



## MAYOR AND COUNCIL MEETING AUGUST 16, 2006

A Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands will be held August 16, 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 - Regular meetings of:  
June 28, 2006 and July 26, 2006
5. Reports - Council, Administrator, Professional, Other
6. Comments from the Public
7. Unfinished Business:
  - a. Ordinance 14-2006, Creating The Position of Municipal Housing Liaison  
Second Reading & Possible Adoption
  - b. Ordinance 11-2006, Bond Ordinance - \$440,000 Water & Sewer Improvements  
Introduction and First Reading
  - c. Ordinance 12-2006, Bond Ordinance - \$1,705,000 Multi-Purpose  
Introduction and First Reading
  - d. Ordinance 13-2006, Bond Ordinance - \$840,000- Harbor Improvements  
Introduction and First Reading
8. New Business:
  - a. Mayoral Appointment-Shade Tree Commission
    - i. Kathleen Wigginton-Regular Member-unexpired term ending 12/31/10
    - ii. Marilyn Scherfen- Alternate #2-unexpired term ending 12/31/07
  - b. Resolution 158-2006, Adoption of Employment Practices/Personnel Policy  
Manual
  - c. Resolution 159-2006, Providing Grace Period for Third Quarter Tax Payments
  - d. Resolution 160-2006, Renewing Membership in CJHIF
  - e. Resolution 161-2006, Change Order- Design of the Harbor Dredge Disposal Area
  - f. Resolution 162-2006, Non Fair and Open Contract- Jeffrey R. Surenian
  - g. Resolution 163-2006, Authorizing 8 Additional Units to the RCA with Lakewood
  - h. Resolution 164-2006, Payment of Bills
  - i. Resolution 165-2006, Amending Resolution 110-2006- Lease Agreement  
w/Baystone
  - j. Resolution 166-2006, Approving the 2007/2008 Harbor rates
  - k. Resolution 167-2006, Appointment to Recreation Committee
  - l. Resolution 168-2006, Endorsing Grant Application-Open Space Grant
  - m. Resolution 169-2006, Appointment to Sanitation Dept.
  - n. Ordinance 15-2006, Amending the Development Regulations of the Borough  
Introduction and First Reading
  - o. Ordinance 16-2006, Amending the Development Regulations of the Borough -  
Affordable Housing  
Introduction and First Reading
  - p. Approval of Raffle License #3355-2006 Off Premise Raffle- Hi-Mar Striper Club  
October 15, 2006, Shore Casino
9. Comments from the Public
10. Executive Session
11. Adjourn



## MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF AUGUST 16, 2006

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on August 16, 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, Ladiana, Nolan, and Spatola. Administrator Hubeny, Borough Attorney Reilly and Municipal Clerk Harris were also present.

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

### APPROVAL OF MINUTES

Regular Meeting – June 28 and July 26, 2006

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

This motion passed by the following vote.

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

NAYS:

ABSTAIN:

### PUBLIC COMMENT SESSION

Jane Frotton- 12 Memorial Pkwy- Spoke on the youth who are concerned that skateboarding would be banned from the Harbor and they were looking for relief. There was a bond Ordinance done a few years ago for a skateboard park as they [the Governing Body] were looking to do a skateboard park at that time. The idea kind of went away and so did the money. The young people came to the Harbor commission looking for permission to have a skateboard park. She investigated some grant funding and contacted the County and received a copy of their grant application, we could submit. She has developed some ideas for a skateboard park in the harbor. She feels that this is a place for the kids to do their skateboarding, in the Harbor, in a safe area. The suggestion she has is to remove the basketball courts and refigure them maybe six months or so down the road. She would like a resolution tonight supporting the grant application that has to be in by September 20th. She has volunteers who would put together the application and design the park. She feels this will be a great opportunity for the youth, and hopes that members of the Council will support it.

Tara Krampert - 38 Asbury Ave.- commented that she feels that it will be a good idea and looks forward to working with whoever gets on the band wagon to work on this project.

Joe White- 41 Second Ave- asked if there is no place at harbor, why couldn't we go to the car wash since it is abandoned? He also questioned the empty property by Mike's deli?

Council member Ladiana commented that she fully supports the skateboard park. She questioned the green acres diversion that would be required from the DEP and commented that it would take nine months to get one. She also asked what the grant amount was?

Jane Frotton commented that the plans she has are a few years old cost were estimated to run between 65 & 75,000.00. That does not include fencing and an engineer should review it, so safely \$175,000.00 to \$200,000.00.

Council member Archibald commented he feels it is a good idea, and like the way Mr. White is recommending various locations through out the Borough. He thinks this is important enough, as a park for our kids that maybe the harbor may give up some of the winter storage space in the Harbor.

Dillon McGrail- 22 South Ave. asked where could we skate for now, until it is built.

Ryan Chaney - 34 1/2 South Ave- commented they always get in trouble for not wearing helmets. There are kids from other towns like Leonardo come in to town and cause trouble and we get blamed.

Joseph Hawley- 25 Ocean Blvd- asked if there was any money left in the bond issue done by Mr. Weimer and Mr. Harmon, when he was Mayor? He commented that he hopes the Council supports this because it is long overdue. There are no recreation opportunities for kids this age and it needs to be addressed. He thanked everyone who participated in the Genevieve M. Hawley Foundation fundraiser. They raised over \$20,000.00. He commented that Council member Spatola was honored with a silver watch, by the Monmouth County Blood bank for her work in leading such a successful blood drive here in AH, which is one of the most successful drives they have.

Artimas - 51 Prospect Rd- asked if they would be putting a public pool downtown, and how come they can raise enough money for that and not this?

Thomas King - Ocean Blvd.- asked how long we have had a Fire Marshall in town and questioned what his duties are. He asked if it was necessary for him to have a brand new hemi-sport utility vehicle?

Peter White - 41 Second Ave- asked why could they build brand new brick sidewalks but not a skateboard park?

Ty Deckler - 111 East Highland Ave- questioned where the skate park would be?

Mike Harmon - 33 Bonnie Brae Path- spoke on Conifer. He passed out a map with an overlay of the project agreed to and the project that is going forward now. He had gone to Middletown to make a presentation, as a private citizen. He was able to deconstruct what has happened by looking through their records. Essential what they were doing, was adding parking. They were adding it over the retention basin. He proposed three solutions to the situation: 1> essentially build the same project we agreed to referring to sketch #5. 2> recognizing this site was not big enough for 180 units and would suggest they stop at phase I. 3> have they compensate us financially for what we lost, or our costs to build the soccer fields, which is what we lost.

