



# MAYOR AND COUNCIL MEETING

## SEPTEMBER 09, 2009

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

1. Silent prayer
2. Pledge of allegiance
3. Roll call
4. Approval of previous meeting minutes:
  - Regular Meeting – July 29, 2009
  - Regular Meeting – August 12, 2009
5. Workshop Items to Be Discussed:
  - a. Property Conservation Easement - Bayside Drive
  - b. Bayshore Trail Award
  - c. Zoning Ordinance Amendment
  - d. Electrical Bid [NEW]
  - e. Solar Energy [NEW]
6. Public Comment Session - **[Please Stand, State your name and address and Speak loudly]**
7. Unfinished Business:
  - a. Ordinance 14-2009 - Appropriating \$121,500.00 for Various Capital Projects  
Public Hearing/Possible Adoption
  - b. Ordinance 15-2009 - Appropriating &460,000 for Streetscape Phase III  
Public Hearing/Possible Adoption
8. New Business
  - a. Resolution 145-2009, Appointment of CFO
  - b. Resolution 146-2009, Renew Membership in the CJHIF
  - c. Resolution 147-2009, Amending the 2009 Water/Sewer Capital Budget
  - d. Resolution 148-2009, Authorizing Harbor Pump Station Replacement
  - e. Resolution 149-2009, Approving 2010/2011 Harbor Rates
  - f. Resolution 150-2009, Authorizing Contract - Najarian Associates
  - g. Resolution 151-2009, Accepting Membership - AH Fire Dept.
  - h. Resolution 152-2009, Payment of Bills
9. Public Comment Session - **[Please Stand, State your name and address and Speak loudly]**
10. **Executive Session - Personnel - Police Captain Promotion**
11. Adjourn





## MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF SEPTEMBER 09, 2009

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on September 09, 2009 in the public meeting room of Borough Hall, 100 First Avenue Atlantic Highlands NJ.

Mayor Rast called the meeting to order at 7:00 PM. After a silent prayer and the Pledge of Allegiance, the following roll call was taken: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton. Administrator Hubeny, Borough Attorney Reilly, Borough Engineer David Marks of T & M Associates and Municipal Clerk Harris were also present.

Mr. Harris stated that notice of this meeting has been transmitted to the Asbury Park Press and the Two River Times, continuously posted in the Borough Hall on a bulletin board reserved for such announcements, and filed with the Municipal Clerk of Atlantic Highlands, on 1/05/2009. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

### APPROVAL OF MINUTES

#### Regular Meeting – July 29, 2009

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

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

NAYS: None

ABSTAIN: None

ABSENT: Council member Archibald

#### Regular Meeting – August 12, 2009

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

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

NAYS: None

ABSTAIN: None

ABSENT: None

### WORKSHOP ITEMS TO BE DISCUSSED:

#### Property Conservation Easement - Bayside Drive

Mr. Emery and some of his neighbors from Bayside Drive came to the Borough requesting them to be the recipient of a Conservation Easement on property that Mr. Emery holds dear to his heart. A conservation easement would require the holder to be notified of any cuttings or changes proposed on the property. He would like to grant an easement to the Borough to maintain that property because it is so near and dear to him. He had originally approached the Borough of Highlands with the proposition, but feels that Highlands would not exhibit the same care and respect for the many species of plant life that he has so meticulously grown, developed and cared for over the years and he also expressed his dissatisfaction of the services that Highlands provided for them. He also has mapping that shows his property being located in Atlantic Highlands in the early 30s. We are unsure how or when the property may have been annexed to Highlands, but the maps are interesting. With the road being closed on the Highlands side, we are providing them local services and their mail is delivered by Atlantic Highlands as well. He would also like the Council to consider closing off Bayside Drive. These folks would like to talk with the council regarding those two items.

#### Bayshore Trail Award

Mayor Rast reported that the Borough had received an award from the Monmouth County Planning Board for "Excellence" in the planning and construction of the Bayshore Trail. The award will be presented on Wednesday, September 16<sup>th</sup> at the PNC Arts Center.

