



MAYOR AND COUNCIL MEETING APRIL 13, 2023 – 7:00 PM

1. Call to Order
2. Sunshine Statement
This Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands is 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, by posting it in the Borough Hall on a bulletin board reserved for such announcements, and by filing it with the Municipal Clerk on 1/03/2023. This agenda is complete to the extent known and formal action will be taken.
3. Roll Call
4. Silent prayer & Pledge of Allegiance
5. Approval of previous meeting minutes:
March 23, 2023 Regular Meeting and Executive Session
6. Employee of the Month – Eddie Edelbach – Water Department
7. Proclamations –
 - Mayor's Monarch Pledge Day
 - Child Abuse Prevention Month
 - Alcohol Awareness Month
8. Unfinished Business:
9. Workshop Discussion :
 - a) Regionalization Update
 - b) Ordinance 07-2023 Requiring Fingerprinting & Background Checks for Youth Activities
10. Public Comment (on consent and regular agenda items)
11. New Business:
 1. Consent Agenda: These items will be enacted by one motion. If detailed deliberation is desired on any item, Council may remove that item from the consent agenda and consider it separately
 - 1) Resolution 064-2023 – Extending Outdoor Dining
 - 2) Resolution 065-2023 – Fixing 2023 Compensation of Borough Administrator
 - 3) Resolution 066-2023 – Appointing Tax & Utility Collector – Kathleen Pooler
 - 4) Resolution 067-2023 – Sale of Surplus Property – Police Car Lightbars
 - 5) Resolution 068-2023 – Sale of Surplus Property – Miscellaneous Electronics
 - 6) Resolution 069-2023 - Payment of Bills \$1,152,676.50
 2. Ordinance 07-2023 Requiring Fingerprinting and Background Checks for Youth Activities - INTRODUCTION
12. Reports of Council
Councilman Colasurdo: Fire/Environmental/Shade Tree/Recreation
Councilman Crowley: Emergency Services/Police/Public Works/Recreation
Councilwoman Cusack: Senior Citizens/Emergency Management/Veterans Affairs
Councilman Dougherty: Finance/Personnel/Fire/Planning Board
Councilwoman Hohenleitner: Finance/Personnel/Police/Shade Tree/Harbor/Green Team/Open Space
Councilman Murphy: Finance/Personnel/Emergency Services/Public Works/Recreation/Harbor/Open Space
13. Administrator's Report and Professionals
14. Public Comment
15. Resolution 070-2023 Enter into Executive Session
 - Redevelopment – Fran Reiner
 - Catamaran Club Lease
16. Adjourn



BOROUGH OF ATLANTIC HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 064-2023

AMMENDED RESOLUTION AUTHORIZING EXTENSION OF OUTDOOR DINING AND/OR BUSINESS OPERATIONS DUE TO GOVERNOR MURPHY'S EXTENSION OF S-2364 THROUGH NOVEMBER 30, 2024

WHEREAS, Atlantic Highlands Mayor and Council approved Resolution 120-2020 on June 11, 2020 and extended said resolution by adopting Resolution 184-2020 on October 8, 2020 and again with Resolutions 044-2021 on February 25, 2022 and 072-2022 on March 24, 2022 due to the State of New Jersey, through Executive Orders regarding the COVID-19 Pandemic, has forced the closure of and otherwise restricted eating establishments and business establishments from operating at full capacity; and,

WHEREAS, the Mayor and Council would like to authorize an extension of time to continue the sidewalk and outdoor dining, limited to the timeframe of April 1 through November 30, following the same procedures that have been in place under Resolution 120-2020 and amended Resolution 184-2020, Resolution 044-2022 and Resolution 072-2022 through November 30, 2024 and will require updated compliance with hold harmless agreements and certificates of insurance for those using the public sidewalk / right of way.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey does hereby offer support of continuing and expanding restaurant business operations within the Borough through November 30, 2024.



BOROUGH OF ATLANTIC HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 065-2023

RESOLUTION FIXING THE 2023 COMPENSATION OF BOROUGH ADMINISTRATOR

WHEREAS, the Borough has by Ordinance 1-2023 fixed the Salary Ranges for the year 2023 for all Borough officials and employees, and

WHEREAS, the Borough must also by Resolution establish the specific salary for all employees or officers whose specific salary is not otherwise defined and fixed by a Collective Bargaining Agreement approved as provided by law, and

WHEREAS, upon further considered review of the consistent excellent performance of the Borough Administrator since his commencement of employment in 2021, and the comparison with the salaries being offered and paid in comparable municipalities to the Municipal Chief Executive Officer, the Governing Body has determined that an adjustment and increase in the base salary paid to the current Borough Administrator is warranted, commencing as of January 1, 2023 and not exceeding the salary range adopted by Ordinance 1-2023 for that position.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of Atlantic Highlands that the Base Salary of the Borough Administrator is hereby fixed and established at \$160,000 per annum, retroactive to January 1, 2023.



THE BOROUGH OF ATLANTIC HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 066-2023

APPOINTING KATHLEEN POOLER AS TAX AND UTILITY COLLECTOR

WHEREAS, there is soon to be a tax collector/utility collector vacancy in the Tax Office and Water & Sewer Department; and,

WHEREAS, the position was duly advertised in the newspaper, on line and through the NJLM; and,

WHEREAS, the Borough Administrator, Borough Clerk and Human Resources Coordinator conducted interviews for the position; and,

WHEREAS, the Borough Administrator, Borough Clerk and Human Resources Coordinator are recommending the full-time appointment of Kathleen Pooler as the Tax and Utility Collector in the Tax and Water & Sewer Department;

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 Kathleen Pooler as Tax and Utility Collector effective April 10, 2023 at an annual salary of \$67,500.00 is hereby approved.



