



MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF APRIL 27, 2005

The Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands was held on April 27, 2005 in the public meeting room of Borough Hall, 100 First Avenue, Atlantic Highlands, NJ.

Mayor Donoghue called the meeting to order at 7:30 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. Borough Attorney Miller, Borough Engineer Elliott, and Acting 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.

Liz Niederberger of ZUMU Software made a presentation to the Governing Body on the services her company could provide, to improve the Boroughs' web site. She would charge the Borough \$1,200.00 per year, which includes training, set-up and hosting.

Saher Gouda, of 3rd Rock Industries, gave a presentation on renewable solar energy and the potential benefits to the Borough, and its residents.

PUBLIC COMMENT SESSION

Jennifer Brown-asked why the Kids Day America Proclamation was not on the agenda. Acting Clerk Harris explained that it was scheduled for the May 11th meeting. Mayor Donoghue asked that the Proclamation be prepared in advanced for their benefit.

William Iler- 11 Hillside Rd.- thanked the Governing Body for their responsiveness to the Hillside residents concerns, regarding the paving and the drainage. He would also like to have Hillside Rd added to the Capital Improvements projects.

Mike Rybeck-12 North Ave- reported that the Borough is over its' operating capacity and wanted to know the status of the proposed smoke testing, that the Borough had committed to doing. Council member Fligor stated that The Director of DPW stated the smoke testing was to begin during the first week in May.

Mr. Rybeck also mentioned the deteriorating conditions on Sears Ave were the black top is falling away into the creek. The question is who owns the road, Middletown or Atlantic Highlands, and it is now so sever that two cars can no longer pass on the road. It needs to be a one way and that should be addressed. Council member Fligor substantiated the claims of Mr. Rybeck and agrees that the condition needs to be addressed.

Mayor Donoghue suggested that the engineer review this.

Michael Harmon-Bonnie Brae Path-commented on a situation on the hill where there are pipes that go nowhere. Property owners put in their own curbs to get the water past their property and if you are down hill this become a problem. Another issue is that people are now dumping brush leaves that sort of thing in these gullies. During a recent storm with sever flooding; the brush was so thick the sewer dept couldn't get to the drain to clean it out. He suffered serious damage to his home, for which the insurance compensated him, but the Borough needs to put "No Dumping" signs there and we need some enforcement.

Council member Ladiana commented that the new Stormwater regulations would require regular maintenance of these pipes and the Ordinances could contain language that would attach fines to violations.

William Eaton-84 Bay Ave- asked the members if they are in compliance with the requirements under the Financial Disclosure and Local Public Ethics Law.

Council member Archibald asked him if he would talk to the members after the meeting, if he were aware of something that affects them.

Mr. Eaton stated he would send him a letter.

Paul Barbado- 22 Lawrie Rd- asked if anyone came to inspect the curb that butts his apron. He requested that about three meetings ago and has gotten no response. He has also contacted the NJ DOT and they said they would be contacting someone in his office. He spoke on pipes discharging from his neighbors yard onto his property. He further commented on residents trespassing on his property and taking notes and snooping and he wants everyone to be aware of it and he thinks it is terrible.

Mayor Donoghue closed the public comment session and continued with the regular business.

RESOLUTION 085-2005, ALLOWING THE 2005 TO BE READ BY TITLE

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

This resolution was adopted by the following vote.

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

NAYS:

A motion to open the Budget Hearing was made by Council member Fligor, seconded by Council member Ladiana and was passed by unanimous consent.

2005 Municipal Budget Hearing

William Eaton- Bay Ave- asked how much are the taxes going up.

Council member Ladiana responded 1.7 cents per \$100.00 of assessed valuation averaging about \$6.00 per month. .

Jackie Jones-22 Keystone Dr- asked what contributed to the increase.

Council member Ladiana explained that 1.05 cents is from the LOSAP Referendum, the remainder was from salaries, insurance utilities and other fixed costs.