#### Zoning Ordinance Amendment

The Planning Board would like the Borough to make adjustments in the height restrictions in the Central Business District and the Light Industrial Districts to mirror the offsets and height restrictions in the Historic Business District. He feels this will induce people to buy property in the town and expand it. This would offer the investor additional money making opportunities by them having the ability to have three stories.

**Solar Energy**

Dan Pinzone from BSC Solar LLC approached the council looking to build a solar system in the municipality. Bob Stout explained that their company would give the borough the solar equipment and maintain it, at no cost to the Borough, in exchange for the SRECs provided. The Borough would be purchasing Green Energy at about 30% less than if it were bought from JCP&L. BSC would pay for the installation and equipment. Mr. Stout commented that they need a lot of space and feels the Harbor parking lot is an ideal location. To offset the amount of electricity the borough would need, they would need to build a system the size of three football fields. The minimum size the deal with is \$200,000.00 and up. The only obligation would be the Borough would be bound to purchase all of the electricity that gets produced.

Mayor Rast also presented a proposed letter that would be sent to all contractors that were successful bidders of a public improvement contract in the Borough, encouraging them to hire qualified local tradesmen.

**PUBLIC COMMENT SESSION**

Jane Frotton - Memorial Pkwy reminded everyone that the Mayor's Ball will be held on Saturday October 3 at the Shore Casino. Tickets are \$65.00 and the theme is 50s Sock Hop and everyone is encouraged to dress in that fashion. All of the funds will go to the Atlantic Highlands First Aid Squad.

Joseph Hawley - 25 Ocean Blvd thanked everyone for the Annual Mark Spatola Blood Drive. They collected 100 pints and had to turn away 14 donors. He also recommended that the Council appoint a liaison to the different Boards of Education to bring back information to the Council. Councilman Delloso volunteered to fill that role.

Councilman Fligor reported on the Historical Society's Flea Market on September 12<sup>th</sup>. The Haunted Lantern Tour will be on October 23 and 24<sup>th</sup> and we need a lot of volunteers.

Councilman Doyle mentioned the Lion's Club Pancake Breakfast. Tickets are \$5.00 and the proceeds benefit the Henry Hudson Baseball Team.

**UNFINISHED BUSINESS:**

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

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

No one from the public came forward to comment.

A Motion to close the Public Hearing was made by Council member Sutton; it was seconded by Council member Archibald 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 Delloso and adopted by the following vote:

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

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

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

No one from the public came forward with comments.

A Motion to close the Public Hearing was made by Council member Sutton; it was seconded by Council member Archibald 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, Delloso, Doyle, Fligor, Hoffmann and Sutton  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**NEW BUSINESS:**

**RESOLUTION 145-2009, APPOINTMENT OF CFO**

This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on September 09, 2009 as follows:

Council member Doyle emphasized that this Resolution is not reflection on the qualifications or ability of Mr. Gagliano to fill this position; he unfortunately was just unable to complete the courses, because of scheduling, in the required time period. Former Acting CFO has agreed to be the CFO until Mr. Gagliano has obtained his certificate.

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

NAYS:

ABSTAIN:

**RESOLUTION 146-2009, RENEW MEMBERSHIP IN THE CJHIF**

This Resolution was offered and moved by Council member Dellosso, seconded by Council member Archibald and adopted on September 09, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 147-2009, AMENDING THE 2009 WATER/SEWER CAPITAL BUDGET**

This Resolution was offered and moved by Council member Archibald, seconded by Council member Fligor and adopted on September 09, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 148-2009, AUTHORIZING BID - HARBOR PUMP STATION REPLACEMENT**

This Resolution was offered and moved by Council member Hoffmann, seconded by Council member Doyle and adopted on September 09, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 149-2009, APPROVING 2010/2011 HARBOR RATES**

This Resolution was offered and moved by Council member Doyle, seconded by Council member Dellosso and adopted on September 09, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 150-2009, AUTHORIZING CONTRACT - NAJARIAN ASSOCIATES**

