



## MAYOR AND COUNCIL MEETING MAY 11, 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. Executive Session – Resolution 076-2023 Enter into Executive Session
  - Potential Land Acquisition
  - Regionalization
6. Approval of Previous Meeting Minutes: April 26, 2023 Regular Meeting
7. Employee of the Month – Jere Stewart
8. Proclamations
  - Honoring National Police Week
  - Honoring National Nurses Week
9. Unfinished Business:
10. Workshop Discussion: Fire Apparatus (AHFD and AHFD, Inc)
11. Public Comment (on consent and regular agenda items)
12. 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 077-2023 – Refund Overpayment of Taxes
    - 2) Resolution 078-2023 – Tax Refund – State Appeal
    - 3) Resolution 079-2023 – Awarding Engineering Services for CDBG Improvements to Center Ave Park
    - 4) Resolution 080-2023 – Payment of Bills \$1,899,378.37
  2. Ordinance 06-2023 Establishing Application and Fees for Film Permits - INTRODUCTION
13. 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
14. Administrator's Report and Professionals
15. Public Comment
16. Executive Session
17. Adjourn



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 076-2023

### 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: **Potential Land Acquisition**

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:

X 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: **Regionalization**

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.



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 077-2023**

### **REFUND OVERPAYMENT OF TAXES**

WHEREAS, the Collector of Taxes has advised the Governing Body that duplicate payments or overpayments, of 2023 taxes should be refunded to the tax payers named below,

<u>BLOCK</u>	<u>LOT</u>	<u>NAME OF PAYEE</u>	<u>AMOUNT</u>
13	7	Michael & Elizabeth Condit 20 Lawrie Road Atlantic Highlands, NJ 07716	\$7246.75

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 overpayments of the September 2020 property taxes shall be refunded, and that the Chief Financial Officer is hereby authorized and directed to make said refund:



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH

# RESOLUTION 078-2023

## REFUNDING OF OVERPAID TAXES

WHEREAS, property owners in the Borough of Atlantic Highlands, had submitted and filed a Property Tax Appeal for property located on:

Block	Lot	Owner	Amount	Payee
131	4	Dimattina, Joseph 18 Harborview DR	1584.80	Valerie Hofer, Esq Trust Account PO Box 787 Montville, NJ 07045

; and,

WHEREAS, the Tax Court of New Jersey has stipulated that the assessment of the property be adjusted; and,

WHEREAS, the results of the judgment has caused an overpayment of taxes for the year 2010,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey, that the Tax Collector is hereby authorized and directed to refund the overpayment of taxes in the amounts listed above to the payee of record.



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 079-2023

### RESOLUTION AWARDING CONTRACT FOR THE PERFORMANCE OF ENGINEERING SERVICES FOR THE ATLANTIC HIGHLANDS COMMUNITY DEVELOPMENT BLOCK GRANT IMPROVEMENTS

**WHEREAS**, the Borough received a Community Development Block Grant in the amount of \$200,000.00 for construction of an ADA compliant restroom building at the Center Avenue Park; and

**WHEREAS**, the work will require the services of a licensed engineer to prepare the documents related to CDBG ADA work; and

**WHEREAS**, CME Associates will also provide survey and base map services, design services, permitting services, bidding and construction administration for the proposed work as outlined in their proposal number 2020-205, dated May 4, 2023; and,

**WHEREAS**, Christopher Santiago, Chief Municipal Financial Officer for the Borough of Atlantic Highlands, has certified funds are available for this purpose and all purchase orders placed by the Borough of Atlantic Highlands for the completion of this contract shall be subject to such controls or approvals as required by the governing body or other administrative agency.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey that the Borough Administrator is authorized to enter into a contract with CME Associates, for the engineering services related to the Atlantic Highlands Community Development Block Grant for an amount not to exceed \$34,100.00.



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 080-2023

### PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated May 11, 2023, which totals as follows:

Total to be paid from Fund 01 CURRENT FUND	1,563,242.21
Total to be paid from Fund 04 CAPITAL	241,458.66
Total to be paid from Fund 12 TRUST - OTHER	1,169.25
Total to be paid from Fund 28 WATER/SEWER OPERATING FUND	19,240.99
Total to be paid from Fund 30 HARBOR OPERATING FUND	74,267.26
	<hr/>
	\$ 1,899,378.37

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 \$1,899,378.37 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.