



# MAYOR AND COUNCIL MEETING

## OCTOBER 11, 2006

A Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands will be held OCTOBER 11, 2006 at 7:30 PM in the Borough Hall, 100 First Avenue Atlantic Highlands NJ. This meeting is in compliance with the Open Public Meetings Act. Adequate notice has been provided by transmitting the Resolution of Annual Meetings to the Asbury Park Press and the Courier, by posting it in the Borough Hall on a bulletin board reserved for such announcements and by filing it with the Municipal Clerk of Atlantic Highlands, on 1/04/2006. This agenda is complete to the extent known and formal action will be taken.

1. Silent prayer
2. Pledge of allegiance
3. Roll call
4. Approval of previous meeting minutes – Workshop Meeting - September 27, 2006  
Regular Meeting - September 27, 2006
5. Reports – Council, Administrator, Professional, Other
6. Comments from the Public
7. Unfinished Business:  
NONE
8. New Business:
  - a. Resolution 180-2006, Non-Fair & Open Contract- 2006 Roadway Improvement Program
  - b. Resolution 181-2006, Approving Design-2006 Roadway Improvement Project
  - c. Resolution 182-2006, Authorizing Bidding of 2006 Roadway Improvement Project
  - d. Resolution 183-2006, Award of Contract- CDF and Dredging at Harbor
  - e. Resolution 184-2006, Authorizing Professional Services Contract Change Order
  - f. Resolution 185-2006, Awarding Contract for Geotechnical Engineering Services
  - g. Resolution 186-2006, Approving Bylaws of the CJHIF
  - h. Resolution 187-2006, Adoption of the 2005 Audit Corrective Action Plan
  - i. Resolution 188-2006, Payment of Bills
  - j. Resolution 189-2006, Public Auction of Unneeded Personal Property
  - k. **RESOLUTION 190-2006, HALLOWEEN CURFEW**
  - l. Resolution 191-2006, Non-Fair & Open Contract – Many Mind Creek Water Sampling
  - m. Resolution 192-2006, Authorizing Hardware Bid
  - n. Resolution 193-2006, Authorizing Execution of Agreement Amending Settlement Agreement/Order between Township of Middletown, Conifer & Atlantic Highlands
9. Comments from the Public
10. Executive Session
11. Adjourn



## MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF OCTOBER 11, 2006

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on October 11, 2006 in the public meeting room of Borough Hall, 100 First Avenue Atlantic Highlands NJ.

Mayor Donoghue called the meeting to order at 7:30 PM. After a silent prayer and the Pledge of Allegiance, the following roll call was taken: Council members Archibald, Doyle, Fligor and Nolan. Council members Ladiana and Spatola were not present. Administrator Hubeny, Borough Attorney Reilly, Borough Engineer Robert Bucco, and Deputy Municipal Clerk Elizabeth Merkel were also present.

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

### APPROVAL OF MINUTES

Workshop Meeting - September 27, 2006

Regular Meeting - September 27, 2006

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

This motion passed by the following vote.

AYES: Council members Archibald, Doyle and Fligor

NAYS:

ABSTAIN: Council member Nolan

### REPORTS - COUNCIL MEMBER, COMMITTEE, PROFESSIONAL

Council member Fligor reported that NJNG would be installing 19, 14 and 15 feet tall trees on Leonard Ave over the next few weeks. Tom Merenda will speak with Adam to schedule a time to meet with him over the next weeks. The Harbor received their CAFRA permit for dredging and will begin with that. The Harbormaster spoke to them [Harbor Commission] yesterday expressing the need to do a \$250,000 emergency appropriation for fuel. The budget amount was not sufficient to cover their needs with the elevated fuel costs earlier in the year. The Harbor Commission voted to approve the requested appropriation. The Harbor approved the Clean Marina Ordinance, which will be before the Council for their approval. He commented that the corn stalks were a joint effort between the Chamber of Commerce and Recreation. He thanked them for doing that and the town looks good.

Council member Nolan reported informed everyone that the Fire Dept and the Library are discussing options for the Library and the Field House. Bill Phillips gave a presentation to the Library Board on Tuesday, on a concept of building a two-story building, on that spot, that would maintain the concept of increased recreation and the use of that space [the field house] and put a second floor on for the use of the library. He asked Mr. Phillips to give a synopsis of his presentation for the Council.