This Resolution was offered and moved by Council member Dellosso, seconded by Council member Hoffmann and adopted on September 09, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 151-2009, ACCEPTING MEMBERSHIP - AH FIRE DEPT**

This Resolution was offered and moved by Council member Hoffmann, seconded by Council member Archibald and adopted on September 09, 2009 as follows:

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

NAYS:

ABSTAIN:

**RESOLUTION 152-2009, PAYMENT OF BILLS**

This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on September 09, 2009 as follows:

September 09, 2009

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

**RESOLUTION 153-2009, AUTHORIZING BID - MUNICIPAL HARBOR UNDERGROUND ELECTRICAL REPLACEMENT PROJECT**

This Resolution was offered and moved by Council member Dellosso, seconded by Council member Doyle and adopted on September 09, 2009 as follows:

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

**PUBLIC COMMENT SESSION**

William Phillip - Memorial Pkwy feels there is a lack of communication between the different organizations and groups within the community, and feels a coordinated calendar would prevent a lot of double booking of events. He suggested the Municipal Clerk be in charge of maintaining a Community Calendar and posting it on the web so organization could reference it as they plan their different events.

Jane Frotton - Memorial Pkwy - did not feel that this was a good idea and felt it would become a cumbersome burden on the Borough Hall staff.

Mike Rybeck - North Ave commented that the calendar is based on a first come first served basis. Who ever got their information to the calendar first would get the dates that were more available.

**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 - Police- Captain Promotion
2. Item - Contract Negotiation- NJNG

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

Attorney Reilly read this resolution in full. It was offered and moved for adoption by Council member Archibald at 8:49 PM, seconded by Council member Doyle and adopted by the following vote.

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

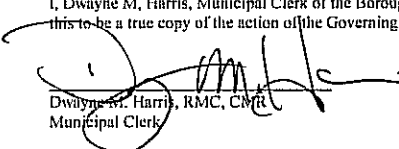
**RECONVENE** - At 10:39 PM the meeting was resumed.

**ADJOURN** - There being no further business before the Mayor and Council, Council member Archibald moved to adjourn the meeting at 10:40 PM, the motion was seconded by Council member Fligor and was unanimously approved.

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

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held September 23, 2009.

  
Dwayne M. Harris, RMC, CMR  
Municipal Clerk



## ORDINANCE 14-2009

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

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

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

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

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

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

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

SECTION 2. All Ordinances or parts of Ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

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

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

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

NAYS: None

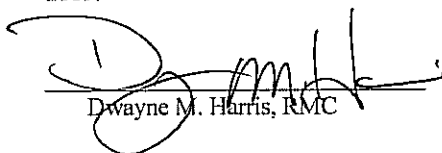
ABSTAIN: None

ABSENT: None

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 12, 2009.

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

  
Dwayne M. Harris, RMC

On September 09, 2009, after a Public Hearing and Second Reading, Council member Archibald moved for Final Adoption of this Ordinance. It was seconded by Council member Dellosso and adopted by the following vote:

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

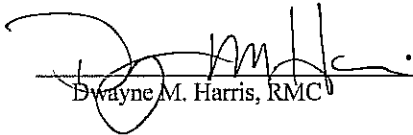
NAYS: None

ABSTAIN: None

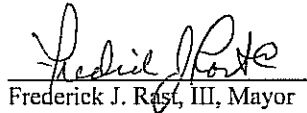
ABSENT: None

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 September 09, 2009.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 14th day of September 2009.

  
Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: September 14, 2009

  
Frederick J. Rasi, III, Mayor





# ORDINANCE 15-2009

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

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

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

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

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

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

SECTION 2. All Ordinances or parts of Ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

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

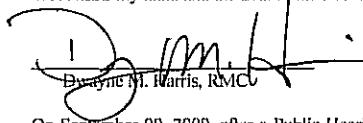
Council member Delloso introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Fligor and approved by the following vote.