Mayor Donoghue praised the Finance and Budget Committee for producing a budget that has such a very small increase.

Mike Harmon- Bonnie Brae Path- asked what the contribution from the Harbor was and how much of the surplus was utilized for the General Budget.

Council member Fligor replied \$937,000.00 from the Harbor and the surplus used on the Municipal end was \$420,000.00, which was the same amount from last year.

Mike Rybeck- asked what the bottom line 2004 expenditures were and what they are anticipated for 2005. Thomas Fallon-RMA-answered that 2004 was equal to \$5,384,000 and 2005 is projected to equal 5,385,000.

Council member Archibald questioned prior recommendations he made to reduce some budgeted items. Council member Ladiana explained that it was a very tight budget and there were some situations that would deem it prudent to keep the budget the same.

Council member Archibald also asked if it were possible to ask Mr. Scangerello, the proposed planner, to do the COAH Fair Share work as well since he has experience in this area.

Attorney Miller explained that the Burgis Contract has already been authorized.

Council member Ladiana further explained that they (Burgis) did the prior one and it would take them less time.

Council member Nolan made a motion to close the public hearing. It was seconded by Council member Fligor and passed by unanimous consent.

Thomas Fallon, RMA explained the proposed amendments to the 2005 Budget and read in full Resolution 086-2005.

RESOLUTION 086-2005, AMENDING THE 2005 MUNICIPAL BUDGET

This resolution was offered and moved for adoption by Council member Ladiana 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:

Acting Clerk Harris stated that this amendment would have a Public Hearing on May 11, 2005 at 7:30pm after which the adoption of the 2005 Municipal Budget may be considered.

RESOLUTION 087-2005, AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH APPRAISAL SYSTEMS INC.

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

This resolution was adopted by the following vote.

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

NAYS:

RESOLUTION 088-2005, WAIVING INTEREST FOR WATER/SEWER UTILITY CUSTOMERS

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 Archibald, Fligor, Ladiana, Nolan, Noonan and Spatola

NAYS:

RESOLUTION 089-2005, APPOINTING SPECIAL OFFICER, CLASS I

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

This resolution was adopted by the following vote.

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

NAYS:

RESOLUTION 090-2005, APPOINTING DANIEL STOKES TO HARBOR SECURITY UNIT

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

This resolution was adopted by the following vote.

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

NAYS:

RESOLUTION 091-2005, REFUND OVERPAYMENT OF TAXES

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

Council member Fligor mentioned that these were due to Senior Discounts and mortgage refinancing, which causes an overpayment or double payment of taxes. The residents have the option to credit it to this years tax or have a refund of the overpayment.

Council member Nolan questioned the appearance of Verizon, and it was noted that this was in relation to their tax appeal.

This resolution was adopted by the following vote.

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

NAYS:

RESOLUTION 092-2005, APPOINTMENTS TO BOARDS AND COMMITTEES

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

Mayor Donoghue explained that these appointments were the ripple effect of the resignation of Councilman Niles and the desire of Council member Ladiana to step down from the Harbor Commission.

Council member Spatola questioned the Mayor about his appointment to the Harbor Commission and how it supports his bi-partisan views, when all of his appointments have been people from his own (political) party. Lou Fligor, back in December, requested to be put on the Harbor Commission and that request was denied. She thinks tonight would be a great time to take that step toward bi-partisanship and appoint Lou Fligor, he deserves it.

Mayor Donoghue responded that certainly Mr. Fligor was considered for this position, but it was his opinion, at this time, that Mr. Noonan, who has served on the Harbor Commission before, would be the best choice at this time.

Council member Archibald expressed his agreement with Mrs. Spatola. Mr. Noonan is experienced with the planning board and Mr. Nolan is going to have to get up to speed on all of the planning. He does not feel the juggling makes any sense and feels Mr. Fligor deserves an appointment to the Harbor Commission.

This resolution was adopted by the following vote.