Bill Phillips spoke on the concept presented to the Library Board and the construction of a pre-structured building. He commented that the building would be 100% Green building. It would be a two story 150' long, 50' wide building, in the foot print that is there, with an L, that will have 4 overhead doors. The building would be an Emergency Service building, a gym, a teen center, there would be a kitchen there, and the concept of the library, as well as provide document storage for the Borough. He further explained all of the benefits that the building would supply for the Borough.

Council member Doyle congratulated the Fire Dept on placing first, at the Sea Bright Field Day last week, over 5 other departments that participated. The Fire Dept and the Fireworks Committee are working together, for next summer, to celebrate the 125<sup>th</sup> Anniversary of the Fire Dept.

Council member Archibald reported the recreation Committee will meet tomorrow and he will have a full report at the next meeting. He commented that most attended Sgt. Slocum's retirement party on Saturday and everyone wishes him well. He commented that he, the Mayor and Council member Nolan met to discuss a possible scheduling change with the Police and PBA.

Administrator Hubeny reported that he received a call from a resident at Portland Pointe that would like to see a cross walk installed across First Ave. He reported that our tax collection so far is 97.5%, which is on target with the budget the Finance Committee put together. T&M is putting together some pricing for our Second and Sixth Aves water upgrades. There is a possibility that we may try to use plastic piping instead of the metal, because of the price. He has followed up with Joe Kochinski, who will be filing

another complaint regarding the home discussed on 8<sup>th</sup> Ave. He reported there would be a meeting tomorrow at Henry Hudson, regarding the incident that took place there last week. It will be at 7:30 during their Board meeting. He commented on the resolutions that are being presented at the meeting for the governing bodies consideration.

Engineer Bucco reported that the contractor would be starting on the 16<sup>th</sup> at Bayside Drive. The pre-construction meeting will take place at 9:00am on site, the same day. The project should take 30days, weather permitting, and the County is still looking for resolution on the agreements between them and the Borough.

Attorney Reilly had a few items for Executive Session.

#### **PUBLIC COMMENT SESSION**

Mary Wall-79 Ocean Blvd commented that there was huge lake at First and Washington Avenues and wanted to know what the problem was.

Charlie Cook- 10 Eighth Ave asked what happens next, after Joe files the order tomorrow [regarding Eighth Ave property], and asked if he [Adam] would keep him abreast of what happens there.

Debbie Traphagen - 129 Wesley Ave commented on the limited presentation made by Bill Phillips. From that meeting other conversations have been had and questioned when and how does he present the specifics to Council. She asked if the Council is still discussing the additions to the Borough building for the Library.

Sara- West Highland asked with the new proposed structure would any parking at the field be lost. She is in favor of a teen facility, but her main concern would be the loss of parking.

#### **UNFINISHED BUSINESS**

##### **RESOLUTION 180-2006, NON-FAIR & OPEN CONTRACT-2006 ROADWAY IMPROVEMENT PROGRAM,**

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

This resolution was adopted by the following vote.

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

NAYS:

##### **RESOLUTION 181-2006, APPROVING DESIGN-2006 ROADWAY IMPROVEMENT PROJECT,**

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

This resolution was adopted by the following vote.

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

NAYS:

##### **RESOLUTION 182-2006, AUTHORIZING BIDDING OF 2006 ROADWAY IMPROVEMENT PROJECT,**

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

This resolution was adopted by the following vote.

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

NAYS:

##### **RESOLUTION 183-2006, AWARD OF CONTRACT- CDF AND DREDGING AT HARBOR**

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

Council member Nolan questioned if we had approval to expand and when are they going to start?