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

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

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 12, 2009.

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

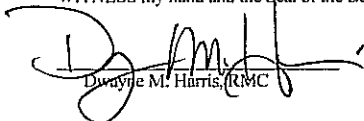
  
Dwayne M. Harris, RMC

On September 09, 2009, 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:

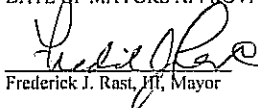
AYES: Council members Archibald, Delloso, Doyle, Fligor, Hoffmann and Sutton  
NAYS: None  
ABSTAIN: None  
ABSENT: None

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held September 09, 2009.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 14th day of September 2009.

  
Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: September 14, 2009

  
Frederick J. Rast, III, Mayor



# RESOLUTION 145-2009

## APPOINTMENT OF CHIEF FINANCIAL OFFICER

WHEREAS, Gerry Gagliano was originally appointed as Temporary Chief Financial Officer for the period of August 15, 2007 to August 15, 2008 and reappointed for the second one year period of August 15, 2008 to August 15, 2009; and,

WHEREAS Gerry Gagliano has not submitted an application for certification, as a municipal finance officer to be issued by the director of the Division of Local Government Services, pursuant to the provisions of NJSA 40A: 9-140.1 et seq, by the end of his second term; and,

WHEREAS, NJSA 40A: 9-140.13 (f) prohibits any local unit from having a temporary chief financial officer for more than two consecutive years; and,

WHEREAS, there exists a need for the appointment of a Certified Municipal Finance Officer as the Chief Financial Officer in the Borough of Atlantic Highlands; and,

WHEREAS, the Personnel Committee recommends Lorraine Carafa, who holds a municipal finance officer certificate issued pursuant to the provisions of P.L.1971, c. 413, has extensive experience and training in the area of municipal administration and is familiar with the finances of the Borough of Atlantic Highlands, to fill this position; and,

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, N.J.S.A 40A: 9-140.10 provides that the term of the Chief Financial Officer's appointment shall be for four years, which shall run from January 1 in the year in which the chief financial officer is appointed,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the appointment of Lorraine Carafa, as Chief Financial Officer for the period of January 1, 2009 to December 31, 2012 at a salary of \$3,000.00 per annum, is hereby confirmed.

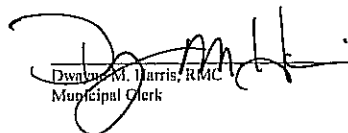
This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on September 09, 2009 as follows:

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 September 09, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 14th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 146-2009

### RENEW THREE YEAR MEMBERSHIP IN THE CENTRAL JERSEY HEALTH INSURANCE FUND

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, 2010 through December 31, 2012 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 governing body of the Borough of Atlantic Highlands is 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.

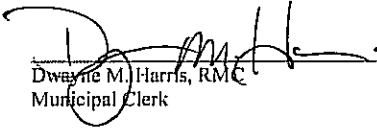
This Resolution was offered and moved by Council member Delosso, seconded by Council member Archibald and adopted on September 09, 2009 as follows:

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 September 09, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 14th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



# RESOLUTION 147-2009

## AMENDING THE 2009 WATER/SEWER CAPITAL BUDGET

WHEREAS, the Water and Sewer Capital Budget for 2009 has been adopted; and,

WHEREAS, the Borough of Atlantic Highlands desires to amend the 2009 Capital budget of said municipality by inserting therein a Capital Project,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Atlantic Highlands that the following capital budget amendment of 2009 be made:

### WATER/SEWER CAPITAL BUDGET FOR 2009

#### Planned Funding Services for Current Year 2009

PROJECT	ESTIMATED COST	IMPROVEMENT FUND	DEBT AUTHORIZED
Water Main Replacement Project - added rebuild well #6 Ordinance 02-2008	\$900,000.00	\$45,000.00	\$855,000.00

BE IT FURTHER RESOLVED, that the Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of this amendment to the 2009 Water/Sewer Capital Budget.

