Inc. to perform the 2009 Fireman's Field House Roof Repair, in the Borough of Atlantic Highlands, in an amount not to exceed \$28,650.00.

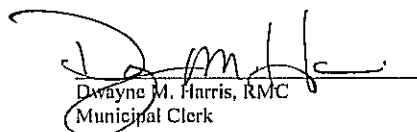
This Resolution was offered and moved by Council member Delosso, seconded by Council member Fligor and adopted on August 12, 2009 as follows:

AYES: Council members Archibald, Delosso, Doyle, Fligor, Hoffmann 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 August 12, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2009.



Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 141-2009



### APPOINTMENT OF POLICE SERGEANT

WHEREAS, a Sergeants position has become available due to the retirement of Sergeant Thomas Porter, and the Police Chief and the Borough Police Committee have determined that it would be beneficial to promote a replacement supervisor in the Atlantic Highlands Police Department; and,

WHEREAS, five eligible department members have been competitively tested for the position by the New Jersey State Chiefs of Police Association, have been independently reviewed by the current Sergeants and rated by Chief Jerry Vasto; and,

WHEREAS, Police Chief Jerry Vasto recommends that Detective Richard S. Glietz, who scored highest out of all department members who tested for the Sergeants position and currently ranks number one overall on the list, be promoted to the rank of Sergeant in the Atlantic Highlands Police Department; and,

WHEREAS, pursuant to N.J.S.A. 40A: 60-5 (g), the Mayor nominates Detective Richard S. Glietz to be promoted to the rank of Sergeant in the Atlantic Highlands Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the nomination of Richard S. Glietz to the rank of Sergeant in the Atlantic Highlands Police Department, is ratified and confirmed with the effective date of rank being August 12, 2009, at the annual salary as set forth in the current contract between the Borough and PBA Local 242.

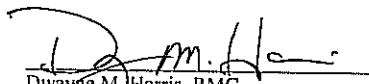
This Resolution was offered and moved by Council member Sutton, seconded by Council member Archibald and adopted on August 12, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann 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 August 12, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



# RESOLUTION 142-2009

## APPROVING RAFFLE LICENSE APPLICATIONS

WHEREAS, Raffle Applications have been filed with the Municipal Clerk; and,

WHEREAS, the applicants are qualified to be licensed according to all standards established In accordance with *N.J.A.C. 13:45* regulations promulgated there under, and pertinent Borough Ordinances,

WHEREAS, the submitted raffle application forms are complete in all respects, the appropriate fees have been paid and a Finding and Determinations has been issued approving the issuance of a license.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the following Raffle License[s] is/are approved:

License #	Organization	Raffle Type	Date	Location
RL2051	Mother Teresa School PTA	Off -Premise 50/50	April 30, 2010	Mother Teresa School

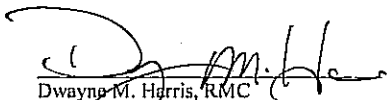
This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on August 12, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann 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 August 12, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 143-2009

### RESOLUTION REAFFIRMING THE BOROUGH OF ATLANTIC HIGHLANDS' REQUEST FOR APPROVAL OF THE APPLICATION TO THE STATE HOUSE COMMISSION AND THE NJDEP GREEN ACRES PROGRAM FOR THE DIVERSION AND RELOCATION OF GREEN ACRES PROPERTY LOCATED ON BLOCK 98, LOT 5

WHEREAS, Block 98, Lot 5 is part of the Borough of Atlantic Highlands Civic Center Park-Library Plaza which is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program; and

WHEREAS, the Borough of Atlantic Highlands wishes to apply for approval for Municipal Building Renovation and New Library Construction, as a minor disposal or diversion of parkland under N.J.A.C. 7:36-26; and

WHEREAS, the removal of Green Acres restriction from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to N.J.A.C. 7:36-26; and

WHEREAS, in accordance with N.J.A.C. 7:36-26.4 (d) 10, the Borough of Atlantic Highlands did submit, as part of the pre-application, a Resolution endorsing the application to divert or dispose of parkland;

WHEREAS, Pursuant to N.J.A.C. 7:36-26.6 a hearing to obtain public comment on this request was held at Borough Hall, 100 First Avenue in Atlantic Highlands, NJ on August 12, 2009 at 7:00pm.; and,

WHEREAS, The Borough of Atlantic Highlands still endorses the filing of an application for the diversion of Civic Center Park-Library Plaza for the purpose of Municipal Building Renovation and New Library Construction, pursuant to N.J.A.C. 7:36.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey as follows:

1. The Borough of Atlantic Highlands hereby finds that the Civic Center Park-Library Plaza would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) by allowing much needed space in a renovated Borough Hall, an increased public library from 1800 square feet to 4000 square feet, easier access to all Borough offices and a building that is ADA compliant by diverting .064 acreage [2,788 sq. feet] of the Civic Center Park-Civic Center Park-Library Plaza on Block 98, Lot 5.
2. As compensation for the proposed diversion, the Borough of Atlantic Highlands proposes to replace it with .084 acres [3,659 sq. feet], by relocating it from the South side of Borough Hall, located on Block 98 Lot 5, to the West side of the building. By moving the Civic Center Park-Library Plaza to a different location within the same block and lot will have significant public benefit. The Borough also has developed a tree replacement plan pursuant to N.J.A.C. 7:36-26.5
3. Governing Body of the Borough of Atlantic Highlands reaffirms our request for approval of the application submitted to the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to N.J.A.C. 7:36-26, for the diversion of parkland located on Block 98, Lot 5 which is part of the Borough of Atlantic Highlands' Civic Center Park-Library Plaza.


