



# MAYOR AND COUNCIL MEETING MARCH 11, 2009

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

Silent prayer

Oath of allegiance

Roll call

Approval of previous meeting minutes:

Workshop items to be discussed:

- a. Environmental Commission
  - i. Henry Hudson Springs & Hilton Station Access
  - ii. Parking on Ocean Blvd. - Former Hoffbrauhaus Overlook
- b. Allowing Bed & Breakfast Establishments in the Borough
- c. Citizen Participation in Council Meetings

Open Comment Session

Unfinished Business:

Finance 04-2009, Amending Bond Ordinance 12-2006  
Public Hearing/Possible Adoption

Business:

- Resolution 055-2009, Temporary Emergency Appropriations
- Resolution 056-2009, Transfer of Funds
- ~~Resolution 057-2009, Seeking County Preservation of Public Access - Hoffbrauhaus~~
- Resolution 058-2009, RFP- Streetscape III
- Resolution 059-2009, 2008 LOSAP Contributions
- Resolution 060-2009, Payment of Bills
- Resolution 061-2009, Sustainable New Jersey [NEW]
- Resolution 062-2009, Transfer of Funds [NEW]

**Agenda:** These items will be enacted by one motion. If detailed deliberation is desired on Council may remove that item from the consent agenda and consider it separately:

- 2035 - Off Premise 50/50 - Mother Teresa School - April 24, 2009
- 2036 - Gift Auction - Mother Teresa School - April 24, 2009

Open Comment Session

Unfinished Business [NEW]





## MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF MARCH 11, 2009

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on March 11, 2009 in the public meeting room of Borough Hall, 100 First Avenue Atlantic Highlands NJ.

Council President Fligor, in the absence of the Mayor, was officiating and called the meeting to order at 7:00 PM. After a silent prayer and the Pledge of Allegiance, the following roll call was taken: Council members Archibald, Dellosso, Fligor, Hoffmann and Sutton. Mayor Rast was not present. Administrator Hubeny, Borough Attorney Reilly, Borough Engineer David Marks of T & M Associates and Municipal Clerk Harris were also present.

Council President Fligor 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 1/05/2009. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

### WORKSHOP ITEMS TO BE DISCUSSED:

#### Environmental Commission

Henry Hudson Springs & Hilton Station Access - Jim Krauss was appearing at the request of the Environmental Commission to request authorization for work to connect Hilton Station/Henry Hudson Springs to the Bayshore Trail. He presented three reasons for a mid-trail access:

- a. There is no access from the Harbor to Popamora Point. Residents in the Eastern portion of the Borough would have to travel to either end to use the trail.
- b. This would provide a connection to the trails of Lenape Woods.
- c. It provides an emergency access in the middle of the trail.

He feels now would be ideal because the contractor is on site and could continue the work and complete by the planned opening date. It would then provide mid-trail access right away. It would also be nice to have the Henry Hudson Spring portion completed before the 400<sup>th</sup> Anniversary of Henry Hudson's visit to Atlantic Highlands. Mr. Hubeny has a proposal from Compass Construction which is in line with what they had considered.

Paul Boyd - 17 Lawrie Rd. commented that he had spoken to the neighbors who are aware that the trail was coming and were fine with the proposed plan.

Administrator Hubeny mentioned that he had spoken with Mrs. Spiro on Bayside Drive who is pleased with the work and has no objection to the extension. He also mentioned that this meets the Open-Space requirements for funding. The engineer will put this through as a change order. The contractor has also agreed to do the project for \$26,950.00, down from \$32,000.00. He also mentioned that he met with Mr. Harowitz and has received no complaints or issues with the residents.

Council member Doyle was concerned with the amount of strangers who are now walking through this thoroughfare and what impacts that will have on the residents whose homes border the access point.

Paul Boyd commented that statistically where access is not controlled, signed and established, that it is more of a concern.

Parking on Ocean Blvd. - Former Hoffbrauhaus Overlook - Paul Boyd of the Environmental Commission presented information to the council in an effort to maintain the Scenic Overlook currently established across from the former Hofbrauhaus. He has spoken with County people and the desire to have an additional five feet of right-of-way. The County Engineer is currently checking property records for the South side of the road. Once they have that data in hand, they will give a formal opinion. Unofficially they feel they request is fine and not unreasonable. This item was tabled until the Mayor could be present to offer his suggestions and recommendations.