Gail Farwell- 13 Bowne Ave- 1998 she wrote her first letter to acquire the paper street at the end of South Ave and Bowne. She understands that the Borough is now the owner of the property after the prior owner defaulted on his taxes. Over the years she has written letters. Mr. Hubeny sent her a letter as to why they could not obtain the paper street, but he did not refer to lots 2 and 10. In the letter she stated that they would never build on that property. All they want is to build a driveway to prevent damage to her car that is parked on the street and clean the debris that is back there. Her question is would the Borough sell them the property.

#### **REPORTS - COUNCIL MEMBER, COMMITTEE, PROFESSIONAL**

Council member Archibald reported on the retirement of Sgt. Slocum effective September 1st, and feels we should honor him with a resolution. In July there were over 1000 calls for the Police Dept. 31 arrests were made. Year to date we are up to over 825 traffic stops with 626 summonses that have been issued. That can be tied back to the report from Mrs. Wigginton that revenue for the year is up over \$8,000.00 for the court. The Environmental Commission meets tomorrow. Recreation would like to add an associate member.

Council member Spatola thanked everyone who made the Mark Spatola Memorial Blood drive a success. With 35 people donating they raised 50 pints of blood. She also lends her support to Chris Morrissey who will be appointed to recreation. Chris has been coming to the recreation meetings for several months. Chris has been very active with recreation, his heart is with the town and he would be excellent person to put on the board.

Council member Doyle commented on the various Bond Ordinances tonight covering everything from upgrading streets, Wagner Creek mitigation, dredging for the Harbor and water and sewer upgrades. He mentioned we would be talking about Harbor rates and the key for that is next year it will be \$150.00 for residents to launch, by purchasing the book versus non-residents of \$210.00.

Council member Ladiana reported that she has asked Adam to contact Ely Goldstein regarding the numbers to renovate Borough Hall. He had suggested some alternatives to cut the numbers

back and the town should take a look at that and other options that are out there for the library and other facilities. She reported she has been working with Adam on the PBA negotiations. She has attended the Green Acres meeting on August 1<sup>st</sup>. One thing she talked about was diversion of property, which will become more difficult in the future. She mentioned that the town got another \$300,000 their Planning Incentive Grant, which brings our balance up to 1.7 million to be used for properties on our Open Space and Recreation plan. She mentioned the town was awarded an additional \$300,000.00. She reported that Adam has been communicating with the State DEP. They are still trying to determine the width of the bike trail. The funding is in place, they are not authorizing because of the DEP DOT issue. We are looking into language that may work to our benefit in the dispute between the State and the Federal requirements. She feels that once this is all figured out, we should meet with the County and figure out how they can take this over.

Council member Fligor reported NJNG has wants to do sampling on Highland Ave at the bridge, so they will be boring two inch holes there. He and Adam will be meeting with the new project manager from the DEP on August 30th, which is the day of the public meeting. They will meet and walk each property involved in the clean up. The DEP will be at the Gas Company's public meeting on August 30th. He wants people to make their complaints know to the gas company and the DEP, while they are there. They need to understand the problems people are experiencing, so please attend the meeting.

Council member Nolan reported that he would not be at the Sewerage Authority meeting tomorrow. Considering all of the rain we had in June, our numbers did not spike. We are at 49.5% of the flows. He reported that on Sept. 10th, the library would be celebrating its 80th birthday. They will have cake, entertainment and activities for the children. He commented on the bike trail and feels that this council, or the next one has to come to a decision on how and if we go forward with that trail. We have spent years, and thousands and thousands of dollars. We have hit nothing but bureaucratic red tape, every step we have taken. We haven't been able to move forward since we finished that small portion behind the tennis courts. He does not know if spending additional money and investing time will be a benefit to this Borough. We have been working on this for 15 years and no one will let us do it. We are still at the same spot we have been in for the past five years.

Council member Archibald asked about the library and the sidewalks, and does not want to ignore that issue.

Administrator Hubeny explained that the prices he has received are out of line, and he is hoping to get more favorable pricing with the 2006 road program.

Council member Ladiana asked how we were going to pay for Edelstein, who was appointed two weeks ago.

Council member Doyle explained there are opportunities for the reallocation of funds in November.

Council member Ladiana asked about the status of the bounced check from BRG.

Administrator Hubeny reported on the complaints from residents regarding their water bills. There have been 49 complaints, that have all been reviewed and the appropriate adjustments have been made. Most discrepancies have been between the meter inside the home and the remote on the outside not reading the same. There are 185 meters that still need to be installed. 36 are in the harbor, 51 are scheduled, so that leaves a balance of 98. Those whoa have not scheduled with National Meters will receive a notice of shut of. We are only allowed to shut off the water before November or after March. He reported there would be change orders coming that will produce a reduction in the amount of the contract by about \$8,000 right now. There are some plumbing issues in the Harbor that need to be addressed.

He reported the tax bills have gone at and Resolution 159 deals with the waiving of fees. There are issues in the tax department with the reduced hours in the tax dept. The senior citizens came in to help stuff envelopes.

He commented on the employee personnel policy manual, which has been completed, as promised when he interviewed for the job. He is happy with the end product, but not with how we achieved it. He has not had an opportunity to share this with some of the employees, so there may be some revisions. This had to be done by September 1<sup>st</sup> to avoid an increase in premiums with the MEL and JIF.

Resolution 163 deals with COAH issues with RCAs to Lakewood. We have a mediation meeting set for Sept 11<sup>th</sup> in Trenton.

Streetscape light poles are on order. Benches and trashcans are in, but they are waiting to install them all at one time. He invited each Council member to look at phase I. The items that were in

the way of a car door or parking space have all been moved. He has asked them to clean up Hennessey Blvd. at the end of West Mount.

He sent the Mayor and Council a letter regarding a meeting he had with Mr. Bucco and Mr. Gorsky who is asking for a review of the Steep Slope Ordinance by the Mayor and Planning Board. The issue boils down to the engineer reading the Ordinance as black and white, with no gray areas. Previous engineers have allowed gray areas, where Mr. Bucco is not, causing longer approvals for slope permits and some added costs to the homeowner.