This Resolution was offered and moved by Council member Archibald, seconded by Council member Fligor and adopted on August 12, 2009 as follows:

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

NAYS: NONE

ABSTAIN: 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 August 12, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 13th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk

143-09 REAFFIRMING LIBRARY PLAZA DIVERSION 08-12-09





## RESOLUTION 144-2009

### ACCEPTING MEMBERSHIP INTO THE ATLANTIC HIGHLANDS FIRE DEPARTMENT

WHEREAS, Rebecca S. Beardsley 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, it has been established that Rebecca S. Beardsley meets all of the criteria for membership and has no outstanding records that would disqualify her 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 Rebecca S. Beardsley is hereby accepted as members into the Atlantic Highlands Volunteer Fire Department.

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

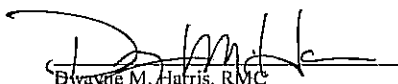
This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on August 12, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann 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 August 12, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## ORDINANCE 14-2009

### APPROPRIATING THE SUM OF \$121,500.00 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH OF ATLANTIC HIGHLANDS, FOR VARIOUS CAPITAL PROJECTS:

WHEREAS, there is currently within the General Capital Fund of the Borough of Atlantic Highlands an item entitled Capital Improvement Fund; and

WHEREAS, there is in this fund at least \$121,500.00; and

WHEREAS, it is deemed appropriate to make use of the \$121,500.00 for the following Capital Projects:

- \$35,000.00 – FIELD HOUSE ROOF
- \$28,000.00 – SHED FOR STREET SWEEPINGS
- \$20,000.00 – BOROUGH SIDEWALK PROGRAM
- \$20,000.00 – FIREMAN TURN OUT GEAR
- \$10,000.00 – POLICE COMPUTER SOFTWARE
- \$8,500.00 – FIELD LEASE

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Atlantic Highlands, County of Monmouth and State of New Jersey, that;

SECTION 1. There is hereby appropriated from the Capital Improvement Fund of the General Capital Fund of the Borough of Atlantic Highlands, the sum of \$121,500.00 for the construction of local improvements listed above.

SECTION 2. 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.

SECTION 3. This Ordinance shall take effect immediately upon proper passage and publication in accordance with law.

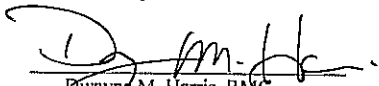
Council member Doyle introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Dellosso and approved by the following vote.

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton  
NAYS: None  
ABSTAIN: None  
ABSENT: None

The Second Reading, Public Hearing and possible adoption is scheduled for September 09, 2009.

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 12, 2009.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2009.

  
Dwayne M. Harris, RMC



## ORDINANCE 15-2009

**AN ORDINANCE APPROPRIATING THE SUM OF \$460,000.00  
CURRENTLY LOCATED WITHIN THE FORM OF AN APPROVED  
GRANT FROM THE STATE OF NEW JERSEY, DEPARTMENT OF  
TRANSPORTATION, FOR THE PROJECT NAME STREESCAPE III  
WITHIN THE BOROUGH OF ATLANTIC HIGHLANDS:**

WHEREAS, there is currently within the General Capital Fund of the Borough of Atlantic Highlands an item entitled Streetscape III; and

WHEREAS, there is in this fund at least \$460,000.00; and

WHEREAS, it is deemed appropriate to make use of the \$460,000.00 for Streetscape III.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Atlantic Highlands, County of Monmouth and State of New Jersey, that;

SECTION 1. There is hereby appropriated from the General Capital Fund of the Borough of Atlantic Highlands, the sum of \$460,000.00 for the construction of Streetscape III.

SECTION 2. 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.

SECTION 3. This Ordinance shall take effect immediately upon proper passage and publication in accordance with law.

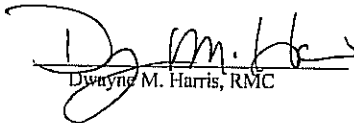
Council member Dellosso introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Fligor and approved by the following vote.

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton  
NAYS: None  
ABSTAIN: None  
ABSENT: None

The Second Reading, Public Hearing and possible adoption is scheduled for September 09, 2009.

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 12, 2009.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2009.

  
Dwayne M. Harris, RMC

