



## MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF OCTOBER 26, 2005

The Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands was held on October 26, 2005 in the public meeting room of Borough Hall, 100 First Avenue, Atlantic Highlands, NJ.

Mayor Donoghue apologized for being a few minutes late; several of the members attended a Blue Mass honoring the Police, Fire Fighters and EMS from Atlantic Highlands and Middletown area. The meeting was called to order at 8:00 PM. After a silent prayer and the Pledge of Allegiance, the following roll call was taken: Council members Archibald, Fligor, Ladiana, Nolan, Noonan, and Spatola. Administrator Hubeny, Borough Attorney Miller, Borough Engineer Elliott, 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 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 1/5/2005. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

### **PUBLIC COMMENT SESSION**

Mike Harmon-33 Bonnie Brae Path-He has a drainage issue on his property. Water is draining down Ocean Blvd to Lawrie Road down Cameron into his side door. Causing a lot of damage. A culvert that runs down Lawrie Road is blocked; therefore the water doesn't reach the storm drain. Administrator Hubeny stated that he and Engineer Elliott and Robert Dougherty-DPW Superintendent discussed several alternatives. They will be addressing this issue.

Mr. Harmon also had concerns regarding the Harbor attorney's firm representing McConnell. Mr. Harmon found out that McKenna does represent McConnell. Mayor Donoghue responded that Mr. DuPont is the attorney for the Harbor Commission, not the Borough. He also read a letter, from DuPont, stating that they have no relationship with McConnell. They do not view this as a conflict.

Councilwoman Ladiana stated that we recently requested to be put on the DEP list. The Mayor has provided whatever information he could as well as his colleagues and he feels that there is not much further they can go at this time regarding this issue.

Thomas King- 51 Ocean Blvd-He noticed that at Lawrie Rd and Ocean Blvd that someone is putting a house in a steep slope area. He feels that the proposed structure jeopardizes the steep slope. He asked that the engineer explain how they are able to build on this steep slope area. Engineer Kathy Elliott states that she has been passed this site on two occasions. In her professional engineering opinion it is an acceptable construction and falls within the regulations of a steep slope permit. Mr. Nolan asked when this passed the planning board. Ms. Elliott could not recall without having the file in front of her.

Donna King-51 Ocean Blvd-Wanted to know if this house is built and we have a rainstorm and the slope starts to go, and we lose another road, is this insured by the engineer firm, or will we be sued as a town. Attorney Miller states that as long as the engineering firm followed the steep slope guidelines the borough could not be sued.

Phil Mezzini-51 Prospect-Wanted to know when it passed the planning board, to allow this building to be built. The Mayor stated that it didn't go to the planning board unless various permits were denied from the lower levels. Engineer Elliott stated she'd have go back to her files; she doesn't have them with her. Mr. Harmon states that this property sits directly above his and is concerned about the water coming down into his house from this property.

Rich Marcolis-262 Ocean Blvd-If this Council has any opportunity to purchase any available land that we do everything we can to keep the town as it is.

Allan Dean- Second Avenue-Regarding the cable franchise, is a contract being negotiated? The Mayor states that a meeting will be in a couple of months with Comcast and

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Highlands officials. Our contract has expired recently. Mr. Dean commented on having the Council broadcast over a local cable station like other towns. He feels we should utilize the students to do this and the cable companies will pay for equipment for our high schools.

His second question regards Attorney billing practices. Questioning why all the attorney bills have privileged and confidential on them. Attorney Miller explained there might be items marked privileged and confidential; it is the council's privilege to waive. Privileged and confidential information is to be redacted unless it is no longer privileged or confidential.

Mr. Dean also asked why Mr. Noonan voted for the Hesse lease. There was a gathering at the Hesse home, which was a fundraiser. He feels that Mr. Noonan voted in violation of ethics. Asked if he will recuse himself from any further involvement with the Hesse property. Mr. Noonan states he will not.

Thomas King-asked again if the Lawrie Rd property ever came before the planning board. Mayor Donoghue stated he had not heard this property come before the planning board. Mr. King would like to request that he get an answer to his question at the next meeting. Engineer, Kathy Elliott states she is not certain if this plan came to her in steep slope capacity all the time, or if it was with the planning board. Either way, if it was planning board it was approved, if it wasn't planning board it went to the building department and got the permits for construction.

Mayor Donoghue ended the public comment portion and proceeded with the regular business.