He reported on correspondence received from the County with an agreement the Mayor and Council needs to sign, regarding Bayside Drive. The 13 bids have been opened. The engineer's estimate was reported at \$200,000. B&B Construction, with who the County has done previous work with, came in at \$167, 750.00 of which the Borough would be obligated to pay \$73,310.00. They are looking to award this on the 24th of August.

Resolution 169 deals with appointing a new hire to Sanitation due to a resignation in the Street Dept. There will be a transfer out of the Sanitation Dept into the Street Dept.

#### **UNFINISHED BUSINESS**

Mayor Donoghue explained that this Ordinance was introduced and would have been considered earlier except there was an error in the official publication regarding the hearing date.

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

After a second reading, a motion to open the Public Hearing was made by Council member Ladiana; it was seconded by Council member Fligor and was unanimously approved.

Thomas King – Ocean Blvd- asked what a Housing Liaison was and if they got paid and received benefits.

Mayor Donoghue explained that this is a requirement by COAH and the Administrator would be serving as the liaison and would be receiving no additional compensation.

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

A motion to adopt Ordinance 14-2006 was made by Council member Ladiana and seconded by Council member Spatola.

It was adopted by the following roll call vote.

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

NAYS:

#### **ORDINANCE 11 -2006, BOND ORDINANCE -440,000 WATER AND SEWER IMPROVEMENTS**

This Ordinance was read by title. A motion to introduce this ordinance was made by Council member Nolan, seconded by Council member Doyle and approved by the following vote:

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

NAYS:

This Ordinance, having been properly introduced will be considered for adoption on September 13, 2006 after publication and a second reading.

#### **ORDINANCE 12 -2006, BOND ORDINANCE - \$1,705,000 MULTI PURPOSE BOND**

This Ordinance was read by title. A motion to introduce this ordinance was made by Council member Nolan, seconded by Council member Doyle and approved by the following vote:

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

NAYS:

This Ordinance, having been properly introduced will be considered for adoption on September 13, 2006 after publication and a second reading.

#### **ORDINANCE 13 -2006, BOND ORDINANCE - \$840,000 HARBOR IMPROVEMENTS**

This Ordinance was read by title. A motion to introduce this ordinance was made by Council member Nolan, seconded by Council member Doyle and approved by the following vote:

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

NAYS:

This Ordinance, having been properly introduced will be considered for adoption on September 13, 2006 after publication and a second reading.

**NEW BUSINESS**

Mayor Donoghue announced that he has appointed Kathleen Wigginton, to an unexpired term as a regular member of the Shade Tree Commission. She succeeds Laura Murray who has resigned for personal reasons. Mrs. Wigginton has served for many years as a hard working alternate member, and he is very happy to put her on that commission. Marilyn Scherfen, from Ave D has volunteered to replace her as an alternate member.

**RESOLUTION 158-2006, ADOPTION OF EMPLOYMENT PRACTICES/PERSONNEL POLICY MANUAL**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 159-2006, PROVIDING GRACE PERIOD FOR THIRD QUARTER TAXES**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 160-2006, RENEWING MEMBERSHIP IN THE CJHIF**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 161-2006, CHANGE ORDER- DESIGN OF HARBOR DREDGE DISPOSAL AREA**

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, Ladiana, Nolan and Spatola

NAYS:

**RESOLUTION 162-2006, NON-FAIR AND OPEN CONTRACT-JEFFREY R. SURENIAN**

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

Council member Archibald asked if there were any information that could be shared without divulging any Executive Session items. Mayor Donoghue commented that basically the phone calls are just to get a status report as to where we are in meeting the 29 points COAH said they wanted us to accomplish.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 163-2006, AUTHORIZING 8 ADDITIONAL UNITS TO THE RCA WITH LAKEWOOD**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 164-2006, PAYMENT OF BILLS**

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 member Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola.

NAYS:

**RESOLUTION 165-2006, AMENDING RESOLUTION 110-2006-LEASE AGREEMENT WITH BAYSTONE FINANCIAL**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 166 -2006, APPROVING THE 2007/2008 HARBOR RATES**

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

Council member Fligor explained that customers pay \$93.00 per foot for anything under 40' of Harbor. As of 2007, any new customers coming in will pay \$115.00 per foot. The current residents of the Harbor will pay the proposed \$96.00, which is \$3.00 more than last year. Anything over 40' will pay \$120.00 for new customers, for current customers it will be \$104.00. The Harbor Commission felt this was a way to balance the growing financial needs of the Harbor and showing loyalty to the people supporting the harbor in the past.

This resolution was adopted by the following vote.

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

NAYS: Council member Ladiana

**RESOLUTION 167-2006, APPOINTMENT TO RECREATION COMMITTEE**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 168 -2006, ENDORSING OPEN SPACE GRANT APPLICATION**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 169 -2006, APPOINTMENT TO SANITATION DEPARTMENT**

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

This resolution was adopted by the following vote.

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

NAYS:

**ORDINANCE 15-2006, AMENDING THE DEVOPLEMENTAL REGULATIONS OF THE BOROUGH OF ATLANTIC HIGHLANDS**

This Ordinance was read by title. A motion to introduce this ordinance was made by Council member Nolan and seconded by Council member Ladiana.

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

NAYS:

This Ordinance, having been properly introduced will be considered for adoption on September 13, 2006 after publication and a second reading.

**ORDINANCE 16-2006, AMENDING THE DEVOPLEMENTAL REGULATIONS OF THE BOROUGH OF ATLANTIC HIGHLANDS-ADDING AFFORDABLE HOUSING ZONE**

This Ordinance was read by title. A motion to introduce this ordinance was made by Council member Ladiana and seconded by Council member Nolan.

Mayor Donoghue commented that the Planning Board is required by law to review this Ordinance, which they did at their last meeting. They have submitted a consistency report which basically says these changes are consistent with the Master Plan.

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

NAYS:

This Ordinance, having been properly introduced will be considered for adoption on September 13, 2006 after publication and a second reading.

**Approval of Raffle License**

License #3355-2006 Off Premise Raffle- Hi-Mar Striper Club October 15, 2006, Shore Casino

This was offered and moved for adoption by Council member Fligor and seconded by Council member Archibald and passed by the following vote.

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

NAYS:

**PUBLIC COMMENT SESSION**

Bernard Frotton - 12 Memorial Pkwy- heard discussion on the Steep Slope and questioned if there were proposed changes. There were questions on why do you need Steep Slope on the flat land. The reasoning is if you don't absorb the water on the flat land it will run down the hill and that is where you get your flood zone. The object is to keep the water on the hill and prevent it from running down.