Administrator Hubeny responded yes and Monday respectively.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 184-2006, AUTHORIZING PROFESSIONAL SERVICES CONTRACT CHANGE ORDER,**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 185-2006, AWARDING CONTRACT FOR GEOTECHNICAL ENGINEERING SERVICES**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 186-2006, APPROVING BYLAWS OF THE CJHIF**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 187-2006, ADOPTION OF THE 2005 AUDIT CORRECTIVE ACTION PLAN**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 188-2006, PAYMENT OF BILLS**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 189-2006, PUBLIC AUCTION OF UNEEDED PERSONAL PROPERTY**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 190-2006, ESTABLISHING HALLOWEEN CURFEW**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 191-2006, NON-FAIR & OPEN CONTRACT -- MANY MIND CREEK WATER SAMPLING**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 192-2006, AUTHORIZING HARDWARE BID AND RECEIPT**

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

This resolution was adopted by the following vote.

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

NAYS:

Resolution 193-2006 will be deferred until after Executive Session.

**PUBLIC COMMENT SESSION**

Joseph Hawley thanked Adam, Mr. Doyle and Chief Vasto for solving the parking problem, by having the sign moved in front of his building and hopefully this will solve the problem.

William Eaton- 84 Bay Ave asked who the developer was on the proposed settlement agreement, and if the amendment was effecting the obligation of Atlantic Highlands, Conifer or Middletown?

Debra Murray -12 Prospect Circle asked why this has to be discussed in Executive Session.

Council member Archibald commented that he had not had an opportunity to read this agreement, and it is very complicated. This amendment will tighten things up from the prior agreement, and we need time to read it and discuss it.

Debra Murray -12 Prospect Circle asked if it could be discussed after Executive Session so everyone could explain what and why he or she voted.

Joseph Hawley- Ocean Blvd asked if this is the same agreement that addressed the points that Mayor Harmon brought out over the past few months.

Mary Wall – 79 Ocean Blvd asked for an explanation of Resolution 187-2006 adopting the 2005 Audit corrective action plan.

Bill Kuzman – 33 Avenue D commented that he is getting mixed messages with the Mayor saying the terms of the resolution would be available after the resolution is voted on and Councilman Fligor said it would be presented to the public and comments would be allowed. What he is asking is that the terms of the agreement be disclosed to the public prior to the vote so if anyone has concerns, they could voice them.

**RESOLUTION TO ENTER EXECUTIVE SESSION**

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

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

WHEREAS, the Governing Body wishes to discuss:

- 1. Item-Property Acquisition-Giuliani
- 2. Item-Pending Litigation- COAH
- 3. Item- Potential Litigation- Janice Miller
- 4. Item – Pending Litigation – Conifer / Edgewood Park

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

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

Mayor Donoghue read this resolution in full. It was offered and moved for adoption by Council member Nolan at 8:30 PM, seconded by Council member Doyle and adopted by unanimous consent.

Council member Spatola arrived at 9:54pm.

RECONVENE - At 9:56 PM the meeting was resumed.

**RESOLUTION 193-2006, AUTHORIZING EXECUTION OF AGREEMENT AMENDING SETTLEMENT AGREEMENT/ORDER BETWEEN TOWNSHIP OF MIDDLETOWN, CONIFER & ATLANTIC HIGHLANDS**

October 11, 2006

Administrator Hubeny gave an explanation of the terms of the settlement agreement reached between the Borough of Atlantic Highlands, Middletown Township and Conifer.

Mayor Donoghue commented that this had been worked on for sometime and this agreement gives the Borough the wherewithal to build a youth soccer field, even if it is not on the original site.

Council member Fligor thinks this is a very nice plan we still get our soccer field, kids will still get the use of a soccer field, but the \$200,000 we would have had to paid Middletown are no longer be there. The Borough will retain them. The net cost is \$50,000, which was the original cost we had promised to apply to engineering costs, originally in 2001, so basically we are coming out ahead \$325,000 and we are still getting our soccer fields.

Council member Archibald commented that our council advised that we could win this thing, but his fees would cost about \$100,000 and you will get before the judge and he might give favor to the affordable housing over a youth soccer field.

Council member Spatola commented that she liked the fact the soccer field will be in Atlantic Highlands instead of Middletown.

The governing body entertained some comments and questions from members of the public.

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

This resolution was adopted by the following vote.

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

NAYS:

**ADJOURN** - There being no further business before the Mayor & Council, Council member Nolan moved to adjourn the meeting at 10:25 PM, the motion was seconded by Council member Fligor and was unanimously approved.