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

NAYS: Council members Archibald, Fligor and Spatola

RESOLUTION 093-2005, AMENDING CASH MANAGEMENT PLAN

This resolution was offered and moved for adoption by Council member Ladiana 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 094-2005, 2004 RECYCLING TONNAGE GRANT APPLICATION

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

Acting Clerk Harris explained that this authorizes the submission of the application for reimbursement for recycling tonnage from 2004.

This resolution was adopted by the following vote.

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

NAYS:

ORDINANCE 11-2005, AMENDING ORDINANCE 1-2005 "THE SALARY ORDINANCE"

This Ordinance was called up for Second Reading and Final Adoption and read by title.

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

PUBLIC HEARING

Kate Wigginton-Ave D- commented that it appears that the minimum raise in their rates is about 30%. The maximum being raised form \$6,000 - \$8,000.

Council member Ladiana explained that this pertains to only two positions and we need to separate the Zoning position from the Code Enforcement position, since there are now two positions instead of just the one.

Joseph Hawley-Ocean Blvd-noted that both of those offices are statutory offices and were previously appointed separately.

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

FINAL ADOPTION was moved by Council member Nolan, seconded by Council member Ladiana and approved by the following vote.

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

NAYS: Council member

CONSENT AGENDA

- 1) Approval of Raffle Licenses #3323-05 & #3322-05 for the Monmouth Park Charity Fund, August 13, 2005 at Shore Casino, Municipal Harbor, Atlantic Highlands, NJ
- 2) Approval of Request for the use of Veterans Park by Friends of the Library.

The above items were moved as one motion by Council member Ladiana, seconded by Council member Spatola and adopted by the following vote.

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

NAYS:

ABSTAIN:

REPORTS - COUNCIL MEMBER, COMMITTEE, PROFESSIONAL

Attorney Miller reported that the \$900,000.00 Green Acre reimbursement package was hand delivered this week. The program manager advised her that the money is designated and we could expect to see it after it (the reimbursement package) goes through the process. She commented that at the last meeting Mr. Frotton had given a letter that she said she would address. She has been dialoguing with the Pension and as soon as she gets everything together, she will speak to Mr. Frotton and give him an answer.

Council member Fligor reported that the clean up continues between Hwy 36 and Highland Ave. NJNG will be holding a Public Meeting on May 4th from 7:00-9:00pm at the Fireman's Field House. He received a Planting Plan for the area between Highway 36 and Highland Ave and he will review that with the Environmental Commission. The Water and Sewer will be smoke testing the first and second week in May. The meter reading is ongoing and all of the meters will be read by Saturday. He mentioned a particular resident that has had extremely high water reads due to leaks on their property. He mentioned that the homeowner was aware of these leaks. The Water Dept replaced the meter and had the old one sent to the calibration house to determine how much it was off. It was reported that the meter was 100% accurate, so his position is that the Borough will work with him, but it needs to be paid before the next bill is due.

Council member Spatola reported that a Policy has been put together that will put manpower at the flooding trouble spots, which were discussed at the last Council meeting through out the Borough. She further reminded everyone that the Borough Wide Garage Sale is this weekend. She also spoke on a competition presented by both Atlantic Highlands and Highlands Recreation, and sponsored by Pepsi, called a Pitch, Hit and Run. It starts Saturday May 7th at 4:00pm and invited the Council members down to observe.

Council member reported Archibald that he and Councilman Noonan will be meeting with the PBA regarding the mold problem at Borough Hall. He further mentioned the "Rude Awakening" program at Henry Hudson on April 29th at 8:30am.

Council member Noonan had no report at this time.