Mary Wall - Ocean Blvd- commented that interpretation of the Steep Slope Ordinance is dependent on the appointed engineer at that time.

Paul Barbado - Lawrie Rd- commented that interpretation is an important key. He commented that he had requested a steep slope permit for mulch, which no one has ever done before. The interpretation of the former engineer caused a whole big to do. His house is compromised, because of the road improvements; the water is eroding his topsoil onto his neighbor's property. He wants to contain the erosion with mulch. He has gone through a laundry list of material, for a permit just to get mulch. It took him 42 town meetings and 250 phone calls to get the road repaved. He would like mulch to fill up his hole that is all. It has been so difficult it is crazy. The list of requirements is overkill. No other resident has ever gotten a permit for mulch; he will be the first one. He put in for the permit on November 11, 2005 and he still doesn't have it.

Joseph Hawley-25 Ocean Blvd.- Ocean Blvd- feels for Barbado and someone should help him. He commends the appointment of Morrissey to Recreation. He questioned the ability of Theresa to currently issue COs. He asked Debbie DiGiorgio, from the Water Dept if his building was hooked up and she was unsure. They have made three appointments and they have not shown up. His water meter is in a pit on the outside and he does not think they have been there. He does not want to be in a position where the water gets shut off.

Jane Frotton-12 Memorial Pkwy- requested that we have a public hearing on the 13th for the grant application due on the 20th.



Kate Wigginton-62 Avenue D- questioned the adjustments for the water bills and if they would be on the water only or include the sewer? If the outside meters were running slow, but the inside meter was accurate, these people are getting a deal.

**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/ McConnell
3. Item- Police Personnel & Contract Negotiations
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 10:11 PM, seconded by Council member Fligor and adopted by the following vote.

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


NAYS:

**RECONVENE** - At 11:20 PM the meeting was resumed.

**ADJOURN** - There being no further business before the Mayor & Council, Council member Nolan moved to adjourn the meeting at 11:22 PM, the motion was seconded by Council member Archibald and unanimously approved.

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The governing body approved these minutes on September 13, 2006 at their regular meeting.



Dwayne M. Harris, RMC  
Municipal Clerk



# ORDINANCE 14-2006

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

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

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

### Section 1. Purpose.

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

### Section 2. Definitions.

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

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

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

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

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

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

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

- (1) Serving as the Borough's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
- (2) Monitoring the status of all restricted units in the Borough's Fair Share Plan;
- (3) Compiling, verifying, and submitting annual reporting as required by COAH;
- (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
- (5) Attending continuing education programs as may be required by COAH;
- (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in the Borough as describe in F. below.

D. Subject to approval by COAH, the Borough may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which

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

(5) Communicating with unit owners

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

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

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

(6) Enforcement

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

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

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

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

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

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

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

(h) Providing annual reports to COAH as required.

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

**Section 4. Severability.**

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

**Section 5. Inconsistent Ordinances Repealed.**

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

**Section 6. Effective Date.**

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

entity shall have the responsibility of administering the affordable housing program of the Borough. If the Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.

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

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

(1) Affirmative Marketing

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

(2) Household Certification

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

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

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

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

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

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

(3) Affordability Controls

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

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

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

(d) Communicating with lenders regarding foreclosures; and

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

(4) Resale and rental

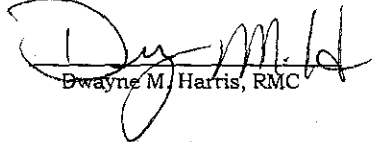
(a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

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

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

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

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

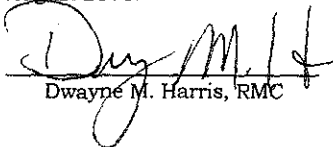
  
Dwayne M. Harris, RMC

SECOND READING AND FINAL ADOPTION: PASSED August 16, 2006

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

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006.  
WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2006.

  
Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: August 17, 2006

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Peter E. Donoghue, Mayor



# ORDINANCE 11-2006

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

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

### SECTION 1:

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

### SECTION 2:

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

### SECTION 3:

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

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

hereby approved.

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

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

#### SECTION 4.

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

#### SECTION 5:

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

#### SECTION 6:

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

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

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

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

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

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

#### SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received

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

SECTION 8:

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

SECTION 9:

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

SECTION 10:

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

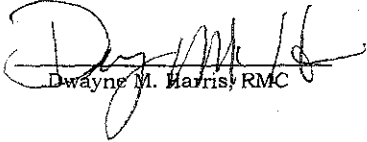
Council member Nolan introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Doyle and approved by the following vote.

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

The Second Reading, Public Hearing and possible adoption is scheduled for September 13, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006.

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

  
Dwayne M. Harris, RMC





## ORDINANCE 12-2006

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

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

### SECTION 1:

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

### SECTION 2:

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

### SECTION 3:

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

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

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

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

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

#### SECTION 4.

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

#### SECTION 5:

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

#### SECTION 6:

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

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

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

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

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

SECTION 7:

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

SECTION 8:

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

SECTION 9:

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

SECTION 10:

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

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

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

NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for September 13, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006.

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

  
Dwayne M. Harris, RMC



# ORDINANCE 13-2006

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

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

## SECTION 1:

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

## SECTION 2:

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

## SECTION 3:

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

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

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

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

## SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer.

The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

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

#### SECTION 6:

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

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

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

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

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

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

#### SECTION 7:

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

#### SECTION 8:

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

#### SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect

to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$820,000.

SECTION 10:

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

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

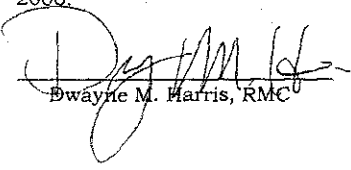
AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola

NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for September 13, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006.

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

  
Dwayne M. Harris, RMC



# RESOLUTION 158-2006

## ADOPTION OF THE PERSONNEL POLICY AND PROCEDURES MANUAL

**WHEREAS**, it is the policy of the Borough of Atlantic Highlands to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS**, the Borough of Atlantic Highlands has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**NOW, THEREBY, BE IT RESOLVED** by the Mayor and Council of the Borough of Atlantic Highlands that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Borough of Atlantic Highlands officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by the Borough of Atlantic Highlands employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council of the Borough of Atlantic Highlands.

