



MINUTES OF THE MAYOR & COUNCIL REORGANIZATION MEETING OF JANUARY 1, 2005

The Reorganization Meeting of the Mayor and Council of the Borough of Atlantic Highlands was held on January 1, 2005 in the public meeting room of Borough Hall, 100 First Avenue, Atlantic Highlands, NJ.

Mayor Donoghue called the meeting to order at 12:10 pm and welcomed Assemblyman Steven Corodemus and Freeholder Theodore Narozanick who were with us today.

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 1/1/2004. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

Mayor Donoghue wished everyone a Happy New Year and solicited for prayers for our overseas servicemen and for those who perished in the tsunami. He urged all to join in the rescue effort. He introduced Re. Henry P. Davis of the St. Paul Baptist Church who offered the invocation.

After the Pledge of Allegiance, the following roll call was taken: Council members Archibald, Fligor, Ladiana, Niles, Nolan and Spatola. Borough Attorney Miller, Borough Engineer Elliott, and Acting Municipal Clerk Harris were also present

Mayor Donoghue offered congratulations to Council members Fligor and Spatola on beginning their second term.

Council member Spatola was joined by her family and then took the Oath of Office, administered by Assemblyman Steven Corodemus.

Mayor Donoghue invited Freeholder Narozanick to administer the Oath of Office to Council member Fligor, who was also joined by his family.

Council member Nolan made a motion to certify the results of the Fire Department Elections and Council member Ladiana seconded the motion. It was passed by unanimous consent.

Mayor Donoghue then administered the Oath of Office to Fire Chief Paul Eremus III and to Deputy Fire Chief James Phillips. Captain Joseph Glynn was unable to attend, being away in Florida.

RESOLUTION 1-2005, ELECTION OF COUNCIL PRESIDENT

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, Niles, Nolan and Spatola

NAYS:

CONSENT AGENDA: PROFESSIONAL AND MUNICIPAL OFFICIAL APPOINTMENTS

Council Member Spatola requested that Resolutions 2, 6, 11 and 12 be considered separately.

- 1) Resolution 3-2005, Appointment-Municipal Auditor, Thomas P. Fallon
- 2) Resolution 4-2005, Appointment-Municipal Engineer, Katherine Elliott
- 3) Resolution 5-2005, Appointment-Bond Counsel Attorney, John G. Hudak, Esq.
- 4) Resolution 7-2005, Appointment-Prosecutor, Sean S. Byrnes, Esq., & Alt Kimberly Knauf, Esq.
- 5) Resolution 8-2005, Appointment-Public Defender, Raymond A. Raya, Esq.
- 6) Resolution 9-2005, Appointment-Police Physician, Dr. Srinivasa Movva
- 7) Resolution 10-2005, Appointment-Public Works Director, Robert J. Dougherty

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

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

NAYS:

RESOLUTION 2-2005, APPOINTMENT-MUNICIPAL ATTORNEY, JANICE DAVIS MILLER, ESQ.

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

Council member Spatola feels that although Janice is a lovely lady, as a Municipal Attorney we need someone who specializes in Municipal Law and a person who will serve all of the Council members and residents in a professional and knowledgeable manner. She offered the name of Bernard Reilly as Municipal Attorney, noting his experience and respect in Atlantic Highlands. He was also our Municipal Attorney for many years and during that time he was half the cost of our current attorney.

This resolution was adopted by the following vote.

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

NAYS: Council members Archibald, Fligor and Spatola

RESOLUTION 6-2005, APPOINTMENT-MUNICIPAL COURT JUDGE, C. CATHERINE JANNARONE,

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

Council member Fligor offered the name of Peter Lacascio as Municipal Court Judge, noting his 10 years of service as Prosecutor and Judge. He noted that Court revenue increased by 25% during his tenure and further noted that he was a resident of this town. He feels it is an injustice to take a resident of this town, who is doing well for the Borough, and replace him with someone from a different town. We have a good Judge, he is tough but fair, and we should keep him. Council member Spatola agreed with the Councilman. Mayor Donoghue noted that Judge Jannarone is an experienced Municipal Court Judge, well thought of in the area, including by Mr. Lacascio. He also feels our Borough Attorney is doing an admirable job. She has learned the ropes quickly and is serving us well.