BOROUGH OF ATLANTIC HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 067-2023

AUTHORIZING SALE OF SURPLUS PROPERTY

WHEREAS, the Borough of Atlantic Highlands is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

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 following equipment can go to auction:

- (1) The sale of the surplus property shall be conducted through GovDeals. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available in the office of the Municipal Clerk.
- (2) The sale will be conducted online, and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) The surplus property to be sold is as follows:

1 pallet of old police car light bars (Street Hawk and Tomar)

CONDITION: Unknown

INSPECTION: BY APPOINTMENT ONLY

LOCATION: 25 West Lincoln Ave. Atlantic Highlands NJ 07716
DPW Maintenance yard

CONTACT: Jim Phillips (Director of Public Works) at 848-444-0067

- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless / Indemnification Agreement concerning use of said surplus property and shall be removed from the DPW premises within two weeks of the final sale.

April 4, 2023

Auction items: 1 pallet of old police car light bars (Street Hawk and Tomar)

Condition: Unknown

Inspection: By Appointment only

Contact: James Phillips Director of Public Works 848-444-0067 jphillips@ahnj.com

Location: 25 West Lincoln Ave. Atlantic Highlands NJ 07732 Atlantic Highlands Department of Public Works

Award: Items must be picked up within two weeks of the award or seller has the right to re auction.



BOROUGH OF ATLANTIC HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 068-2023

AUTHORIZING SALE OF SURPLUS PROPERTY

WHEREAS, the Borough of Atlantic Highlands is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

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 following equipment can go to auction:

- (1) The sale of the surplus property shall be conducted through GovDeals. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available in the office of the Municipal Clerk.
- (2) The sale will be conducted online, and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) The surplus property to be sold is as follows:

3 pallets of miscellaneous computers, printers, phones, police radios, and other electronics

CONDITION: Unknown

INSPECTION: BY APPOINTMENT ONLY

LOCATION: 25 West Lincoln Ave. Atlantic Highlands NJ 07716
DPW Maintenance yard

CONTACT: Jim Phillips (Director of Public Works) at 848-444-0067

- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless / Indemnification Agreement concerning use of said surplus property and shall be removed from the DPW premises within two weeks of the final sale.

April 4, 2023

Auction items: 3 Pallets of Miscellaneous Computers, printers, phones, police radios, and other electronics.

Condition: Unknown

Inspection: By Appointment only

Contact: James Phillips Director of Public Works 848-444-0067 jphillips@ahnj.com

Location: 25 West Lincoln Ave. Atlantic Highlands NJ 07732 Atlantic Highlands Department of Public Works

Award: Items must be picked up within two weeks of the award or seller has the right to re auction.



BOROUGH OF ATLANTIC HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 069-2023

PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated April 13, 2023, which totals as follows:

Total to be paid from Fund 01 CURRENT FUND	964,234.12
Total to be paid from Fund 04 CAPITAL	819.00
Total to be paid from Fund 12 TRUST - OTHER	21,932.25
Total to be paid from Fund 12 ANIMAL CONTROL	37.50
Total to be paid from Fund 28 WATER/SEWER OPERATING FUND	26,005.49
Total to be paid from Fund 30 HARBOR OPERATING FUND	139,648.14

\$ 1,152,676.50

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 \$1,152,676.50 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.



BOROUGH OF ATLANTIC HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 070-2023

ENTER INTO CLOSED SESSION

WHEREAS, the Borough Council of the Borough of Atlantic Highlands must discuss matters which are not appropriate for discussion in a public meeting; and

WHEREAS, these subjects are within the exceptions to the Open Public Meetings Act and are permitted to be discussed in Closed Session pursuant to N.J.S.A. 10:4-12b; and

WHEREAS, the Borough Council intends to discuss matters as follows:

Pursuant to N.J.S.A. 10:4-12b(1), “any matter which, by provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a.” of N.J.S.A. 10:4-12, public meetings. The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

Pursuant to N.J.S.A. 10:4-12b(2), “any matter in which the release of information would impair a right to receive funds from the Government of the United States”. The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

Pursuant to N.J.S.A. 10:4-12b(3), “any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual’s personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

Pursuant to N.J.S.A. 10:4-12b(4), “any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.” The collective bargaining contract(s) discussed are between the Commission and:

- X** Pursuant to N.J.S.A. 10:4-12b(5), “any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matter were disclosed.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is: **Redevelopment Update and Catamaran Club Lease**

Pursuant to N.J.S.A. 10:4-12b(6), “any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any

investigations of violations or possible violations of the law.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

Pursuant to N.J.S.A. 10:4-12b(7), “any pending or anticipated litigation or contract negotiation other than in subsection b. (4)” of N.J.S.A. 10:4-12 “in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

Pursuant to N.J.S.A. 10:4-12b(8), “any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or discipline of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

Pursuant to N.J.S.A. 10:4-12b(9), “any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

WHEREAS, the length of the Closed Session is estimated to be **30 minutes** after which the public meeting of the Borough Council shall reconvene, and action may be taken.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council will recess into Closed Session for only the aforesaid subject(s); and

BE IT FURTHER RESOLVED that the Borough Council hereby declares that its discussion of the aforesaid subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure in accordance with the Open Public Meetings Act.