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Borough of Atlantic Highlands shall operate under the legal doctrine known, as "employment at will."

**BE IT FURTHER RESOLVED** that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Borough Clerk and the Borough Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

This Resolution was offered and moved by Council member Fligor, seconded by Council member Archibald and adopted on August 16, 2006 as follows:

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

NAYS: None

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2006.

\_\_\_\_\_  
Dwayne M. Harris



## RESOLUTION 159-2006

### PROVIDING FOR A GRACE PERIOD FOR THE PAYMENT OF THIRD QUARTER TAXES

WHEREAS, N.J.S.A. 54:4-64 provides that third quarter tax bills are to be mailed at least 47 days prior to the due date of August 1, 2006; and,

WHEREAS, because of delays the bills could not be mailed prior to this deadline; and,

WHEREAS, N.J.S.A. 54:4-66.3d provides that when third quarter tax bills cannot be mailed by June 14, taxes shall not be subject to interest until at least 25 days after the tax bills are mailed,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey that the interest charged as per Resolution 16-2006 shall be waived when payment is received by September 06, 2006. Any payments not made within this time shall be charged interest from the State set due date of August 1, 2006.

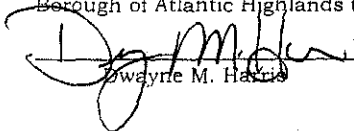
BE IT FURTHER RESOLVED that the Municipal Clerk shall publish a copy of this resolution in the Courier and provide a certified copy of this resolution to the Tax Collector, Borough Attorney and Borough Auditor.

This Resolution was offered and moved by Council member Spatola, seconded by Council member Nolan and adopted on August 16, 2006 as follows:

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

NAYS: None

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2006.

  
Dwayne M. Harris





## RESOLUTION 160-2006

### RENEW MEMBERSHIP IN THE CENTRAL JERSEY HEALTH INSURANCE FUND FOR THREE YEARS

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the Central Jersey Health Insurance Fund, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq.; and,

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since February 1, 1992 that date; and,

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and,

WHEREAS, the governing body of Atlantic Highlands, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest 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 the following is agreed for Atlantic Highlands:

- i. Adopts and approves the FUND's Bylaws and agrees to be bound by and comply with each provision of said Bylaws and the pertinent statutes and administrative regulations pertaining to same.
- ii. Will participate in the following type (s) of coverage (s):
  - a. Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Will become a member of the FUND and participate in the health insurance coverage offered for the period of January 01, 2007 through December 31, 2009 and may withdraw at any time upon written notice to the FUND, pursuant to the Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

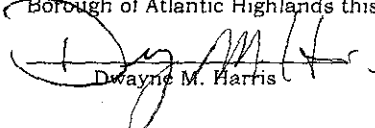
BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

This Resolution was offered and moved by Council member Ladiana, seconded by Council member Nolan and adopted on August 16, 2006 as follows:

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2006.

  
Dwayne M. Harris



## RESOLUTION 161-2006

### APPROVAL OF CHANGE ORDER INCREASING THE COST OF DESIGN FOR THE DREDGE DISPOSAL AREA AT THE ATLANTIC HIGHLANDS HARBOR

WHEREAS, the Borough of Atlantic Highlands entered into a contract with French & Parrello Associates, to design the proposed expansion of the Dredge Disposal area at the Atlantic Highlands Harbor; and,

WHEREAS, additional costs of \$2,875.00 were incurred due to additional work performed by Wickberg Marine, sub-contracted by French and Parrello, relative to leveling of berms to advance test borings; and,

WHEREAS, these additional requirements were necessary to effect the Geotechnical Engineering services required to design the proposed expansion of the Dredge Disposal area at the Atlantic Highlands Harbor thereby increasing the cost of the original contract from \$39,880.00, to a revised contract price of \$42,755.00; 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

Harbor Capital Ord. #6-04 Dredge Municipal Harbor 31-201-55-561006

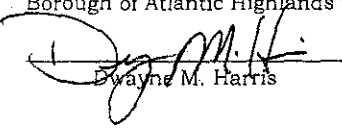
  
Lorraine Carafa C.F.O.

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 Change Order #1 dated July 21, 2006, for professional services in the design of the proposed expansion of the Dredge Disposal area at the Atlantic Highlands Harbor, reflecting the above adjustment is approved.

This Resolution was offered and moved by Council member Archibald, seconded by Council member Doyle and adopted on August 16, 2006 as follows:

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2006.

  
Dwayne M. Harris



## RESOLUTION 162-2006

### RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES

WHEREAS, the Borough of Atlantic Highlands needs to appoint and employ Jeffery Surenian as Special Counsel, in helping the Borough address its affordable housing obligations in proceedings before COAH and any court, as a non-fair and open contract pursuant to the provisions of NJSA. 19: 44A-20.2 et al; and,

WHEREAS, the terms of this contract terminate on December 31, 2006 and may be extended by one year; and

WHEREAS, Jeffrey R. Surenian and Associates LLC has submitted a proposal indicating they will assist the Borough and its legal counsel at the rate of \$175.00 per hour for the services of Jeffrey Surenian, \$140.00 per hour for the services of Michael Jedziniak and \$70.00 per hour for time spent by paralegals; and

WHEREAS, Jeffrey R. Surenian and Associates LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Jeffrey R. Surenian and Associates LLC 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 Jeffrey R. Surenian and Associates LLC from making any reportable contributions through the term of the contract, and a completed Political Contribution Disclosure form required pursuant to N.J.S.A. 19:44A-20.26

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

01-201-21-181-209

  
Lorraine Carafa C.F.O.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Atlantic Highlands authorizes the Mayor to enter into a contract with Jeffrey R. Surenian and Associates LLC for professional services; and,

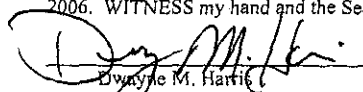
BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification be placed on file with this resolution; and,

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 Ladiana, seconded by Council member Spatola and adopted on August 16, 2006 as follows:

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2006.