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The governing body approved these minutes at their meeting on October 25, 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 180-2006

### RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR CONTRACT ADMINISTRATION, ENGINEERING, SURVEYING AND INSPECTION SERVICES FOR THE 2006 ROADWAY IMPROVEMENT PROGRAM

WHEREAS, the Borough of Atlantic Highlands has a need to contract for engineering services, associated with the 2006 Roadway Improvement Program in the Borough of Atlantic Highlands, as a non-fair and open contract pursuant to the provisions of NJSA.19: 44A-20.2 et al; and,

WHEREAS, the anticipated term of this contract is 2 years and may not be extended; and

WHEREAS, T & M Associates, Inc has submitted a proposal dated July 26, 2006 indicating they will provide engineering service for the Pre-Design, Design, Bidding and Construction Phases and supply As-Built Drawings for the 2006 Roadway Improvement Program for \$64, 500.00; and

WHEREAS, T & M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T & M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Atlantic Highlands in the previous one year, and that the contract will prohibit T & M Associates from making any reportable contributions through the term of the contract, and

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

[C] 04-215-55-906-004



Lorraine Carafa, Temporary C.F.O.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Atlantic Highlands authorizes the Borough Administrator to enter into a contract with T & M Associates for engineering services, associated with the 2006 Roadway Improvement Program, in the Borough of Atlantic Highlands, in an amount not to exceed \$64, 500.00; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification be placed on file with this resolution; and,

BE IT FURTHER RESOLVED, a notice of this action shall be printed once in an official newspaper of the Borough and that this Resolution and the contract shall be available for public inspection in the office of the Municipal Clerk.



## RESOLUTION 181-2006

### RESOLUTION APPROVING DESIGN OF THE 2006 ROADWAY IMPROVEMENT PROGRAM

WHEREAS, the Borough of Atlantic Highlands proposes to undertake construction of a public improvement within the Municipality upon various road and commonly referred to as the 2006 Roadway Improvement Project; and,

WHEREAS, the Borough has caused a plan or design for this public improvement project to be prepared by T & M Associates; and,

WHEREAS, members of the Public Works, Streets and Sanitation Committee, appointed by the Governing Body, have reviewed the plan and design for this public improvement project, and has exercised its judgment and/or approved the judgments of others, as represented and shown by the plan,

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of Atlantic Highlands that the Governing Body does hereby approve the plan entitled 2006 Roadway Improvement Project, dated October 10, 2006 and prepared by T&M Associates for a certain public improvement project generally described as roadway improvements located on Seventh, Hooper, and Fifth Avenues, Scenic Court and Highland Place

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be placed in the permanent project file together with one copy of the approved plan referred to above with a notation referring to this Resolution of Approval, placed thereon.

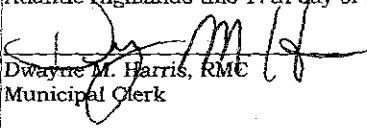
This Resolution was offered and moved by Council member Fligor, seconded by Council member Nolan and adopted on October 11, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor and Nolan

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 October 11, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of October 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk





## RESOLUTION 182-2006

### AUTHORIZING 2006 ROADWAY IMPROVEMENT PROJECT BID ADVERTISING AND RECEIPT

WHEREAS, the Borough of Atlantic Highlands desires to further advance the 2006 Road Project which would provide for the repair of roadways throughout the Borough; 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,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that T & M Associates is authorized to advertise for the receipt of bids for the 2006 Roadway Improvement Project in the Borough on October 18, 2006, and sealed bids will be received at the Borough Hall, 100 First Ave, at or before 10:00am on October 30, 2006, at which time they will be publicly unsealed and the contents announced.