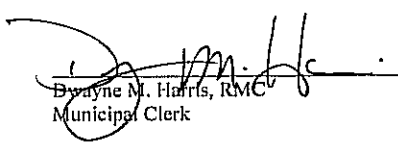
This Resolution was offered and moved by Council member Archibald, seconded by Council member Fligor and adopted on September 09, 2009 as follows:

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 September 09, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 14th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 148-2009

### AUTHORIZING MUNICIPAL HARBOR PUMP STATION REPLACEMENT PROJECT BID ADVERTISING AND RECEIPT

WHEREAS, the Borough of Atlantic Highlands desires to further advance the Municipal Harbor Pump Station Replacement Project; and,

WHEREAS, this Program exceeds the Borough's bid threshold and requires the contract, as outlined in N.J.S.A. 40A: 11-4a to be awarded by resolution of the Governing Body, to the lowest responsible bidder, after public advertising for bids and bidding therefore,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the advertisement for the receipt of bids, for the Municipal Harbor Pump Station Replacement Project in the Municipal Harbor, is authorized and sealed bids will be received at the Borough Hall, 100 First Ave, at or before 10:00am on September 29, 2009, at which time they will be publicly unsealed and the contents announced.


This Resolution was offered and moved by Council member Hoffmann, seconded by Council member Doyle and adopted on September 09, 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 September 09, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 14th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



# RESOLUTION 149-2009

## HARBOR RATES

WHEREAS, the Harbor Commission of the Borough of Atlantic Highlands has reviewed the annexed rates for the summer of 2010 and the winter months of 2010/2011 to the Mayor and Council; and

WHEREAS, the Harbor Commission finds 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 of the Borough of Atlantic Highlands is empowered to set such rates pursuant to N.J.S.A. 40:68-24b, notwithstanding the requirements of N.J.S.A. 40A: 12-14, and the Ordinances of the Borough, subject to the approval, by resolution, of the Governing Body;

WHEREAS, the Mayor and Council have reviewed these rates and 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,

NOW, THEREFORE BE IT RESOLVED BY THE Mayor and Council of the Borough of Atlantic Highlands that the following schedule of rates for the summer of 2010 and the winter of 2010/2011 be and the same are hereby approved.


This Resolution was offered and moved by Council member Doyle, seconded by Council member Delosso and adopted on September 09, 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 September 09, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 14th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 150-2009

### RESOLUTION AUTHORIZING THE PERFORMANCE OF ENGINEERING/PLANNING SERVICES FOR PRELIMINARY CONCEPT PLANS FOR THE HESSE PIER IMPROVEMENTS

WHEREAS, the Atlantic Highlands Harbor Commission has a need to contract for engineering services for a preliminary concept plan for possible enhancements to the Hesse Pier that would permit upgraded passenger ferry service and improved docking facilities; and,

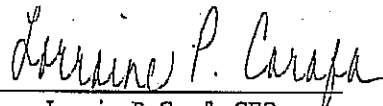
WHEREAS, Georgia R. Marino of Najarian Associates has submitted a proposal dated August 06, 2009, outlining all of the services they will perform to provide a Preliminary Concept Plan and Pre-Application Meeting for the possible enhancements of the Hesse Pier, in the an amount not to exceed \$6,500.00; and,

WHEREAS, N.J.S.A. 40:68-24 requires any act by the Harbor Commission involving an expenditure, lease or transfer of property exceeding \$2,500.00 in value shall require the approval, by resolution of the Municipal governing body; and,

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

30-201-44-950-301

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Lorraine P. Caraffa, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the Atlantic Highlands Harbor Commission is authorized to enter into a contract with Georgia R. Mario of Najarian Associates to provide a Preliminary Concept Plan and Pre-Application Meeting for the enhancement of the Hesse Pier, in the Borough of Atlantic Highlands, in an amount not to exceed \$6,500.00.