This resolution was adopted by the following vote.

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

NAYS: Council members Archibald, Fligor and Spatola

RESOLUTION 11-2005, APPOINTMENT-ZONING/CODE OFFICER, MICHAEL G. MARCINCZYK

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

Mayor Donoghue mentioned that all of the Council members have been supplied with the resume of the candidate, and further outlined his experience and qualifications.

Council member Archibald asked how we came about Mr. Marcinczyk. Mayor Donoghue explained that the Borough advertised for applicant. This gentleman was by far the most qualified and experienced. His references were checked. Mr. Archibald questioned what he would be paid and the Mayor explained that he agreed to work at the same salary of \$20,000 as our current Code Officer. Mr. Archibald questioned the number of hours he would work per week. Mayor Donoghue explained that he would put in whatever time it takes to get the job done, pretty much as our existing code officer does. Mr. Archibald noted his understanding that he has a full time job now. Mayor Donoghue reiterated that our current code officer has a full time job also. He stated that he is familiar with area and his experience is such that he will be able to learn very quickly, and he has further assurances that Mr. Frotton will render any assistance he can. Mr. Archibald does not feel this is a very good nomination nor should he be paid at the top salary. Council member Fligor wanted to know how many hours he would work and expressed his concern of paying him \$20,000 for working an estimated one hour a day. Mayor Donoghue noted that Mr. Marcinczyk would do what ever is needed to get the job done. He is eminently qualified and frankly some of the other applicants were seeking a

good deal more money. Council member Niles asked how many hours the current code enforcement officer works. Council member Fligor assumes it is 20 hours but he doesn't know for sure. Council member Niles wanted to know how you could say the new man has to put in so many hours, when you don't know how many hours Mr. Frotton puts in? Council member Fligor feels it should be required for him to work a minimum number of hours per week. Council member Niles commented that if he feels it should be required, why, if it was never required before, and now it is required now. If it should be required, ten years ago when the man did the job he should have had a requirement. Now all of a sudden in the eleventh hour, you want to put how many hours that person should put in, now why is there a double standard between Mr. Frotton and the new person coming in? Council member Fligor stated that he feels there should have been a requirement all along. Mayor Donoghue asked for the roll call.

This resolution was adopted by the following vote.

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

NAYS: Council members Archibald, Fligor and Spatola

**RESOLUTION 12-2005, APPOINTMENTS/ASSIGNMENT OF DUTIES-
MUNICIPAL OFFICIALS**

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

Council member Archibald offered a second with an amendment that Council member Nolan not be appointed to the Harbor commission and he moved that Mr. Niles be appointed. Council member Archibald commented that although he agrees with most of the appointments but he does not agree with Mr. Nolan being appointed to the Harbor Commission. It sends a bad message to everyone in town, when you take a \$4,800.00 contribution from a tenant in the Harbor. It is the wrong message you are sending to every tenant down there. It is ethically not right and he would make a motion to put Mr. Niles down there. Council member Spatola seconded that motion. Council member Spatola questioned the Mayor how he could appoint Council member Nolan with the conflict that he now has. Mayor Donoghue stated the Election was over and what was said was untrue then and it is untrue now, there is no conflict, that Mr. Nolan was the treasure for a political organization that took a contribution for a candidate. There was nothing illegal, improper or unethical about it and frankly he rejects the contention. Council member Fligor noted that he was a Harbor Commissioner and he took a contribution from a Harbor tenant and that is a direct violation of the election law, ethics you name it. Council member Nolan mentioned that it was a dead horse and if they want to keep beating it that's fine. Council member Archibald commented that it means Pay to Play is alive and well. Mayor Donoghue does not feel he should try to dismiss this, you [Mr. Archibald] have decided to make an issue out of nothing and you're not willing to acknowledge any transgressions when it came to the campaign, on the part of the

Republicans. I don't think we should be covering that at this time, the election is over. Council member Archibald feels that the Mayor is sending the wrong signal to the people of this town by putting the same person down in the Harbor that willingly took money from a tenant. Council member Fligor questioned what his problem was appointing Mr. Niles. Both he and Council member Archibald stated they would support Mr. Niles. Mayor Donoghue thanked them for their comments and asked for the roll call.