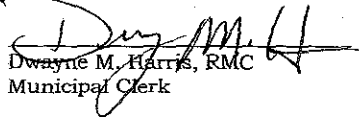
This Resolution was offered and moved by Council member Archibald, seconded by Council member Doyle and adopted on October 11, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor and Nolan

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 October 11, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of October 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 183-2006

### AWARDING CONTRACT FOR UPGRADES TO THE CONFINED DISPOSAL FACILITY AND LIMITED DREDGING AT THE MUNICIPAL HARBOR

WHEREAS, the Borough of Atlantic Highlands desires to further advance the Upgrades to the Confined Disposal Facility and Limited Dredging at the Atlantic Highlands Marina; 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 June 09, 2006 for the Upgrades to the Confined Disposal Facility and Limited Dredging at the Atlantic Highlands Marina; and,

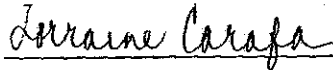
WHEREAS, the following bid was received and opened on June 09, 2006;

Wickberg Marine Contracting Inc. ....\$994,700.00,  
; and

WHEREAS, the Borough Administrator and Harbor Engineer, have reviewed the bid and finds the bid meets the specifications, that the bidder is qualified and has provided the required security bonds for the job; and recommend the contract be awarded to Wickberg Marine Contracting Inc; and,

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

31-201-55-561-006 (\$172,000.00); 31-201-55-561-011 (\$822, 700.00)



Lorraine Carafa, Temporary C.F.O.

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 agreement with Wickberg Marine Contracting Inc. in the amount of \$994,700.00.00.



## RESOLUTION 184-2006

### RESOLUTION AUTHORIZING A CHANGE ORDER AGREEMENT FOR THE ON-CALL ENGINEERING PROFESSIONAL SERVICES TO THE ATLANTIC HIGHLANDS HARBOR

WHEREAS, the Atlantic Highlands Harbor Commission of the Borough of Atlantic Highlands has entered into a Professional Services contract with French and Parello Associates on February 6, 2006, to provide On-Call Engineering services for the Atlantic Highlands Marina; and,

WHEREAS, the New Jersey Department of Environmental Protection [DEP] has required certain sampling and testing done in relation to the Waterfront Development Permit #1304-01-0001.2 issued on December 16, 2004, for Maintenance Dredging in the Borough of Atlantic Highlands; and,

WHEREAS, these DEP testing requirements are within the scope of activities provided by the original contract between French and Parello and the Atlantic Highlands Harbor Commission; and

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; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Atlantic Highlands authorizes the Change Order Agreement for the provision of limited Engineering Professional Services, to the Atlantic Highlands Harbor Commission, in the base contract agreement between French and Parello Associates and the Atlantic Highlands Harbor Commission, dated February 06, 2006; and,

BE IT FURTHER RESOLVED that the contract shall be amended to include the attached arrangement of charges and rates.

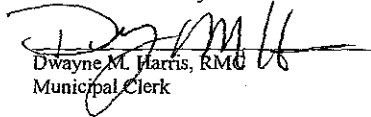
This Resolution was offered and moved by Council member Archibald, seconded by Council member Doyle and adopted on October 11, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor and Nolan

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 October 11, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of October 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk





## RESOLUTION 185-2006

### AWARDING CONTRACT FOR THE GEOTECHNICAL ENGINEERING SERVICES

WHEREAS, the Borough of Atlantic Highlands needs to contract for Geotechnical Engineering Services in connection with the structural settlements of buildings and tanks at the Water Treatment plant; and,

WHEREAS French & Parrello Associates, who are licensed, professional engineers and are familiar and experienced with this type of work, have submitted a proposal for \$15,465.00 to perform subsurface exploration and laboratory testing programs and to perform geotechnical engineering assessments to assess the cause of the observed structural settlements and provide recommendations for mitigating future settlements; and,

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

29-201-55-561-009

Lorraine Carafa C.F.O.

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 Borough Administrator is authorized to execute an agreement with French & Parrello Associates for professional Geotechnical Engineering services for the Water Treatment Plant, in an amount not to exceed \$15,465.00.00.

185-2006

Contract for Geotechnical Services



## RESOLUTION 186-2006

### RESOLUTION APPROVING THE BYLAWS OF THE CENTRAL JERSEY HEALTH INSURANCE FUND

**WHEREAS**, THE Borough of Atlantic Highlands is a member of the Central Jersey Health Insurance Fund, hereinafter the "FUND"; and

**WHEREAS**, recent changes in the State regulations and Fund practices require the FUND's bylaws to be revised; and,

**WHEREAS**, after a public hearing conducted on September 20, 2006 the Board of Commissioners of the FUND recommends revised bylaws to the membership; and

**WHEREAS**, these revised bylaws must be ratified by at least three fourths of the members before they can become effective.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Borough Council of The Borough of Atlantic Highlands that the revised bylaws are hereby ratified.