#### **RESOLUTION 189-2005, SUPPORTING APPLICATION TO MONMOUTH COUNTY OPEN SPACE**

This resolution was offered and moved for adoption by Council member Archibald and seconded by Council member Nolan.

This resolution was adopted by the following vote.

AYES: Council members: Archibald, Fligor, Ladiana, Nolan, Noonan and Spatola

NAYS:

Resolution 189-2005 In support of the application to the Monmouth County Open Space Trust Fund for matching funds to acquire block 119, lot 1 known as the Giuliani property

Upon motion duly made by Council Member Ladiana, and seconded by Council Member Fligor, to hold a public hearing on said resolution the following vote was recorded:

#### **Council Members by name:**

AYES: Archibald, Fligor, Ladiana, Nolan, Noonan and Spatola

NAYS:

ABSTENTIONS:

A Public Hearing was held and the following comments, by the following individuals were recorded:

**Paul Boyd**-Environmental Commission Chair- the Environmental Commission has done research, studies, planning and public dialogue on the Giuliani tract and the Many Mind Creek. The acquisition of Giuliani tract was recommended in the Open Space and Recreation plan of the Borough, which was completed in the year 2000, and submitted, to DEP Green Acres. The Commissions work documents the importance the tract in environmental terms and recreation terms and the needs of the site. It is one of the last areas of open space along the bay front in Atlantic Highlands. The Estuary of Many Mind Creek is at the bay. All of the water from Many Mind creek flows out there. There is a

sandy beach, a healthy dune community, a salt marsh, fishery and wildlife habitat on the east bank and uplands that are suitable for open space and recreation. It is also the junction of a very heavily used Harbor, the business district and a dense residential district, so as open space it has tremendous value in that context too. The Environmental Commission has completed plans for restoration work on that tract, if it is acquired. By restoration I mean restoration to the salt marsh, enhancement of the wetlands, vegetation and stream buffers along the creek and improving the habitat fish breeding also to strengthen its role in flood control and water quality conscience. They have done the science as well. There is also in the restoration plan, paths in the upland area for walking, with nature observation posts. The east bank will also have the piece to the many mind green way that will connect to the Bayshore Trail that runs behind Harbor on one end, out to Avenue D and connect to the Henry Hudson Trail. It is a part of the missing link in that trail system as well. The National Oceanic and Atmospheric Agency (NOAA) financed the work done on the studies as well as the NY/NJ Baykeepers and a group called Restore America Estuaries. We are also doing a regional storm water management plan, in conjunction with Middletown, for the whole Many Mind creek watershed. The Commission has done educational and community activities there, being the "Waterfront for Every Day", "Estuary Day" activities etc, as well as installed some creek side information boxes, so people can see the past, present and future of this area. Most significantly they have obtained, with the help of the NY/NJ Baykeepers, a priority designation for acquisition and restoration of that site under the Harbor Estuary Program, a Federal, New Jersey, New York and non-governmental conglomerate body that looks at the entire harbor estuary of the lower Hudson and New York bay and our Raritan Bay and Sandy Hook Bay and were amazed by our open 6.5 acres of open space on the Bayshore and as a result, they have concluded it should have a priority for acquisition and restoration and have labeled the project as RB-17 (Raritan Bay 17). There is strong backing in this town for the purchase of that property. During the 2003 survey, 20% of all homes responded to that survey and 83% of those felt it was either a "great idea" or a "good idea" to acquire that tract. So in short, the Environmental Commission and the town as well, enthusiastically back this application. There is other funding that has been pursued, that looks very favorable, and this is only one piece in that equation.

**Allan Dean**-Second Ave- is fully in support of this grant and the acquisition of the Giuliani tract, but he is concerned there is no contract on this parcel, and questioned if Monmouth County Open Space provides grants to Municipalities that don't own the parcel?

**Council member Ladiana explained that it was an acquisition application specifically for this purpose. Monmouth County Open Space provides grants for redevelopment and then their priority, which is water front acquisition.**

**William Eaton**-84 Bay Avenue- spoke in support of the application and thanked Paul Boyd for the work that he did.

**Joann Delloso**-Asbury Ave- is very supportive of the acquisition of the Giuliani tract and applauds the Council for what they are doing.

**Jane Frotton**-Memorial Pkwy-feels this is a step in the right direction and supports this application. She is also hopeful that we can acquire that property.

**Jordon Reynolds**-E. Mount Ave- is in support of going after the Giuliani property and the seeking of any grants to do this.