This resolution was adopted by the following vote.

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

NAYS: Council members Archibald, Fligor and Spatola:

RESOLUTION 13-2005, APPOINTMENTS-AUTHORITY, BOARDS, COMMISSIONS, COMMITTEES,

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

Council member Archibald asked for a report on the Mayor's Harbor Advisory Commission and asked for an outline of what its mission is, where the Mayor wants it to go and when we can expect a report back from them. Mayor Donoghue remarked that we have done this several times. It is roughly thirty individuals, who have been studying various aspects of the Harbor and the waterfront. They have made some tentative recommendations that you have been furnished with a copy of. They [the Harbor Advisory Board] asked to continue to study, to complete their studies and make a final recommendation to the Mayor and Council at a later date.

This resolution was adopted by the following vote.

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

NAYS:

The Consent Agenda for other Council Business was presented for action. Council member Fligor made a motion that the Atlantic Highlands Herald also be considered as an Official Newspaper. Council member Archibald seconded that motion.

Council member Spatola offered her support as well. Council member Nolan noted one reason the Herald was left off, was that it was singularly partisan and also an electronic newspaper is not recognized by the State. Mayor Donoghue noted that this was a separate motion to include the Herald in with the official designations. If it passes it will be included. If it is defeated then he will entertain motions to pass the whole package as a group. This motion failed after the following roll call vote was taken:

AYES: Council members Archibald, Fligor and Spatola

NAYS: Council members Ladiana, Niles, Nolan, and Mayor Donoghue

CONSENT AGENDA: OTHER COUNCIL BUSINESS,

1. Resolution 14-2005, Setting Meeting Dates for 2005
2. Resolution 15-2005, Designating Official Newspapers
3. Resolution 16-2005, Authorizing Agreement for MOD IV Tax System
4. Resolution 17-2005, Setting Grace Period, Tax Interest Rates and Policy for 2005
5. Resolution 18-2005, Approving the Borough's Cash Management Plan
6. Resolution 19-2005, Approving the Temporary Budget for 2005

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

This resolution was adopted by the following vote.

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

NAYS:

ORDINANCE 1-2005, SALARIES FOR 2005

This Ordinance was read by title. It was moved for Introduction and First Reading by Council member Nolan, seconded by Council member Ladiana and was approved by the following vote. It shall be published in an official newspaper and a public hearing shall be held on January 12, 2005.

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

NAYS:

THE MAYOR'S ANNUAL MESSAGE

Honored guests and ladies and gentlemen, first let me again congratulate Kim Spatola and Lou Fligor as they begin their second terms on this Council. Although I worked hard to put them in the audience for this occasion, I nonetheless welcome them back for what I hope will be successful year doing the people's business. Despite what you may have heard, or read, this Council has, for the most part, worked together for the common good. Yes, we've had our differences. Yes, there has been too much partisan bickering and criticism. Nonetheless, it has been a remarkably productive year, which is what the voters hoped for when they put us here. Being your mayor and tending to your affairs -- sometimes under considerable stress -- has made me very proud. People often ask me how I "enjoy" being mayor, and I often answer: I'm not sure "enjoy" is always the word I'd use, but I most often find it challenging and satisfying. Among the things I've really enjoyed are:

- * The weddings I've performed;
- * Participating in the Memorial Day parade and giving a speech honoring our veterans;
- * Cutting ribbons as new businesses open;
- * Speaking on behalf of my hometown on cable TV;
- * Honoring individuals who have served our town and schools;
- * Recognizing organizations that serve our community;
- * Being able to help solve residents' problems;
- * Honoring new Eagle Scouts
- * Reading to youngsters at the elementary school;

- * Lighting Christmas trees, and

- * Playing a jolly old elf for local children.

And, of course, seeing my street paved after 50 years.