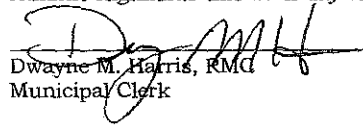
This Resolution was offered and moved by Council member Archibald, seconded by Council member Doyle and adopted on October 11, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor and Nolan

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 October 11, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of October 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 187-2006

### ADOPTION OF CORRECTIVE ACTION PLAN

WHEREAS, the 2005 Annual Audit of the Borough of Atlantic Highlands, conducted by Hutchins, Farrell, Meyer & Allison, P.A., contained certain recommendations requiring action; and,

WHEREAS, these recommendations have been reviewed by the Borough's Administrator; and,

WHEREAS, the Chief Financial Officer, in accordance with the requirements promulgated by the New Jersey Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the Corrective Action Plan for the 2005 Annual Municipal Audit, hereto attached, is hereby approved and accepted; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby directed to transmit a certified copy of the resolution and its attachments to the Division of Local Government Services.

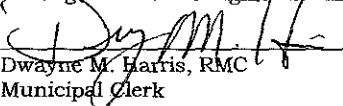
This Resolution was offered and moved by Council member Nolan, seconded by Council member Fligor and adopted on October 11, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor and Nolan

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 October 11, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of October 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk

Corrective Action Plan 2005 Audit



## RESOLUTION 188-2006 PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated September 10, 2006 which totals as follows:

Current Fund	\$627,596.63
Capital Fund	\$0
Trust-Other	\$324.00
Water/Sewer Operating Fund	\$68,351.97
Water /Sewer Utility Capital	\$0
Harbor Operating Fund	\$151,833.93
Harbor Utility Capital Fund	\$62,876.00
Federal/State Grants	\$0
LOSAP	\$0
Animal	\$5.40
MCIA	\$17,608.28
<b>TOTAL</b>	<b>\$928,596.21</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 \$928,596.21 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.

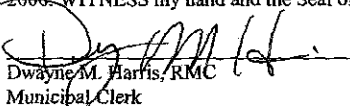
This Resolution was offered and moved by Council member Archibald, seconded by Council member Doyle and adopted on October 11, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor and Nolan

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 October 11, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of October 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk





# RESOLUTION 189-2006

## PUBLIC AUCTION OF UNNEEDED PERSONAL PROPERTY

WHEREAS, the Borough of Atlantic Highlands has personal property, listed in Schedule A, which is no longer needed for public use; and,

WHEREAS, pursuant to N.J.S.A. 40A: 11-36, et seq., it is the best interest of the Borough to dispose of this property at auction by sealed bid:

Item	Year	Make	VIN	Mileage
Pick-Up Truck w/ plow	1984	Chevrolet	1GCGD34J4FF421667	50,413
Dump Truck w/ plow	1987	Dodge	1B6MW3450HS469231	24,380
Station Wagon	1991	Chevrolet	1G1BL83E2MW251121	140,165
Tractor	1970	Madison Fergie	FER70	7116hrs

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that a sale of the above property shall be conducted as follows:

DATE: Saturday, November 04, 2006 at 10:00 A.M.

BY PUBLIC AUCTION: Conducted by Auction Liquidation Services,

LOCATION: the Borough of Tinton Falls Department of Public Works, 556 Tinton Ave, Tinton Falls, NJ

TAKE NOTICE THAT all vehicles and personal property will be sold as is, and may be inspected at 8:00am, on November 04, 2006 at the Borough of Tinton Falls Department of Public Works, 556 Tinton Ave, Tinton Falls, NJ.

Other property items may be added to the above listing prior to the auction date.

BE IT FURTHER RESOLVED THAT the Borough Administrator is directed and authorized to execute the Contract for Auction Sale with Stephan J. Miranti and Auction Liquidation Services of Eatontown NJ, and further agrees to the terms thereof.