**Kathy Fisher**- 21 Harborveiw Dr- supports this fully because she lives right down the street and feels this would be a great public place for this town.

**Laura Dubois**- 54 Ocean Blvd- commented that her and her son have spent countless hours on that beach and is fully in support of the acquisition. It is such a treasure in a world were open space is disappearing. She also wanted us to be aware that endangered birds feed in the waters off of that shore and horseshoe crabs also lay their eggs there.

**Joe Robinson**-Belvidere Rd-supports this action and thanks the Council for its efforts to secure the remaining open space on the bay front.

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**Doreen Silakowski**-Science teacher at Henry Hudson- commented the water front is a very important part of her teaching and is an important resource that we cannot afford to lose. Today she was down, with her students, in the Harbor measuring the Oyster seedlings and performing water quality testing in her AP Environmental Sciences Class. She supports everything we do for this town and we need to conserve our waterfront in a way that we will continue to have it at our disposal.

**Benson Chiles**-59 Third Ave- spoke in favor of this application and thanked Paul Boyd for his hard work on this issue and Council member Ladiana for her attention to this matter, and the Council for their hard work to acquire this property.

**Kathleen Wigginton**-Avenue D-totally supports it. She enjoys the beach and feels it is important.

**Edward Colelli**- 113 Bay Ave- was very concerned that they wouldn't get this funding and is ecstatic that this is coming through.

**Tara Shaw**- 96 East Ave- expressed her full support for the efforts to acquire this property.

**Bill Fine**- 101 Bay Ave- puts his full support behind the work for the acquisition of the property and thanks Paul Boyd for his hard work and wonderful presentation.

**Phil Mezzini**-51 Prospect Rd- Supports the efforts of the Council.

**Nancy Annunziata**-124 Center Ave- she is in full support of this and thanks everyone for all of his or her work and efforts to acquire this property.

**Bill Howard**-126 Central Ave- on behalf of he and his wife thanks the council for their efforts to acquire this property and support it 100%.

**Allan Dean**- Second Ave- asked what the Council would do to solidify a price and make this happen.

*Mayor Donoghue responded that this Council has authorized, as required by Green Acres, two appraisals on the site and once those are done and we have a handle on what the appraisers say it's worth, then we will sit down and negotiate a purchase.*

*Council member Ladiana commented that we are lining up funding to make sure we have all of the resources to purchase the property, so the Giuliani's will take us seriously.*

*Mayor Donoghue commented again that he feels that we are on track to acquire this property, are there possible stumbling blocks, certainly, but we are confident that we can overcome them.*

**Jane Frotton**-Harbor Commission member- clarified that in 2003 the Mayor and Council floated a bond for two million and the price went from two million to six million and we could not deal with the difference.

**Ed Mahoney**-110 Asbury Ave- feels that most people want to see us acquire this property and does not think that all negotiations need to be made public less you blow the negotiations.

Mayor Donoghue thanked everyone for his or her comments.

Upon motion duly made by Council Member Archibald, and seconded by Council Member Spatola, the public hearing on the said resolution was closed.

**Council Members by name:**

AYES Archibald, Fligor, Ladiana, Nolan, Noonan and Spatola

NAYS:

ABSTENTIONS:

**RESOLUTION 182-2005, ESTABLISH A HALLOWEEN CURFEW**

This resolution was offered and moved for adoption by Council member Ladiana and seconded by Council member Noonan.

There was no discussion on this resolution.

This resolution was adopted by the following vote.

AYES: Council members Ladiana, Fligor, Nolan, Noonan, Spatola and Archibald

NAYS:

**RESOLUTION 185-2005, APPOINTMENT TO SANITATION DEPARTMENT**

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Spatola.

This resolution was adopted by the following vote.

AYES: Council members Ladiana, Fligor, Nolan, Noonan, Spatola and Archibald

NAYS:

**RESOLUTION 186-2005, REFUNDING OF 2004 TAX REBATE**

This resolution was offered and moved for adoption by Council member Fligor and seconded by Council member Ladiana.

This resolution was adopted by the following vote.

AYES: Council members Ladiana, Fligor, Nolan, Noonan, Spatola and Archibald

NAYS:

**RESOLUTION 187-2005, PAYMENT OF BILLS TOTALING \$754,775.73**

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Noonan.

This resolution was adopted by the following vote.