Allowing Bed & Breakfast Establishments in the Borough - Council member Archibald brought this up for discussion only. The Borough does not have an Ordinance for Bed & Breakfasts. He presented Highlands' Ordinance for review and discussion. He is uncertain how he feels but would like to hear from others who may have had experience with this.

Councilman Dellosso expressed his approval for the idea and feels it would bring others into the community.

Councilman Hoffman also expressed his approval of the idea, but was concerned about the lengths of stay that would be permitted in fear that it could easily turn into a boarding house.

Councilman Fligor felt that onsite parking regulations would need to be established because our roads can't handle on-street parking.

Attorney Reilly made some recommendation regarding the creating of conditional uses in certain zones or streets. You could require minimum sized lots, availability of parking spaces and other conditions to

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regulate establishing and defining the area where you want them to be in town.

Bernard Frotton - Memorial pkwy commented that Bed & Breakfasts take up more ground space than anyone is aware of. The biggest problem is the amount of impervious area that you will create. People will be paving yards to accommodate the extra vehicles. We have researched this many times. It will require work by the Engineer and Planning Board before you can implement this.

Paul Boyd commented that he had, in the past, spoken with NY investors whom wanted to see what types of home were available in AH for Bed & Breakfasts. They would require ones with at least six bedrooms.

Steve Barachi - 1122 Seventh Ave feels that many of these homes don't have proper setbacks and feels that you should make sure these parking areas are properly set back from neighboring properties to create a buffer and not devalue and inconvenience the neighboring property.

Councilman Archibald commented that if the Council thinks that this is a good idea, it should stand on its own, in an area in the Borough where we feel it belongs and not for the benefit of anyone in particular.

**Citizen Participation in Council Meetings** - Chief Vasto presented some protocol that should be adopted by the governing body that deals with individuals who are unruly at public meetings. After some discussion amongst the council and the audience, the consensus was that this was not something that needed to be implemented because we have not really had a problem.

## **PUBLIC COMMENT SESSION**

Joseph Hawley - 25 Ocean Blvd reported that the Shade Tree had met last night. Arbor Day will be on the 24<sup>th</sup> of April and he invited the Mayor, Mr. Hubeny and Mr. Harris to be judges for the poster contest and possibly read to the kids on the 23<sup>rd</sup> at 2:30pm in the Library and at 3:15pm in the Court room. He also asked the Mayor to present a Proclamation to the Shade Tree Commission. They will also proceed with the tree planting in honor of Samuel Guzzi on the 24<sup>th</sup> at the East Ave Park. He also reported on the activities associated with the dedication of the Bayshore Trail and some of the planned activities. He reported that Mary Thompson had been hired as Secretary to the Shade Tree Commission. He asked Mr. Doyle for an additional \$2500.00 in their budget. He reported that Commissioner Smith had gotten the County Shade Tree to donate the Cherry Trees for Grand Ave from the Stone Bridge to Ocean Blvd. he finally reported on some of the events of the Beautification Committee.

Paul Boyd- Environmental Commission reported that on the 25th & 26th of April they will be sponsoring Earth Day activities in the Borough. There will be a beach cleanup and the official opening of the Bayshore Trail, guided walks along the trail and other events.

Joseph Hawley - 25 Ocean Blvd reported that the Garden Club would purchase the Dogwood Tree for the entrance to the Lenape Woods with the condition that a plaque be put in place dedicating it to the memory of Marvin Barrett, who was a member of the Shade Tree Commission for many years. Council President Fligor stated that the Borough would acquire the plaque since the Shade Tree does not have the funds in their budget.

Ed Cetron - 1 Auditorium Dr. commented that the Community Events Committee merged with the Fireworks Committee due to a lack of volunteers. This year Mayor's Ball will be have a 60s theme and the beneficiary will be the First Aid Squad. They will also do the Christmas tree sale again this year.

## **UNFINISHED BUSINESS**

### **ORDINANCE 04-2009, AMENDING BOND ORDINANCE 12-2006**

This Ordinance was read by title. A motion to open the Public Hearing was made by Council member Archibald and seconded by Council member Sutton and it was unanimously approved.