# RESOLUTION 190-2006

## HALLOWEEN CURFEW

WHEREAS, October 31<sup>st</sup> is Halloween and is traditionally a time of good spirits and harmless mischief for children; and,

WHEREAS, the Governing Body is fully in favor of such good times for the children of the community within reasonable limits and with due recognition for safety and well-being of the youngsters and the rights of property owners in the Community; and,

WHEREAS, the Chief of Police has made recommendations to enhance the safety of children and residents of Atlantic Highlands,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that an 8:00 P.M. curfew will be in effect for all persons under the age of 18 on October 30, 2006 and October 31, 2006. Trick or Treating will be permitted in the Borough of Atlantic Highlands only on October 31, 2006 between the hours of 12:00 PM and 8:00 PM.

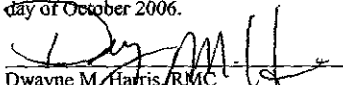
This Resolution was offered and moved by Council member Archibald, seconded by Council member Doyle and adopted on October 11, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor and Nolan

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 October 11, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of October 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 191-2006

### RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR WATER SAMPLING IN MANY MIND CREEK

WHEREAS, the Borough of Atlantic Highlands has been awarded a grant by the New Jersey Department of Environmental Protection, in the amount of \$87, 833 to develop the Many Mind Creek Regional Stormwater Management Plan; and,

WHEREAS, the Borough needs to acquire the professional services of Weston Solutions Inc to conduct surface sampling and analysis at Many Mind Creek, as a non-fair and open contract pursuant to the provisions of NJSA.19: 44A-20.2 et al, for work done in the furtherance of the grant agreement between the State of New Jersey and the Atlantic Highlands Environmental Commission; and,

WHEREAS, Weston Solutions Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Weston Solutions Inc has not made any reportable contributions to a political or candidate committee in the Borough of Atlantic Highlands in the previous one year, and that the contract will prohibit Weston Solutions Inc from making any reportable contributions through the term of the contract; and,

WHEREAS, pursuant to the Agreement between the Department of Environmental Protection and the Borough, quarterly progress and billing reports shall be filed with the Department and upon the said Department's approval, funds remitted to the Borough shall be forwarded to Weston Solutions, Inc.; and,

WHEREAS, Lorraine Carafa, Temporary Chief Financial Officer for the Borough of Atlantic Highlands, does hereby certify that funds will be available upon payment by the Department of Environmental Protection to the Borough for this contract in

01-201-41-714-299



Lorraine Carafa, Temporary C.F.O.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Atlantic Highlands authorizes the Borough Administrator to enter into a contract with Weston Solutions Inc for professional services rendered to conduct surface sampling and analysis at Many Mind Creek; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification be placed on file with this resolution; and,

BE IT FURTHER RESOLVED, a notice of this action shall be printed once in an official newspaper of the Borough and that this Resolution and the contract shall be available for public inspection in the office of the Municipal Clerk.

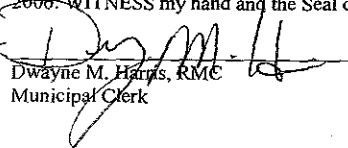
This Resolution was offered and moved by Council member Nolan, seconded by Council member Fligor and adopted on October 11, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor and Nolan

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 October 11, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of October 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 192-2006

### AUTHORIZING HARDWARE BID ADVERTISING AND RECEIPT

WHEREAS, during the course of the year the Borough of Atlantic Highlands, the Atlantic Highlands Water Department and the Atlantic Highlands Municipal Harbor require an assortment of hardware items; and,

WHEREAS, it is anticipated, but not guaranteed that the annual aggregate total of these purchases will be \$30,000.00 or more; and,

WHEREAS, NJSA 40A: 11-4 requires that every contract awarded by the contracting agent, for the provision or performance of any goods or services, the cost of which the aggregate exceeds the bid threshold, shall be awarded by resolution of the governing body of the contracting unit,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that William Bate, Harbor Master is authorized to advertise for the receipt of bids for hardware in the Borough on October 19, 2006, and sealed bids will be received at the Borough Hall, 100 First Ave, at or before 11:00am on October 30, 2006, at which time they will be publicly unsealed and the contents announced.