  
Dwayne M. Harris



## RESOLUTION 163-2006

### RESOLUTION AUTHORIZING 8 ADDITIONAL UNITS TO THE REGIONAL CONTRIBUTION AGREEMENT BETWEEN THE BOROUGH OF ATLANTIC HIGHLANDS AND THE TOWNSHIP OF LAKEWOOD

WHEREAS, the Borough of Atlantic Highlands, County of Monmouth has a fair share obligation to provide housing opportunities to households of low- and moderate-income as established by the New Jersey Supreme Court and by the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, the Fair Housing Act provides that municipalities within the same region as defined by the Council on Affordable Housing (COAH) may meet up to 50 percent of that obligation through a regional contribution agreement (RCA) under which the sending municipality makes a cash payment to another municipality, known as the receiving municipality, which undertakes to provide low- and moderate-income housing which is credited toward the sending municipality's fair share obligation; and,

WHEREAS, Resolution 131-2006 authorizes the execution of a Regional Contribution Agreement between the Borough of Atlantic Highlands and the Township of Lakewood where the Borough of Atlantic Highlands proposes to transfer a total of 12 low- and moderate-income units of its Cycle III responsibilities through a Regional Contribution Agreement with the Township of Lakewood, Ocean County at a rate of \$35,000 per unit; and,

WHEREAS, COAH may increase the Realistic Development Potential ("RDP") for Atlantic Highlands from the 16 unit RDP recommended by COAH staff; and

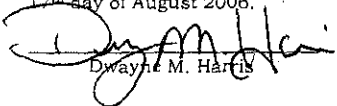
WHEREAS, in such an event, Atlantic Highlands shall be entitled to increase the RCA by 8 units thus proposing to transfer a total of 20 low- and moderate-income units of its Cycle III responsibilities through a Regional Contribution Agreement with the Township of Lakewood, Ocean County at a rate of \$35,000 per unit; and

NOW THEREFORE BE IT RESOLVED, that the Mayor of the Borough of Atlantic Highlands in Monmouth County is hereby authorized to execute such documents and exhibits as may be necessary to effectuate the RCA.

This Resolution was offered and moved by Council member Nolan, seconded by Council member Ladiana and adopted on August 16, 2006 as follows:

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2006.

  
Dwayne M. Harris



## RESOLUTION 164-2006 PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated August 09, 2006 which totals as follows:

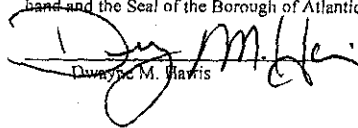
Current Fund	\$1,436,998.99
Capital Fund	\$46,630.25
Trust-Other	\$9,108.81
Water/Sewer Operating Fund	\$145,053.24
Water /Sewer Utility Capital	\$21,251.40
Harbor Operating Fund	\$303,004.83
Harbor Utility Capital Fund	\$62,410.62
Federal/State Grants	\$
Unemployment	\$5,527.45
Animal	\$129.00
MCIA	\$
TOTAL	\$2,030,114.59

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 **\$2,030,114.59** be paid to the persons named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers. An individual listing of all bills submitted has been posted on the bulletin board and is also on file in the Municipal Clerk's office for reference.

This Resolution was offered and moved by Council member Nolan, seconded by Council member Archibald and adopted on August 16, 2006 as follows:

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2006.

  
Dwayne M. Harris



## RESOLUTION 165-2006

### AMENDING RESOLUTION 110-2006 "AWARDING OF CONTRACT UNDER THE "STATE COOPERATIVE PURCHASING" CONTRACT AND AUTHORIZATION TO ENTER A LEASE AGREEMENT"

WHEREAS, the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, authorized the purchase of one 2006 Dodge Durango under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the Borough Administrator was authorized to execute a lease between the Borough of Atlantic Highlands and Baystone Financial Group to finance \$21,600.00, for a term not to exceed six years, with \$2,400.00 as a down payment in 2006 and 5 annual payments of \$4,413.36 for a total cost of \$24,446.80 including interest; and,

WHEREAS, there should be a total of six (6) annual payments, as outlined in the agreed upon payment schedule, instead of the five (5) as stated in Resolution 110-2006; and,

WHEREAS, Dawn L. Babcock, Chief Financial Officer for the Borough of Atlantic Highlands, has certified that funds are available for this contract in

\$2,400.00 2006 Current-Uniform Fire Safety Act, Other Expenses #01-201-25-265-288. *Remaining annual payments subject to governing body appropriating \$4,413.36 in subsequent budget years 2007-2012*

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NOW, THEREFORE, BE IT RESOLVED that, Borough Administrator is authorized to execute a lease between the Borough of Atlantic Highlands and Baystone Financial Group to finance \$21,600.00, for a term not to exceed six years, with \$2,400.00 as a down payment in 2006 and six (6) annual payments of \$4,413.36 for a total cost of \$28,880.16 including interest, and deliver the agreement with such changes thereto as deemed appropriate, and any related documents necessary to the consummation of the transaction contemplated by the agreement.

This Resolution was offered and moved by Council member Archibald, seconded by Council member Spatola and adopted on August 16, 2006 as follows:

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2006.

  
Dwayne M. Harris



## RESOLUTION 167-2006

### APPOINTMENTS-AUTHORITY, BOARDS, COMMISSIONS, COMMITTEES

WHEREAS, N.J.S.A 40A: 60-5 provides that the Mayor nominate, and with the advice and consent of Council, appoint all subordinate officers of the Borough; and,

WHEREAS, the Mayor has offered the following nominations for the offices and terms shown,

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 appointment and terms are hereby confirmed.

#### RECREATION COMMITTEE: -

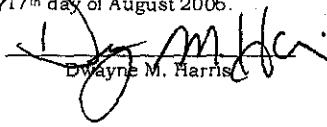
ASSOCIATE MEMBER: - partial term ending 12/31/06

Christopher Morrissey

This Resolution was offered and moved by Council member Spatola, seconded by Council member Archibald and adopted on August 16, 2006 as follows:

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2006.