Equally satisfying has been working with our distinguished

Borough administrator – for whom we pray daily – and other borough employees and appointees, each of whom does their very best for our town. And, of course, I am very grateful for the hard work being done by the two Council members elected with me a year ago, Stephanie Ladiana and Carl Nolan, both of whom have thrown themselves into the fray with gusto and dedication.

Less enjoyable was the double knee replacement I had in July.

Atlantic Highlands is a town on the move.

It is a town regularly praised by outsiders for its beauty, continuing growth, charm and progress. The First Avenue business district and our municipal harbor constantly draw accolades. It is a town of ever-increasing attractiveness, both in its downtown and in its residential areas, where more and more residents are upgrading and restoring their properties.

It is a town of ever-increasing prosperity where investment has produced new businesses, restaurants and even a hotel. To insure even greater growth, the town is working with its merchants to encourage more and better attractions to satiate visitors and potential residents. It is a town of warmth and character. Visitors sense we are a caring people . . . and residents know it to be true. Few other places can boast of so many individuals volunteering to help the needy, the imperiled, the young, and the elderly. I am particularly thinking about the men and women who give of their time unstintingly as firefighters and first Aiders, and am very pleased that voters supported our length of service incentives proposal. Aside from all that, Atlantic Highlands is a town governed by people who are determined to keep their promises. Clearly, we have established an atmosphere of openness and maximum participation by successfully encouraging more people than ever before to play a roll in how they are governed by serving on various bodies. A year ago during this address I made several commitment ... and we've been keeping them. On Jan. 1st, 2004, I promised to seek out and appoint only the brightest and most committed people . . . and we have done it. Last Jan. 1st, I promised to reward our firefighters and First Aiders by placing the LOSAP incentive program on the ballot. We did it . . . and you supported it. Last Jan. 1st, I promised we'd increase the income from our harbor to offset taxes. We did it and we will do more this year. Last Jan. 1st, I promised the new Council on the Arts would take advantage of the artistic talents in town ... and the group has an arts festival in the works for this summer. Last Jan. 1st, I established a Mayor's Harbor Advisory Committee... and they have been working tirelessly on recommendations we can all live with. Last Jan. 1st, I promised to complete the Streetscape...and we have done it amid widespread praise.

Last Jan. 1st, I promised to get the Bayshore bike trail back on track ... and it is now . . . after we secured commitments from the county to complete what we can't and maintain the facility.

And there has been more:

- * Faced with a big sewer rate increase, we prevailed upon the regional sewer authority to use surplus to avoid it. And at the same time we gained that body's commitment to help reduce infiltration while we invested \$200,000 in sewer improvements.

- * We convinced the state – for free – to launch a major study aimed at tackling the waterfront traffic and parking problems.

- * We solved the severe drainage problem at First Ave. and East Washington Avenues and are about to do the same at Seventh and Memorial Parkway.

- * We turned back a proposal for a massive condo project on our waterfront.

- * We obtained a right of first refusal on a possible site for a new library.

- * We completed a major road improvement program.

- * We have upgraded several of our playgrounds.
- * We continue to offer a wide-range of talented performers at our summer concert series .
- * We provided new and improved fireworks.

But as important as these things are to the good life in Atlantic Highlands, we continue to work for a better future. Atlantic Highlands will, my friends, continue to progress with hard work on this Council and in these offices. But we need your help, too, and your suggestions on how to make this an even better town. To this end we need everyone to make a commitment to work together in civility and bipartisanship. Although Christmas has now passed, we would all be well advised to carry along the spirit of the holiday — and what it means — as far as it will go. Let us all remember to "play fair and be nice" and surely our community - the Atlantic Highlands "family" — will be all that we want it to be.

Thank you . . . and Happy New Year to you all

Mayor Donoghue introduced Reverend Jacqueline Burgess of the United Methodist Church who offered a closing prayer.

ADJOURN - There being no further business before the Mayor & Council, Council member Niles moved to adjourn the meeting at 1:00pm, the motion was seconded by Council member Archibald and unanimously approved.

The Governing Body on February 9, 2005 approved these minutes.

Dwayne M. Harris
Acting Municipal Clerk