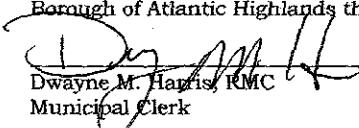
This Resolution was offered and moved by Council member Archibald, seconded by Council member Doyle and adopted on October 11, 2006 as follows:

AYES: Council members Archibald, Doyle, Fligor and Nolan

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 October 11, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of October 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 193-2006

### RESOLUTION AUTHORIZING APPROVAL AND EXECUTION OF AMENDMENT TO SETTLEMENT AGREEMENT/AND WAIVER- EXTENSION AGREEMENT AMONG THE BOROUGH OF ATLANTIC HIGHLANDS, MIDDLETOWN TOWNSHIP, THE MIDDLETOWN TOWNSHIP PLANNING BOARD, AND CONIFER REALTY, LLC

**WHEREAS**, in December 2001, after extensive litigation over proposed development plans on property abutting Atlantic Highlands, the Borough, the Township of Middletown, the Middletown Township Planning Board, and predecessors to Conifer Realty, LLC (hereafter the "Parties") entered into a Settlement Agreement/Consent Order in the lawsuit entitled Borough of Atlantic Highlands v. Township of Middletown, et al., Docket No. L-3135-97, pursuant to which the Parties agreed, among other provisions, to the Borough and Middletown Township acquiring Lots 16.01 and 16.02 in Block 729 in Middletown for recreational/open space purposes, with a portion of the property on Lot 16.02 available for development pursuant to an agreed plan and density, and

**WHEREAS**, thereafter Conifer Realty, LLC, also known as Edgewood Park, a development company, became the developer pursuing the development approval for the portion of the property available for development, which development proposal is for an active adult residential development of approximately 174 units, with a certain percentage being affordable housing units applicable to Middletown's COAH obligation, and

**WHEREAS**, Conifer in 2002 applied to and received final site plan approval from the Middletown Planning Board, which final site plan generally comported with the plan agreed to in the Settlement Agreement/Consent Order entered into by the Parties in 2001, and

**WHEREAS**, thereafter in 2006 Conifer proposed to revise the development in significant particulars affecting and impacting the recreational/open space portion of the property to be utilized by Atlantic Highlands, and Conifer applied for and obtained over Atlantic Highland's objections an amended site plan approval on July 19, 2006 incorporating these revisions, and

**WHEREAS**, the Parties have engaged in good faith negotiations to resolve and settle their differences rather than litigating them, to accomplish their goals which serve the public interest including providing recreational facilities and open space for the citizens of Atlantic Highlands, meeting affordable housing needs by Middletown, and providing such housing by Conifer; and

**WHEREAS**, the Parties have negotiated a proposed settlement as set forth in the proposed Amendment To Settlement Agreement/And Waiver-Extension Agreement among The Borough Of Atlantic Highlands, Middletown Township, The Middletown Township Planning Board, And Conifer Realty, LLC (the "Agreement"), the terms of which are incorporated herein by reference and which will provide to the citizens of Atlantic Highlands suitable recreational facilities and/or open space as originally contemplated in the 2001 settlement agreement; and

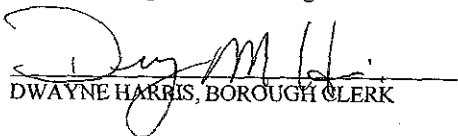
**WHEREAS**, the public welfare is promoted and served by the Agreement,

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Borough Council of Atlantic Highlands that the Mayor is authorized to execute the "Amendment to Settlement Agreement/And Waiver-Extension Agreement" between the Borough of Atlantic Highlands, Conifer Realty, LLC, the Township of Middletown and the Middletown Township Planning Board, in the form substantially as attached hereto and made a part hereof; the Borough officials are authorized to take such actions as are necessary to implement and comply with said Agreement; and that said Agreement be and hereby is approved.

#### CERTIFICATION

I, Dwayne Harris, Clerk of the Borough of Atlantic Highlands, hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at their regular meeting held on October 11, 2006.

**WITNESS** my hand and the seal of the Borough of Atlantic Highlands this 11th day of October 2006.

  
DWAYNE HARRIS, BOROUGH CLERK

