

Special Meeting of the Harbor Commission of the Borough of Atlantic Highlands was held, Thursday February 10, 2005 at the Senior Citizens Building, Simon Lake Drive, Atlantic Highlands, N.J.

Meeting was called to order at 7:00 P.M. with the following roll call:

PRESENT: Nolan, McDonald, Eaton, Hoffmann, Frotton, Ladiana

ABSENT: Marchetti

Also present were Attorney Dupont, Attorney Leahey, Harbor Master Bate and Mrs. Cassese

Mr. Hoffmann advised this meeting is in compliance with the Open Public Meetings Act by virtue of Notice having been sent to the Courier. Copy of the notice has been posted on the bulletin board in the Harbor Office and Borough Hall. The notice is also on file in the Borough Clerk's office.

Mr. Hoffmann advised the purpose of this meeting is to hold Executive Session to discuss pending litigation. Minutes of the meeting will be kept and made available to the general public when the need for confidentiality is no longer necessary.

At 7:05 P.M. Mrs. Ladiana offered the following resolution and moved for adoption:

RESOLUTION

WHEREAS, the Atlantic Highlands Harbor Commission is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq, and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12 provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Commissioners of the Atlantic Highlands Harbor Commission to discuss in an session not open to the public certain matters relating to the item or items authorized by N.J.S.A.10:4-4-12b and designated below:

Pending litigation

NOW, THEREFORE, BE IT RESOLVED by the Atlantic Highlands Harbor Commission assembled in public session on February 10, that it proceed into Executive Session for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon determination of the Commissioners that the public interest will no longer be served by such confidentiality.

Resolution was seconded by Mrs. Frotton and adopted upon the following roll call vote:

AYES: Nolan, McDonald, Eaton, Landiana, Frotton

NAYS: None

Mr. Leahey led a discussion on current litigation against Mr. Crosta and advised the matter has been postponed until July, 2005. He reviewed all aspects of the litigation from its inception in July 2002.

Further discussion followed, and the Commission will appoint Mr. Leahey as Special Conflict Attorney for the Crosta matters at the next meeting. Mr. Leahey will prepare a retainer agreement for the Commission.

There being no further business to come before the Session, Mr. Nolan offered a motion to adjourn, seconded by Mrs. Ladiana and upon roll call was carried.

Executive Session adjourned at 7:50 P.M

A handwritten signature in cursive script that reads "Carol Cassese". The signature is written in black ink on a white background.

Carol Cassese
Secretary