No comments were made.

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

After a Public Hearing and Second Reading, Council member Archibald moved for Final Adoption of this Ordinance. It was seconded by Council member Sutton and adopted by the following vote:

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

**NEW BUSINESS:**

**RESOLUTION 055-2009, EMERGENCY TEMPORARY APPROPRIATIONS**

This Resolution was offered and moved by Council member Archibald, seconded by Council member Sutton and adopted on March 11, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 056 -2009, TRANSFER OF FUNDS**

This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on March 11, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 058 -2009, AUTHORIZING RFP FOR STREETScape PHASE III**

This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on March 11, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 059 -2009, CERTIFYING / APPROVING 2008 LOSAP CONTRIBUTIONS**

This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on March 11, 2009 as follows:

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

NAYS:

ABSTAIN: Council member Hoffmann

**RESOLUTION 060 -2009, PAYMENT OF BILLS**

This Resolution was offered and moved by Council member Dellosso, seconded by Council member Archibald and adopted on March 11, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 061 -2009, SUPPORTING PARTICIPATION IN SUSTAINABLE NEW JERSEY MUNICIPAL CERTIFICATION PROGRAM**

This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on March 11, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 062 -2009, TRANSFER OF FUNDS**

This Resolution was offered and moved by Council member Dellosso, seconded by Council member Archibald and adopted on March 11, 2009 as follows:

March 11, 2009

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

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

- a. RL2035 - Off Premise 50/50 - Mother Teresa School - April 24, 2009
- b. RL2036 - Gift Auction - Mother Teresa School - April 24, 2009

These items were offered and moved for adoption by Council member Sutton. Council member Archibald seconded them.

These resolutions were adopted by the following vote.

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

#### **PUBLIC COMMENT SESSION**

William Phillips - Memorial Pkwy commented on the loss of Marvin Barrett and thanked the town on the magnificent job they had done to honor and recognized the man who had served this community in an outstanding manner for many years.

Jane Frotton - 12 Memorial Pkwy announced that former Council member Kim Spatola will be throwing her hat in the ring for County Freeholder.

#### **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- Personnel - Salary Negotiations

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 from this meeting.

Attorney Reilly read this resolution in full. It was offered and moved for adoption by Council member Sutton at 8:09 PM, seconded by Council member Archibald and adopted by the following vote.

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

**RECONVENE** - At 9:22 PM the meeting was resumed.

**ADJOURN** - There being no further business before the Mayor and Council, Council member Sutton moved to adjourn the meeting at 9:22 PM; the motion was seconded by Council member Archibald and was unanimously approved.

These Minutes were approved by the Governing Body on April 22, 2009.



Dwayne M. Harris, RMC, CMR  
Municipal Clerk



## ORDINANCE 04-2009

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 12-2006  
FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE  
BOROUGH OF ATLANTIC HIGHLANDS, NEW JERSEY ON JULY 12,  
2006.**

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 the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Borough Council of the Borough of Atlantic Highlands, in the County of Monmouth, New Jersey (the "Borough") entitled "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," finally adopted on July 12, 2006 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. (a) The Ordinance is hereby amended by (a) deleting the reference of "\$1,705,000" for the appropriation and estimated cost and substituting in lieu therefor "\$2,696,000".

(b) Sentence two of Section 1 of the Ordinance is hereby amended in full as follows:

"For the said Improvements there is hereby appropriated the amount of \$2,696,000, such sum includes the sum of (a) 300,000 expected to be received from a New Jersey Department of Transportation Bikeway Grant, (b) \$125,000 expected to be received from a County of Monmouth Open Space Grant, (c) \$566,000 expected to be received from a Federal TEA - 21 Grant and (d) \$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")."

(c) Section 3(a) of the Ordinance with respect to Improvements to Bayshore Bike Trail/Wagner Creek is hereby amended by deleting the reference of \$710,000 for the appropriation and estimated cost and substituting in lieu therefor "\$1,701,000."

Section 3. 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 resolutions 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 of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 4. This Section 4 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 the 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 4. All other provisions of the Ordinance shall remain unchanged.