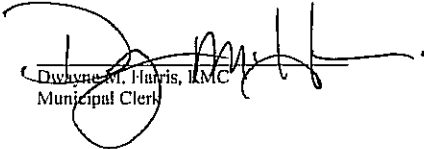
This Resolution was offered and moved by Council member Delosso, seconded by Council member Hoffmann and adopted on September 09, 2009 as follows:

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 September 09, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 10th day of September 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 151-2009

### ACCEPTING MEMBERSHIP INTO THE ATLANTIC HIGHLANDS FIRE DEPARTMENT

WHEREAS, Robert W. Sidorski has completed and filed an application for membership with the Atlantic Highlands Fire Department; and,

WHEREAS, the Volunteer Fire Department and First Aid Squad within the Borough of Atlantic Highlands accepts for membership those persons meeting certain criteria; and

WHEREAS, it has been established that Robert W. Sidorski meets all of the criteria for membership and has no outstanding records that would disqualify him from being accepted as a member,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey, that Robert W. Sidorski is hereby accepted as members into the Atlantic Highlands Volunteer Fire Department.

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

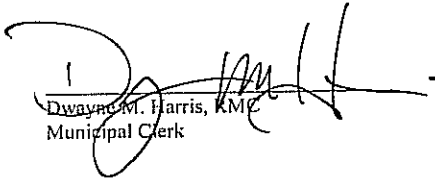
This Resolution was offered and moved by Council member Hoffmann, seconded by Council member Archibald and adopted on September 09, 2009 as follows:

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 September 09, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 14th day of August 2009.

  
Dwayne M. Harris, M.C.  
Municipal Clerk





## RESOLUTION 152-2009 PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated September 02, 2009 which totals as follows:

Current Fund	\$722,081.41
Capital Fund	\$63,876.85
Trust-Other	\$7,384.80
Water/Sewer Operating Fund	\$20,536.44
Water /Sewer Utility Capital	\$10,019.18
Harbor Operating Fund	\$287,353.78
Harbor Utility Capital Fund	\$78,857.66
Federal/State Grants	\$433.47
NJ Unemployment Trust Fund	\$4,888.33
Animal	\$153.30
Open Space Trust Fund	\$9,225.00
<b>TOTAL</b>	<b><u>\$1,204,810.22</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 **\$1,204,810.22** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills submitted has been posted on the bulletin board and is also on file in the Municipal Clerk's office for reference.

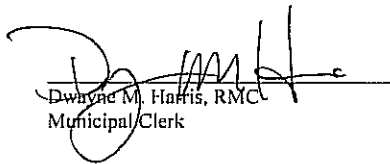
This Resolution was offered and moved by Council member Archibald, seconded by Council member Delosso and adopted on September 09, 2009 as follows:

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 September 09, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 14th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 153-2009

### AUTHORIZING 2009 MUNICIPAL HARBOR UNDERGROUND ELECTRICAL REPLACEMENT PROJECT BID ADVERTISING AND RECEIPT

WHEREAS, the Borough of Atlantic Highlands desires to advance the Municipal Harbor Underground Electrical Replacement Project; and,

WHEREAS, this Program exceeds the Borough's bid threshold and requires the contract, as outlined in N.J.S.A. 40A: 11-4a to be awarded by resolution of the Governing Body, to the lowest responsible bidder, after public advertising for bids and bidding therefore,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the advertisement for the receipt of bids, for the Municipal Harbor Underground Electrical Replacement Project in the Borough, is authorized and sealed bids will be received at the Borough Hall, 100 First Ave, at or before 10:00am on September 22, 2009, at which time they will be publicly unsealed and the contents announced.

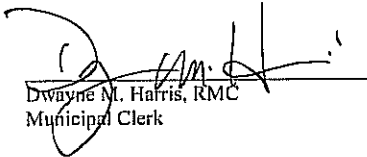
This Resolution was offered and moved by Council member Dellosso, seconded by Council member Doyle and adopted on September 09, 2009 as follows:

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 September 09, 2009. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 14th day of August 2009.

  
Dwayne M. Harris, RMC  
Municipal Clerk