Council member Ladiana reported that she is trying to schedule a meeting, as the grants coordinator for the Harbor, with the "I Boat NJ Program", out of the Office of Maritime Resources. It's an expression of interest to figure out what we could possibly apply for. She has been working with Jackie Royce, the Mayor and Kathy Elliott to get a letter to the County regarding the Bike Trail. They are trying to start a dialogue, after Kathy Elliot and she walked the bike trail with the DOT, they recommended that we sit down with the County and she will try to schedule a meeting next week, because the money is there, \$366,000.00, and they recommend that we iron out the details with the County to see whether or not they are willing to take the project over, confirm that they (the County) are on board and they are going to work together to keep them active, us active, the DEP informed and the DOT informed. She further

reported that Michelle Clark has started on Monday and is doing very well. The Personnel Committee has received a ton of resumes for the Administrator/CFO positions. The Budget committee is trying to set up a meeting to deal with the failed school budget.

Council member Archibald recommended that we utilize the services of the Auditor to make suggestions as to appropriate cuts in the School Budget. Attorney Miller verified the need to pass a resolution to do so. Acting Clerk Harris explained the need to certify the availability of funds to enter into a Professional Services Contract, and that would not be possible without an adopted budget.

Council member Nolan reported that the Harbor Commission will be entering into a contract for a new Head Boat slip, the Miss Moore", and a lease will be presented to Council for approval of the rental of that slip, per Harbor rules and regulations. The DOT is setting up their public information meeting from 4-8, Thursday May 26th at the Fireman's field House.

Council member Ladiana read an e-mail, sent to Council member Archibald, from the prior CFO, Catherine Campbell, regarding the use of her name and inaccurate information, in Council member Archibald's column in the AH Herald. She further read her response to Mrs. Campbell committing to ask Council member Archibald to publicly apologize and correct statements, he made, in his column. Council member Archibald responded that he is flattered that people are reading his article, and that he has spoken to his editor and corrections will be made.

PUBLIC COMMENT SESSION

Mary Wall-79 Ocean Blvd- asked about this Administrations commitment of no Harbor expansion without a public referendum. She expects a public referendum and hopes it was just not a political move to get elected.

Joseph Hawley-Ocean Blvd-commented that in the Mayors last article in the Two River Times, it says that there may be a referendum. It did not say there would definitely be one. (*Mayor Donoghue pointed out that he was not the author of that article*).

Chief Vasto-spoke on parking issues and the need to address them. He suggested the revitalization of the parking committee to determine where the Borough is going to put these cars.

Joseph Hawley-25 Ocean Blvd-Spoke on parking issues on Second Ave. He also mentioned a letter that was distributed, directing residents from the Harborview Towers to park on Second Ave. He asked if the parking committee could go to the building management and ask them to include parking fees in their rents. He also volunteered to become a member of the Parking Committee.

Jackie Jones-22 Keystone Dr- expressed her concern about the dates for the Public Information Meeting for the DOT because that is the Thursday before Memorial Day weekend and people will be traveling. She also commented on the parking and encouraged all of the different parking studies and committees to work together on the problem and share their knowledge.

William Eaton-Bay Ave-asked Council member Fligor if he were promised the seat on the Harbor Commission. He mentioned his curiosity to Mr. Fligor's receipt of minutes, from ex-Commissioner Frotton, via e-mail. He also asked Council member Fligor and Council member Archibald if it were normal for them to receive internal memos from the Harbor Commission.

Mayor Donoghue closed the public comment session.

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) Pending Litigation- DEP Citations against the Borough and The Harbor
- 2) Personnel Matters- Potential Hiring of Temporary Administrator
- 3)

Mr. Harris read this resolution in full. It was offered and moved for adoption by Council member Fligor at 10:20 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 10:45 PM the meeting was resumed.

RESOLUTION 095-2005, AUTHORIZING CONTRACT WITH JERSEY PROFESSIONAL

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

This resolution was adopted by the following vote.

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

NAYS: Council members Archibald, Fligor and Spatola

ADJOURN - There being no further business before the Mayor & Council, Council member Nolan moved to adjourn the meeting at 10:55 PM, the motion was seconded by Council member Noonan and unanimously approved.

The Governing Body approved these minutes at their Regular Meeting on May 25, 2005.

Dwayne M. Harris
Acting Municipal Clerk