AYES: Council members Ladiana, Fligor, Nolan, Noonan, Spatola and Archibald

NAYS:

**RESOLUTION 188-2005, SUPPORTING NJ TRANSPORTATION TRUST FUND  
REAUTHORIZATION**

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Spatola.

This resolution was adopted by the following vote.

AYES: Council members Ladiana, Fligor, Nolan, Noonan, Spatola and Archibald

NAYS:

**RESOLUTION 190-2005, APPOINTING GEORGE LACEY SUB-CODE OFFICIAL**

This resolution was offered and moved for adoption by Council member Spatola and seconded by Council member Fligor.

This resolution was adopted by the following vote.

AYES: Council members Ladiana, Fligor, Nolan, Noonan, Spatola and Archibald

NAYS:

**RESOLUTION 191-2005, SALE OF POLICE MOUNTAIN BIKE**

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Noonan.

Council member Nolan asked why we are selling the bike, and Mr. Harris stated that the AH First Aid squad would like it and it's borough property and since they are not an organization of the borough it has to be done by resolution. The Police got a new bike.

This resolution was adopted by the following vote.

AYES: Council members Ladiana, Fligor, Nolan, Noonan, Spatola and Archibald

NAYS:

**RESOLUTION 192-2005, AWARDING CONTRACT-HARBOR FORK LIFT**

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Noonan.

This resolution was adopted by the following vote.

AYES: Council members Ladiana, Fligor, Nolan, Noonan, Spatola and Archibald

NAYS:

**ORDINANCE 17-2005, AMENDING DEVELOPMENTAL REGULATIONS OF THE BOROUGH OF ATLANTIC HIGHLANDS**

This Ordinance was previously introduced and a public hearing was done two weeks ago. At that time the public hearing was adjourned to add various items that the Planning Board among others had suggested. A motion will reopen the public hearing. A Motion to reopen the Public Hearing was made by Council member Nolan, seconded by Council member Noonan and unanimously approved.

**PUBLIC HEARING**

Allan Dean-member of the Planning Board made the recommendation to exclude the Highway Business District in the original ordinance and would like to know if the proposed ordinance excludes the business district. Attorney Miller states that it does. Mr. Dean asked if it necessary to have this ordinance. Mayor Donoghue states that it is necessary to have this ordinance so that we could have some say in where the cell towers could be. Mr. Dean asked how essential is it in this community and perhaps it might be better on the border of Middletown which would supple adequate coverage of this one square mile town. Could it be placed at the water tower at the top of the hill?

Keith Dwight-Navesink Ave-The water tower is a good place to have the cell tower. He agrees with Mr. Dean.

Kate Wigginton-Avenue D-Has a few concerns, and totally agrees that the higher you have the cell tower the better. Aren't there a lot of wetlands by the borough garage? Mayor Donoghue states that there isn't any particular concern. Do we know what the base would be? Mr. Noonan states that the ordinance is in very good depth. Mrs. Wigginton also asked about the AT & T tower, if it was built to capacity? Mayor Donoghue does not know the status of that.

Mike Harmon-Offers a point of history, there was a proposal for a tower on top of the East Highland water tank years ago. At that time there was a lot of concerns. Is it subject to a bid or a proposal? Mayor Donoghue states yes. Mr. Fligor spoke with NJNG there is a cap on the borough yard that cannot be breached. There is a possible problem for the base. He also commented that the antenna needs to be driven into the ground not on top. Mr. Nolan was that they had private locations where they didn't have to ask us at all to put the antenna on.

A Motion to close the Public Hearing was moved by Council member Nolan, seconded by Council member Ladiana and unanimously approved.

Council member Nolan, seconded by Council member Noonan, moved ADOPTION.

Discussion: Mr. Noonan would like to say a lot of work has been done on this ordinance by most of the people at the table. He feels that the document on this issue is very informative. Mr. Nolan wants to have all the rules in place with this ordinance. He also states that we have to have control over it. Mr. Archibald is in favor but asked if there would be any possibility of carrying this over the next meeting so Mr. Fligor could get an answer about the capping issue. Attorney Miller asked if we put the antenna on the water tower, what zone would that be. It's an R3 zone. Mr. Hubeny states that there is a big issue if the ground at the garage is penetrated. Not impossible but almost impossible. The water tower on Observatory is low. There are already antennas up there and there is concern for interference with the Police, and Fire antenna's already there. Mr. Nolan feels that it should be voted on and feels that it protects us as much as humanly possible. Mrs. Ladiana stated that Mr. Steib was at the last meeting and he stated the importance of this ordinance. Attorney Miller states that the Federal regulation says that anyone can build a tower and we can't really stop him or her. The ordinance is very detailed.