  
Dwayne M. Harris



# RESOLUTION 168-2006

## ENDORSING AND AUTHORIZING GRANT APPLICATION TO MONMOUTH COUNTY UNDER MUNICIPAL OPEN SPACE GRANT PROGRAM

**WHEREAS**, the Atlantic Highlands Municipal Harbor area is a large public recreational area and facility within the Borough, operated under the auspices of the Atlantic Highlands Harbor Commission, which provides various recreational and open space activities to the public, such as fishing, boating, waterfront walkways and vantage points, and other related activities, and

**WHEREAS**, there has been brought to the attention of the Borough Harbor Commission and Borough Governing Body that there is a potential need and demand in the community for a public skateboard park or facility, and there appears to be a possible availability of suitable space in the Borough Harbor area that could be made available and utilized in conjunction with existing recreation or playground type facilities, and

**WHEREAS**, the Monmouth County Board of Chosen Freeholders and/or Parks and Recreation Commission has ongoing a Grant program, known as the Municipal Open Space Grant Program, by which Grants are made available by the County to municipalities for the purposes of assisting in the funding so as to provide and enhance public recreational areas and facilities, and

**WHEREAS**, this proposal is appropriate for such a Grant as it will provide an accessible recreational facility in a location actively used by large numbers of the public and residents, and consequently such Grant funds will serve a significant benefit and receive substantial utilization, and

**WHEREAS**, the Borough Council has determined that it is appropriate and beneficial to authorize the pursuit and filing of an application to the Monmouth County Board of Chosen Freeholders and/or Parks and Recreation Commission for such Grant funds as a means of furthering and establishing such a skateboard facility in the Harbor area.

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of Atlantic Highlands that the application to the Monmouth County Board of Chosen Freeholders and/or Parks and Recreation Commission for a Grant under the Municipal Open Space Grant Program by the Borough and/or the Borough Harbor Commission is endorsed and authorized, and the Mayor and/or Borough Administrator are authorized to execute and file any appropriate documents or applications to further such Grant application by either the Borough or the Borough Harbor Commission.

This Resolution was offered and moved by Council member Fligor, seconded by Council member Ladiana and adopted on August 16, 2006 as follows:

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

NAYS: None

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2006.

  
Dwayne M. Harris





## RESOLUTION 169-2006

### APPOINTING MICHAEL D. SOUZA TO THE SANITATION DEPARTMENT

WHEREAS, there exists a need to fill a vacancy in the Sanitation Department; and,

WHEREAS, the position was duly posted under the "Post and Bid" provisions contained in the current Labor contracts between the Borough and the Municipal Unions; and,

WHEREAS, there were no bidders from the unions under "Post and Bid" procedures, thus allowing the Borough to fill the vacancy from outside union ranks; and,

WHEREAS, following the interview of potential applicants, the Borough Administrator has recommended the appointment of Michael D. Souza to the Sanitation Department in the grade of Maintenance Employee I, at a salary of \$25,000.00, as set forth in the Municipal Employees Association Contract;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey that the appointment of Michael D. Souza to the Sanitation Department effective September 05, 2006 is hereby approved.

BE IT FURTHER RESOLVED that Mr. Souza will serve a 90-day probation period as per union contract with the Borough.

This Resolution was offered and moved by Council member Nolan, seconded by Council member Spatola and adopted on August 16, 2006 as follows:

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2006.

  
Dwayne M. Harris



# RESOLUTION 166-2006

## HARBOR RATES

WHEREAS, the Harbor Commission of the Borough of Atlantic Highlands has reviewed the annexed rates for the summer of 2007 and the winter of 2007/08 to the Mayor and Council; and

WHEREAS, the Harbor Commission find that the rates as presented are reasonable and in the best interests of the citizens of the Borough of Atlantic Highlands and the patrons of the Harbor; and

WHEREAS the Harbor Commission further finds that the rates as presented shall not be applicable to the recreational (noncommercial, non-charter, non-head boat) use of the Harbor and its facilities by residents of the Borough of Atlantic Highlands, and that noncommercial rates as established for the summer of 2007 and winter of 2007/08 shall remain in force and effect for such residents of the Borough as a reasonable accommodation to in the best interests of the residents of the Borough of Atlantic Highlands as patrons of the Harbor; and

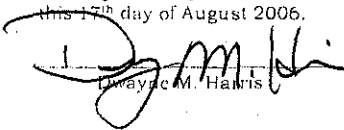
WHEREAS, upon advice of counsel, the Harbor Commission of the Borough of Atlantic Highlands is empowered to set such rates pursuant to N.J.S.A. 40:68-24b and the Ordinances of the Borough, subject to the approval, by resolution, of the Governing Body;

NOW, THEREFORE BE IT RESOLVED BY THE Harbor Commission of the Borough of Atlantic Highlands that the Mayor and Council of the Borough of Atlantic Highlands be and are hereby requested to adopt such resolutions as are necessary to the approval of the following schedule of rates for the summer of 2007 and the winter of 2007/08, and that the rates as presented shall not be applicable to the recreational (non-commercial, non-charter, non-head boat) use of the Harbor and its facilities by residents of the Borough of Atlantic Highlands, and that the recreational (non-commercial, non-charter, non-head boat) rates as established for the summer of 2007 and winter of 2007/08 shall remain in force and effect for such residents of the Borough:

This Resolution was offered and moved by Council member Fligor, seconded by Council member Doyle and adopted on August 16, 2006 as follows:

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

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 16, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17<sup>th</sup> day of August 2006.

  
Dwayne M. Harris



# ORDINANCE 15-2006

## ORDINANCE AMENDING AND SUPPLEMENTING THE DEVELOPMENT REGULATIONS OF THE BOROUGH OF ATLANTIC HIGHLANDS

WHEREAS, the Code Enforcement Officer of the Borough of Atlantic Highlands having conducted a review of the Development Regulations and Zoning Ordinances of the Borough, recommends changes to the current Ordinances; and,

WHEREAS these recommended Ordinance revisions are appropriate in order to clarify, correct or otherwise improve the Ordinance and are in the best interest of preserving the health, safety and welfare of the residents of the Borough,

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands that the Development Regulations of the Borough of Atlantic Highlands be and are hereby amended and supplemented as follows:

**Article 3, Administration, Title 3.4, Certificates and Permits, Section 3.4.D Certificates of Occupancy, Item 3.4.D.2 is hereby amended to read as follows:**

### 3.4.D. Certificate of Occupancy

3.4.D.2. Uses & Occupancies after the Effective Date of this Chapter: No building, structure or land shall be occupied or used until such time as a Certificate of Occupancy is issued by the ~~Zoning Officer~~ Code Enforcement Officer.

Such certificates shall be issued upon application by the owner, prospective occupant, or purchaser only after the ~~Zoning Officer~~ Code Enforcement Officer determines that the facts represented on the application are correct and that the building, structure or use is in conformance with the provisions of the Uniform Construction Code and other codes and ordinances affecting construction and occupancy.

Temporary Certificate of Occupancy may be issued pursuant to the provisions of this Chapter for any structure or use for which site plan approval has been secured, but not all conditions of approval have been complied with.