Section 5. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

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

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

The Second Reading, Public Hearing and possible adoption is scheduled for March 11, 2009.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 11, 2009.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 12th day of February 2009.



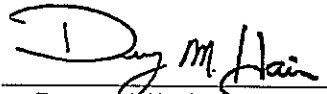
Dwayne M. Harris, RMC

After a Public Hearing and Second Reading, Council member Archibald moved for Final Adoption of this Ordinance. It was seconded by Council member Sutton and adopted by the following vote:

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

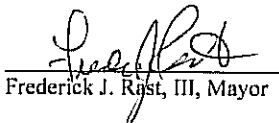
I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held March 11, 2009.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 13th day of March 2009.



Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: March 16, 2009



Frederick J. Rist, III, Mayor





# RESOLUTION 055-2009

## EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergency condition has arisen with respect to the fact that the Borough has yet to adopt its 2009 budget and no adequate provision has been made in the 2009 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A: 4-20 provides for the creation of an emergency temporary appropriation for the above mentioned; and,

WHEREAS, the total emergency temporary resolutions adopted in the year 2009 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$391,900.00; and,

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

1. An emergency temporary appropriation be and the same is hereby made for the following line items:

### CURRENT:

Data Processing Fees	\$10,000.00
Revenue Collection – OE	3,000.00
Construction Official – S&W	5,000.00
Liability Insurance	20,000.00
Workers Compensation Insurance	30,000.00
Employee Group Insurance	40,000.00
Police – OE	15,000.00
Municipal Prosecutor – S&W	5,000.00
Streets & Roads – OE	5,000.00
Building & Grounds – OE	5,000.00
Environmental Commission – OE	500.00
Celebration of Public Events	500.00
Electricity	5,000.00
Street Lighting Expense	10,000.00
Municipal Court – OE	2,000.00
Social Security	<u>5,000.00</u>

Total Current subject to NJSA 40A: 4-20 \$161,000.00

### CURRENT not subject to NJSA 40A: 4-20

PERS	63,000.00
Interest on MCIA Lease Program	20,000.00
Interest on 2007 MCIA Lease Program	<u>5,000.00</u>
Total Current not subject to NJSA 40A:4-20	<u>\$88,000.00</u>

### TOTAL ADDITIONAL TO CURRENT

\$249,000.00

### WATER and SEWER UTILITY:

Water & Sewer – S&W	\$25,000.00
Bank Fees	1,000.00
Employee Group Insurance	25,000.00
Other Insurance – Surety Bonds	500.00
Liability Insurance – Other	10,000.00
Treatment Fees	75,000.00
PERS	<u>11,000.00</u>

### TOTAL ADDITIONAL TO WATER-SEWER UTILITY

\$124,000.00

**HARBOR UTILITY:**

Insurance	\$125,000.00
PERS	<u>38,500.00</u>

<b>TOTAL ADDITIONAL TO HARBOR UTILITY</b>	<b><u><u>\$163,500.00</u></u></b>
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This Resolution was offered and moved by Council member Archibald, seconded by Council member Sutton and adopted on March 11, 2009 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held March 11, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 13th day of March 2009.



\_\_\_\_\_  
Dwayne M. Harris, RMC  
Municipal Clerk



# RESOLUTION 056-2009

## TRANSFER OF FUNDS

WHEREAS, N.J.S. 40A: 4-59 provides that all unexpended balances carried forward after the close of the year available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey that transfers be made from the following 2008 appropriations in the following amounts:

ACCOUNT NAME	ACCOUNT#	AMOUNT
<b>FROM:</b>		
Vehicle Maintenance - Tires	01-203-26-315-215	\$2,000.00
Vehicle Maintenance - Equipment	01-203-26-315-217	\$3,006.63
Streets & Roads Snow removal OT	01-203-26-290-121	\$5,000.00
	<b>Total</b>	<b>\$10,006.63</b>
<b>TO:</b>		
Employee Group Insurance	01-203-23-220-392	\$725.23
Solid Waste Collection - Recycling Solid Waste	01-203-26-305-297	\$1,681.40
LOSAP	01-203-43-260-000	\$7,600.00
	<b>Total</b>	<b>\$10,006.63</b>

This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on March 11, 2009 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held March 11, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 13th day of March 2009.

Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 058-2008

### RESOLUTION AUTHORIZING THE ADVERTISEMENT AND RECEIPT OF "REQUESTS FOR PROPOSAL" FOR ENGINEERING SERVICES FOR STREETScape PHASE III

WHEREAS, the Borough of Atlantic Highlands desires to further advance the Streetscape project for First Avenue Phase III, in the Borough of Atlantic Highlands; and,

WHEREAS, the Borough requires licensed, professional, engineering services to provide the engineering design, technical specifications and bid documents for the First Avenue Streetscape-Phase III to include portions of First Avenue between Lincoln Ave and State Highway 36,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the advertising for receipts of bids to provide the engineering design, technical specifications and bid documents for the Streetscape-Phase III project on First Avenue, is authorized and sealed bids will be received at the Borough Hall, 100 First Ave, on March 31, 2009 at 10:00am, at which time they will be publicly unsealed and the contents publicly announced.

This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on March 11, 2009 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M, Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held March 11, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 13th day of March 2009.

Dwayne M. Harris, RMC  
Municipal Clerk



# RESOLUTION 059-2009

## CERTIFYING AND APPROVING 2008 LOSAP CONTRIBUTIONS

WHEREAS, A Length of Service Award Program (LOSAP) has been implemented in accordance with Chapter 388 of the Laws of 1997 (*N.J.S.A* 40A: 14-183 et seq.), to reward members of the volunteer Fire Department and First Aid Squad for their loyal, diligent and devoted services to the residents of the Borough of Atlantic Highlands; and,

WHEREAS, The LOSAP shall provide for annual contributions, by the Borough of Atlantic Highlands, to a deferred income account, for each eligible member that meets the criteria as outlined in Ordinance 11-2004; and,

WHEREAS, The following Fire Department members have met all criteria required to receive a LOSAP contribution in the amount set opposite their name:

Barrett, Tim	1150.00
Buban, Thomas	1150.00
Burbank, Scott	1150.00
Crawford, Andrew	1150.00
Curry, Walter	1150.00
DeBoer, John	1150.00
Eremus, Sr., Paul	1150.00
Eremus, Jr., Paul	400.00
Freitas, Joseph	1150.00
Gaffey, Timothy	1150.00
Giglio, Nicholas	1150.00
Glietz, Richard	1150.00
Griffin, William	1150.00
Hawley, Martin	1150.00
Hawley, Stephani	100.00
Hesse, Laura	1150.00
Hoffmann, Jacob	1150.00
Hubeny, Adam	1150.00
Huff, Richard	1150.00
Hull, Dan	1150.00
Marois, Beau	1150.00
Mess, Joseph	1150.00
Mount, Russell	1150.00
Mount, Bill	1150.00
Murray, Travis	1150.00
Nelson, Richard	1150.00
Phillips, James	1150.00
Phillips, William	1150.00
Reed, Dave	1150.00
Reith, Henry	300.00
Traphagen, Robert	1150.00
Vasto, Christopher	1150.00
Vasto, Saverio	1150.00
Weimer, Jr., Arthur	300.00

WHEREAS, The following First Aid Squad members have met all criteria required to receive a LOSAP contribution in the amount set opposite their name:

Crawford, Andrew	900.00
Curry, Walter	1150.00
Delatore, Michael	1150.00
Ligon, John	600.00
Glynn, Beverly	1150.00
Martiak, Shannon	1150.00
Marotta, Luciano	1150.00

Mc Kiernan, Thomas	1150.00
Mount, Marci	600.00
Mount, Bill	1150.00
Pagnotta, Tom	1150.00
Pandolfo, Gerard	1150.00
Petrone, Philip	600.00
Sully, Paul	1150.00
Stoever, Ray	1150.00

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that The LOSAP annual contributions, from the Borough of Atlantic Highlands, to a deferred income account for each volunteer member listed above, having met the criteria, be made in accordance with the plan established by the Borough of Atlantic Highlands pursuant to P.L. 1997, c. 388.