This Ordinance was adopted by the following roll call vote.

AYES: Council members Ladiana, Noonan, Nolan, Mayor Donoghue

NAYS: Council members Archibald, Fligor, Spatola

**ORDINANCE 21-2005, BOND ORDINANCE FOR WATER METER REPLACEMENT**

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

**PUBLIC HEARING**

Michael Burke-14 Third Ave-Asked if the new meters were going to be a cost to the residents. Council member Ladiana states that the meters are bonded for. Mayor Donoghue indicates that the meters will be more accurate.

Phil Spatola-145 East Washington-Asked what if he doesn't want his water meter changed? Council member Fligor indicates that the current meters are no longer made. Mr. Spatola also asked when this replacement would take place? Engineer Elliott stated that the soonest the resolution could be passed awarding the contract would be the November 30<sup>th</sup>.

Michael Burke-14 Third Ave-Asks if this is a proven technology? Council member Fligor indicates that it's been approved for about 10 years.

Mr. Dwight-Asks if the bond ordinance includes the cost of installation. Council members Fligor and Ladiana respond yes. He also asks if the RF technology is standard in the industry? Council member Fligor states that each company does their own communication mode.

Bernard Frotton-Memorial Parkway-Asks if the bonding is coming under our municipal bonding regulations or is it dedicated to the Water and Sewer department. Council member Ladiana states it is bonded for 10 years, it will not make the rates change and we don't anticipate any increase.

Michael Burke-Asks who maintains the meters currently? Council member Fligor indicates that the borough water department does.

Allan Dean-Asks how is the transmitter in the house powered? Council member Fligor states that it is battery operated, serviceable by the water department.

Mr. Dean asks if there is a pilot program for these meters. Mayor Donoghue indicates he does not feel that there is a reason for it. There is a widespread inaccuracy of the meters that we would like to correct as soon as possible. Council member Fligor states if we do a pilot program it will cost a small fortune. Our town is considered very small. Council member Ladiana states that not all of the meters are being replaced.

A motion to close the Public Hearing was made by Council member Nolan and seconded by Council member Ladiana, and unanimously approved.

A motion to adopt Ordinance 21 was made by Council member Fligor and seconded Noonan.

AYES: Council members Archibald, Fligor, Ladiana, Nolan, Noonan, Spatola.

NAYS:

**ORDINANCE 22-2005, APPROPRIATING \$52,000 from THE FUND BALANCES FOR VARIOUS CAPITAL IMPROVEMENTS**

A motion to introduce this ordinance was made by Council member Ladiana seconded by Council member Fligor.

Council member Archibald indicated that this is a good compromise from where we started with this ordinance a few months ago. He does have some reservations about \$17,000 to review our special needs in the Library but is going forward. Council member Fligor talks about the Salt Shed indicating that there is an extra cost because of the cap and indicates that Mr. Hubeny talked about this with the gas company. A pad would have to be poured onto the asphalt. There is an added cost for this project. He will come up with some figures for this project.

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Council member Ladiana asks if the actual site location is within the storm water regulation because it's near the creek. Mr. Hubeny indicates that it is an appropriate location. Council member Archibald asks on the special needs analysis if we contracted out with anyone yet. Mayor Donoghue states no we have not. We do have a proposal as indicated by Mr. Hubeny.

AYES: Council members Archibald, Fligor, Ladiana, Nolan, Noonan and Spatola

NAYS:

Ordinance 22 has been properly introduced and will be considered on November 9<sup>th</sup> after a second hearing for possible adoption.

A motion to approve the minutes of the regular meeting of October 12, 2005 was made by Council member Nolan and seconded by Council member Spatola and approved by the following vote:

AYES: Council members Archibald, Fligor, Ladiana, Noonan, Nolan and Spatola

NAYS:

## **REPORTS - COUNCIL MEMBER, COMMITTEE, PROFESSIONAL**

Council member Archibald reported that Saturday is the Halloween Parade, which starts at 2pm. Recreation needs volunteers the committee is shorthanded, due to some verbal resignations. The Mayor asked that the council be made aware of the vacancies.

Council member Spatola invites everyone out to enjoy the Halloween Parade on Saturday.

Council member Noonan spoke of the Halloween Curfew at 8pm. Some members attended the Blue Mass tribute to Law Enforcement, EMTs, and Fire Departments. There was an enormous outpour of support.

Council member Ladiana had nothing to report

Council member Fligor reported the NJNG meeting went over the Salt Shed. NJNG will be meeting with the DEP next week about the next project with Sodons, which will be in February. Regional Sewer Authority suggests we should keep a spare pump around at the sewage authority. For seven days of rain we broke the record for rainfall of \$2,366,000 gallons in one day.

Hovnanian has sent letters to the Sewerage Authority inquiring about their buildings and the Sewerage Authority has sent out a letter stating they don't have the capacity for a development of that size without them having to do something to the system.

Lantern Tour will be Friday and Saturday, 28<sup>th</sup> and 29<sup>th</sup> at 7pm. More and more residence are getting involved.

Council member Nolan stated that they started signing up firemen and first aid for the LOSAP program, which will be happening in the next month.

Administrator Hubeny reports that he passed out a memo for 2006 road projects. Encourages council to get that to him as soon as possible. Himself and Engineer Elliott have been in contact with Middletown regarding the washout on Sears Avenue. Bayside Drive issue, Mr. Rudolf has presented some drawings to Ms. Elliott for her review regarding Steep Slope.

Engineer Elliott reports that JADS will be starting tomorrow on the W. Washington sidewalk improvements. The CFO sent out memos to all department heads that budgets be submitted by October 31<sup>st</sup>. Input from the council is time sensitive so she can put together estimates along with her own recommendations for capital improvements as well. Road, water/sewer, capital in general. Projects submitted back in March 2005 can be revisited for ideas and supplemented with any other input received throughout the year.

There was no report from Attorney Miller.

**OTHER BUSINESS** that the council would like to mention is that Council member Archibald requested an executive session regarding Mrs. Jones' letter to by property from



us. The Mayor has no objection to an executive session. Council member Fligor asked that Mr. Hubeny put at the top of the list for improvements Seventh Ave.

#### **PUBLIC COMMENT SESSION**

Allan Dean-Second Ave-Suggested that 2<sup>nd</sup> Ave be number 2 on the list for improvements. He also states that it is political season and signs are everywhere. Signs remain long after Election Day and wonders if there is an ordinance for this issue. Council member Archibald believes that there is a state law that they have to be done a certain number of days after the election, himself and Mr. Noonan will have them down within seven days.

Engineer Elliott states that she and Robert Dougherty have discussed having the sanitary sewers monitored in 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup>, just in case they have to be replaced, and recommend doing it with the water main replacement.

Kathy Fisher-What is the status of the McConnell property. Is Hovnanian still trying to buy the property? Mayor Donoghue states they have an option to buy that property. This will most likely be going to the planning board around November 10<sup>th</sup>.

Mary Wall-79 Ocean Blvd.-At the last sewer meeting there was discussion of the McConnell property not being able to go right into the Middletown line for water and sewer hookup so they don't bypass Atlantic Highlands. Council member Fligor states that it can't reach from that location.

Kate Wigginton-if they don't own the property and they aren't going to be approved by the sewer authority for services then why are they being accepted to come to the planning board on November 10<sup>th</sup>. Mayor Donoghue states if the application is in order and they meet all requirements, they would still need variances from the planning board.

#### **RESOLUTION TO ENTER EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act provides that the Mayor and Council may go into Executive Session to discuss matters that may be confidential or listed in N.J.S.A. 10:4-12; and,

WHEREAS, it is recommended by the Borough Attorney and Administrator that the Mayor and Council go into Executive Session at this time to discuss matters set forth below which are permissible for discussion in Executive Session;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Atlantic Highlands to go into Executive Session to discuss the following items. Minutes will be kept and once the matter above no longer requires confidentiality the minutes will be made public.

- 1) Potential sale of property- Keystone Drive

Mr. Harris read this resolution in full. It was offered and moved for adoption by Council member Nolan at 10:25 PM, seconded by Council member Noonan and adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana, Noonan, Nolan and Spatola

NAYS:

**RECONVENE** - At 10:35 PM the meeting was resumed.

**ADJOURN** - There being no further business before the Mayor & Council, Council member Spatola moved to adjourn the meeting at 10:35 PM, the motion was seconded by Council member Nolan and unanimously approved.

The Governing Body approved these minutes at their Regular Meeting, held November 09, 2005.

Dwayne M. Harris  
Municipal Clerk