**Article 7, General Zoning Provisions, Title 7.23, Property Maintenance, is hereby amended to read as follows:**

### 7.23 PROPERTY MAINTENANCE

It is the intent of this section to assure that the public health, safety, and welfare is not impaired by the neglected maintenance of the buildings and property. It is further intended to assure that site improvements required by a Planning Board are properly maintained and operable. It shall be the ~~Administrative Officer's~~ (Zoning Officer) Code Enforcement Officer's responsibility to enforce this section where property conditions pose a hazard to the public or where a property owner fails to maintain a required site improvement.

It shall be the responsibility of every property owner, tenant, developer and applicant to maintain in a safe and orderly condition, all buildings and land in the municipality which they own, use, occupy or have maintenance responsibility for in accordance with the following regulations...

Repealer: All prior Ordinances, or portions thereof, inconsistent with this Ordinance are hereby repealed.

This Ordinance shall take effect immediately upon its final passage and publication as required by law.

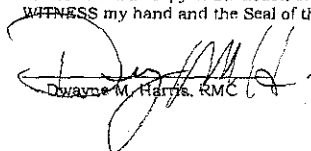
Council member Nolan introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Ladiana and approved by the following vote.

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

NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for September 13, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006.  
WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 17th day of August 2006.

  
Dwayne M. Harris, RMC



# ORDINANCE 16-2006

## AMENDING AND SUPPLEMENTING THE DEVELOPMENT REGULATIONS - ADDING AN AH AFFORDABLE HOUSING ZONE

WHEREAS, the Borough of Atlantic Highlands has a judicially determined constitutional obligation to provide a realistic opportunity to allow the construction of housing affordable to low and moderate income households; and

WHEREAS, the Borough of Atlantic Highlands has adopted and approved a Housing Element and Fair Share Plan dated December 20, 2005 revised on August, 2006 and is diligently seeking substantive certification from the Council on Affordable Housing (COAH) for its cumulative 1987-2014 affordable housing obligation; and

WHEREAS, the Borough of Atlantic Highlands desires to incorporate draft ordinances into and be made part of said Housing Element and Fair Share Plan; and

WHEREAS, this ordinance is being enacted to implement the 2006 Housing Element and Fair Share Plan of the Borough of Atlantic Highlands.

### Section 1 Purpose

- A. The AH zone is intended to fulfill the mandates of the Mount Laurel II Supreme Court decision and comply with the rules and regulations of the New Jersey Council on Affordable Housing (COAH).
- B. The AH zone is intended to provide the opportunity to construct affordable housing within the Borough of Atlantic Highlands.

### Section 2 Use Regulations

- A. Permitted Principal Use:
  1. Two-Family attached housing;
  2. Three-Family attached housing; and,
  3. Four-Family attached housing
- B. Permitted Accessory Uses:
  1. Off- street driveways and parking facilities,
  2. Retaining walls and fences.
  3. Additional customary accessory structures and uses are permitted if they serve, and are incidental to, the primary permitted use.

### Section 3 Bulk Requirements

A. Two- Family Developments in the AH zone shall comply with each of the following requirements:

- |                             |                   |
|-----------------------------|-------------------|
| 1. Minimum Lot Area         | 6,000 square feet |
| 2. Minimum Lot Width        | 30 feet           |
| 3. Minimum Yard Dimensions: |                   |
| Front                       | 20 feet           |
| Side (One)                  | 5 feet            |
| Side (Combined)             | 10 feet           |
| Rear                        | 20 feet           |
| 4. Maximum Building Height  | 3 sty./40 ft.     |
| 5. On-Site Parking          | Conform to RSIS   |

B. Three and Four Family Dwelling developments in the AH zone shall comply with each of the following requirements:

- |                             |                    |
|-----------------------------|--------------------|
| 1. Minimum Lot Area         | 10,000 square feet |
| 2. Minimum Lot Width        | 40 feet            |
| 3. Minimum Yard Dimensions: |                    |
| Front                       | 20 feet            |
| Side (One)                  | 5 feet             |
| Side (Combined)             | 10 feet            |
| Rear                        | 30 feet            |
| 4. Maximum Building Height  | 3 sty./40 ft.      |
| 5. On-Site Parking          | Conform to RSIS    |

Section 4 Supplemental Development Regulations

- A. All dwelling units in the AH zone shall at all times be affordable to either low or moderate-income households. In accordance with COAH regulations no less than 50% of the total number of affordable dwelling units in the AH zone shall be affordable to low income households.
- B. All affordable housing units shall be affirmatively marketed throughout the housing region comprising Mercer, Monmouth, and Ocean Counties in accordance with current applicable COAH rules and regulations and at all times be occupied by a certified low or moderate income household.
- C. All affordable housing units constructed herein shall be deed restricted for a period of years in accordance with current applicable COAH rules and regulations.
- D. All affordable housing units shall at all times comply with applicable COAH uniform affordability controls.
- E. No less than 25% of the dwelling units in the AH zone shall be renter occupied. Nothing in this amendment is intended to prohibit more than 25% of the units from being renter occupied.
- F. COAH requirements concerning bedroom distribution shall be satisfied on a zone wide basis.
- G. A developer of a through lot in this zone has the option of determining which lot line shall be designated and function as the frontage. The lot line opposite the designated frontage line shall be considered a rear lot line. Driveway access to and from either street shall be permitted.

Section 5

The zoning map of the Borough of Atlantic Highlands, shall be and is hereby amended and revised to add thereto the AH Affordable Housing Zone, and to designate and fix the boundaries of said zone to include the following properties:

Block 62	Lot 4 (Simpson Ave.)
Block 136	Lot 1 (21 Leonard Ave.)
Block 136	Lot 2 (25 Leonard Ave.)
Block 124	Lots 1 and 2 (13 Leonard Ave.)

Section 6

This ordinance shall take effect immediately upon passage and publication as required by law.

Section 7

All Ordinances of the Borough of Atlantic Highlands, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 8

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

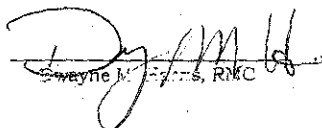
Council member Ladiane introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Nolan and approved by the following vote.

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

The Second Reading, Public Hearing and possible adoption is scheduled for September 13, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 16, 2006.

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

  
Dwayne M. Harris, RMC