BE IT FURTHER RESOLVED that the LOSAP annual contributions, from the Borough of Atlantic Highlands, for the following volunteer members be made in accordance with the plan established by the Borough of Atlantic Highlands pursuant to P.L. 1997, c. 388, once those individuals have a completed and approved application on file with Lincoln Financial,

Adams, Steven	300.00
Glietz, Fred	200.00
Iannone, Robert	300.00
Barker, Ron	100.00
Hull, Charles	1150.00
McGranger, Patrick	1150.00
Porter, Thomas	1150.00
Trivet, Jr., William	1150.00
Tulipano, Robert	1150.00

BE IT FURTHER RESOLVED that a certified copy of this resolution is returned to each emergency service organization, were it shall be posted for no less than 30-days. This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on March 11, 2009 as follows:

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held March 11, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 13th day of March 2009.

  
 \_\_\_\_\_  
 Dwayne M. Harris, RMC  
 Municipal Clerk



## RESOLUTION 060-2009 PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated March 05, 2009 which totals as follows:

Current Fund	\$710,497.55
Capital Fund	\$48,376.70
Trust-Other	\$678.00
Water/Sewer Operating Fund	\$21,740.36
Water /Sewer Utility Capital	\$92,120.00
Harbor Operating Fund	\$75,218.32
Harbor Utility Capital Fund	\$
Federal/State Grants	\$1,144.16
NJ Unemployment Trust Fund	\$
Animal	\$47.40
Salary	\$0
TOTAL	<b><u>\$949,822.49</u></b>

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, that these vouchers, totaling **\$949,822.49** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills submitted has been posted on the bulletin board and is also on file in the Municipal Clerk's office for reference.

This Resolution was offered and moved by Council member Dellosso, seconded by Council member Archibald and adopted on March 11, 2009 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held March 11, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 13th day of March 2009.

Dwayne M. Harris, RMC  
Municipal Clerk



# RESOLUTION 061-2009

## RESOLUTION SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY™ MUNICIPAL CERTIFICATION PROGRAM

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and,

WHEREAS, Atlantic Highlands strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and,

WHEREAS, the Borough of Atlantic Highlands hereby acknowledges that the residents of the Borough of Atlantic Highlands desire a stable, sustainable future for themselves and future generations; and,

WHEREAS, the Borough of Atlantic Highlands wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and,

WHEREAS, by endorsing a sustainable path the Borough of Atlantic Highlands is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and,

WHEREAS, as elected representatives of The Borough of Atlantic Highlands, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community:

NOW THEREFORE BE IT RESOLVED, that to focus attention and effort within The Borough of Atlantic Highlands on matters of sustainability, the Mayor and Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Mayor and Council of The Borough of Atlantic Highlands that we do hereby authorize Adam Hubeny, Borough Administrator to serve as Atlantic Highland's agent for the Sustainable Jersey Municipal Certification process and authorizes him to complete the Municipal Registration on behalf of the Borough of Atlantic Highlands.

This Resolution was offered and moved by Council member Archibald, seconded by Council member Delosso and adopted on March 11, 2009 as follows:

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held March 11, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 13th day of March 2009.

Dwayne M. Harris, RMC  
Municipal Clerk





# RESOLUTION 062-2009

## TRANSFER OF FUNDS

WHEREAS, N.J.S. 40A: 4-59 provides that all unexpended balances carried forward after the close of the year available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey that transfers be made from the following 2008 appropriations in the following amounts:

ACCOUNT NAME	ACCOUNT#	AMOUNT
<b>FROM:</b>		
Vehicle Maintenance - Tires	01-203-26-315-215	\$2,000.00
Vehicle Maintenance - Equipment	01-203-26-315-217	\$3,006.63
Streets & Roads Snow removal OT	01-203-26-290-121	\$5,000.00
	<b>Total</b>	<b>\$10,006.63</b>
<b>TO:</b>		
Employee Group Insurance	01-203-23-220-392	\$725.23
Solid Waste Collection - Recycling Solid Waste	01-203-26-305-297	\$1,681.40
LOSAP	01-203-43-260-000	\$7,600.00
	<b>Total</b>	<b>\$10,006.63</b>

This Resolution was offered and moved by Council member Delosso, seconded by Council member Archibald and adopted on March 11, 2009 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held March 11, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 13th day of March 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk

