



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

The Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands was held on July 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. Temporary Administrator Jahn, Attorney Scott Arnette 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 Rybeck-North Ave-asked if letters have been sent to the residents that have been found in violation of the Borough Ordinance, as a result of the smoke testing. Council member Fligor assured him that although they have not gone out yet, the Borough is working on it, using their limited resources as best they can. He also questioned if the 14 residents discovered were on the list derived from the revaluation.

Joseph Hawley-Ocean Blvd- He stated that Atlantic Highlands has the highest C of O cost in the County. He commented on the Code Enforcement office and the cost of a Certificate of Occupancy being \$90.00 due to the fact that you need to have two inspectors come out, one for Fire and one for Zoning and they each charge \$45.00. He asked the Governing Body to reduce the fees for a C of O. He also commented on the job performance of Mr. Blaze and his cancellation of appointments and not showing up.

Chief Vasto- commented on a rumor circulating that Steve O' Brien had died in an automobile accident in Massachusetts. He informed everyone that the name of the deceased was Joe O'Brien who had been a Disc Jockey in New York, and people confused him with Steve O' Brien.

Joseph Hawley-Ocean Blvd- commented on the resignation of Mrs. Murray from the Planning Board. And asked if someone would go and speak to her and encourage her to reconsider.

RESOLUTION 141-2005, AUTHORIZING MOCERT AGREEMENT

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

Councilmember Noonan gave an explanation of the agreement between the Prosecutors Office, Monmouth County Chiefs Assoc and Atlantic Highlands. We currently have no members on the team, yet each Municipality contributes \$1,000.00, which gives them access to the team if needed.

This resolution was adopted by the following vote.

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

NAYS:

RESOLUTION 142-2005, APPROVING THE MCIA LETTER OF REPRESENTATION

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

Council member Fligor gave a brief explanation of the need for the resolution. Council member Archibald questioned who was responsible for updating the information on an annual basis. He recommended a change designating the CFO to supply the updated information on an annual basis. Attorney Arnette recommended that this resolution be approved in the form provided by the MCIA and a separate resolution be prepared to designate the CFO as the responsible individual if the Borough so desires.

This resolution was adopted by the following vote.

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

NAYS:

RESOLUTION 143-2005, PROVIDING TAX GRACE PERIOD

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 144-2005, PAYMENT OF BILLS

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

There was some discussion on a bill from Air Handlers and the need to replace the HVAC system.

This resolution was adopted by the following vote.

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

NAYS:

RESOLUTION 145-2005, NJDOT WELCOME SIGN AGREEMENT

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

Council member Fligor gave a brief description of the State offering the opportunity for Municipalities to erect Municipally owned Welcome Signs on State property.

This resolution was adopted by the following vote.

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

NAYS:

Council member Fligor questioned if Resolution 130-2005 needed to be tabled. The Mayor explained that it was never formally introduced and seconded and therefore never under consideration by the Governing Body. Council member Archibald asked if he was going forward with his plans. The Mayor commented that the Planning Board Attorney and the Borough Attorney conversed on the lease and they did not feel it constituted a significant change of use and therefore did not cause a problem. The Governing Body will not act on it tonight, and will have it all cleared up by the next meeting. Council member Archibald requested a copy of the communication from the attorney substantiating the Mayors comments.

Jane Frotton commented that she too had contacted the Planning Board and he commented to her that no decisions have been made yet, in regard to the change in use of the property.

Again Mr. Archibald asked the Mayor to have the Attorney to provide them with this information.

Clerk Harris commented that the Harbor has submitted a requisition for this tax payment to be made. Council member Fligor stated he does not want any Tax payments made until we have a signed contract.

Allan Dean commented that the Planning Board had not been notified.

Mayor Donoghue noted that it was not being considered now and continued on with the Agenda.

RESOLUTION 146-2005, APPROVAL OF CHANGE ORDER-HARBOR DREDGE PROJECT

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

The Attorney, for the record, noted there was a Certification of funds on file in the clerk's office.

Robert Mainberger, the Engineer for the Harbor, gave an explanation of the need and scope of the work to be done.

This resolution was adopted by the following vote.

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

NAYS:

RESOLUTION 147-2005, CHAPTER 159- CLEAN COMMUNITIES

This resolution was offered and moved for adoption by Council member Ladiana 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 148-2005, EMERGENCY APPROPRIATIONS – STORM DRAIN REPAIRS

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

Administrator Jahn explained the situation regarding the storm drain sewer at the corner of Highland Ave and First Ave, and the potential for the road to collapse if the sub-surface erosion and leakage is not corrected. The estimate for the work is a rough estimate and we hope the \$25,000.00 is enough. If the funds are not utilized, at the end of the year the balance can be cancelled. The Attorney and Engineer have been contacted to stay with this job, to document the activity, since this could potentially become a part of a pending litigation.

This resolution was adopted by the following vote.

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

NAYS: Council members Archibald

CONSENT AGENDA

- 1) Approval of Minutes: July 13, 2005 Regular Meeting.
- 2) Approval of Raffle Licenses 3330-05 & 3331-05 for Christian Brothers Academy on Oct. 23, 2005 at the Shore Casino.
- 3) Approval of Raffle License 3332-05 & 3333-05 for ARC of Monmouth on Dec. 2, 2005 at the Shore Casino.

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

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

NAYS:

ABSTAIN:

The Executive Session minutes for July 13, 2005 were approved by a yes vote by a majority of Council members as indicated by the signatures on those minutes.

REPORTS - COUNCIL MEMBER, COMMITTEE, PROFESSIONAL

Council member Ladiana reported that on Monday she hand delivered the "I Boat NJ" Program grant application to Trenton, to ensure that it was submitted on time. It is to upgrade the wiring on all of the piers in the Harbor. It is a \$350,000 project and we could potentially receive up to \$295,000 towards it. She further reported the Personnel Committee is still working on a couple of items. They had met on Friday evening and caught up on couple of issues. They need to schedule an Audit Exit conference on Wednesday at 3:15; if anyone is available they may attend. Bill Kastening from Green Acres was in town on short notice and she and Jackie Royce did a short tour with him to show him properties we had just gotten reimbursement for. We have received Green Acre's signs that need to be installed. She also noted that she attended the Superintendent search at the Elementary School on Monday, they interviewed the last three candidates for the replacement of Dr, Wallauer, who is retiring. There were about 20 members of the community participating.

Council member Fligor reported that NJNG is on schedule. They are discussing another public meeting for September/ October. Water and Sewer is about 47% of the Sewage bill this month, but we are still above last year's flows.

Council member Nolan reported that the DOT traffic study from McCormick and Taylor should be done within the week. It needs DOT approval before it can be passed along to us. That should be in two or three more weeks.

Council member Archibald reported that he and council member Spatola met with Congressman Pallone regarding the DEP and the trail. Congressman Pallone will see what type of pressure he can put on the DEP, on our behalf, to get the bike trail and the appropriate width moving. He would also like to move a resolution supporting his efforts to get more money for the ferries. He was here a couple of weeks ago and we should support his efforts to get more money from Homeland Security.

The Motion made by Councilman Archibald was seconded by councilman Fligor and was passed by the following vote:

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

NAYS:

Council member Spatola reported that the Wiffle Ball game time has been changed from 3:30 to 2:30. They will be playing a team of ten-year-old boys. She further reported that she and council member Spatola had met with the Sanitation Dept and several issues have come up. They will be meeting again to work on resolving them. She also reported on the sanitation worker who got electrocuted when a low hanging line on Simpson Ave had been hit by the sanitation truck. The clerk had been asked to contact JCP&L regarding this matter. The Mark Spatola Blood Drive will be held Tuesday August 16th from 5:00-9:00pm at the Senior Citizen Bldg. Also the Genevieve M. Hawley memorial Scholarship luncheon will be held August 21 at Henry Hudson Regional, where the new multi-purpose room will be dedicated in her honor. She also would like to begin investigating new lights for First Ave during the Holiday season, Council member Nolan and Mr. Ed Cetron and Joseph Hawley volunteered to assist her in this endeavor.

Council member Noonan reported on the quick actions performed by Capt. John Amici, Sgt. Thomas Porter, Det. Thomas Stone and Ptlm. Harry Murtha when they received a call that a gentleman was in cardiac arrest on the ground on Grand Ave. Because of their efforts the gentleman was able to have a few hours with his family prior to passing away. Chief Vasto will be awarding them commendations for a job well done.

Administrator Jahn reminded the public and Governing Body that the next meeting of the Council would be August 17th. He also reported in response to a question by councilmember Archibald that the projects covered in the Bond Ordinance will begin after the contestability period ends in early August.

Council member Archibald asked if the Borough has been notified of a Builders Remedy Suit? No one was aware of this.

PUBLIC COMMENT SESSION

Jane Frotton informed the Governing Body of the change in the Bid Threshold, and cautioned Mr. Jahn in regards to the Emergency Resolution.

Ed Cetron-Auditorium Dr- asked what the status was of the on going discussions with the Shade Tree Commission and the Borough on the restructuring of the Borough ordinances on trees. He would also like the consensus of the Council that this is a problem and wants them to put this on the fast track and we need the Borough to have their mandate push this through.

Mike Rybeck-North Ave-questioned what was being done regarding the traffic issues on Sears Ave and Washington Ave, if anything, and also asked if there was a meeting being held to discuss the Hovnanian proposal.

Allan Dean-Second Ave- asked about the Harbor Development Committee's recommendation that the borough expeditiously acquire the Giuliani tract, and what was being done to address that recommendation. He also asked what other activities the committee is involved in. He also requested that the governing body consult with the Planning Board regarding the lease between the Borough and Charlie Hesse.

Mary Wall- Ocean Blvd- asked if the lease agreement included the right of the fireworks. She also asked if the Regional Sewer Authority was going into arbitration.

Mike Rybeck- explained that the Sewer Authority is going into arbitration with TOMSA with respect to contract language and interpretation of that language.

Jane Frotton-Memorial Parkway-understand from the prior zoning officer, that only the Borough can operate a parking lot. If SeaStreak is going to operate a parking lot in conjunction with Mr. Hesse, that would change the use and require a variance from the Planning Board.

Joseph Hawley-25 Ocean Blvd- asked if the citizens of Atlantic Highlands prior to acquiring the Giuliani property would have a vote.

Mike Rybeck – North Ave-asked if the parking lot would comply with DOT standards regarding size of parking spaces and handicapped parking spaces.

Allan Dean- Second Ave- wants to know the status of the permanent search for an Administrator.

Jane Frotton-Memorial Pkwy-asked if online advertising has been utilized in the search for an Administrator and recommended the services of Monster.com, which was half of the cost of the Asbury Park Press.

Joseph Hawley-Ocean Blvd- suggested that the public be included in the search process, and possibly allow them to interview potential candidates.

Paul Barbado-Lawrie Rd- questioned a letter from the DOT Commissioner Lettieri to Ms. Elliott, and asked if she had responded to that letter. He also asked if anyone from the Mayor's administration was going to respond. He believes someone should respond to the commissioner.

ADJOURN - There being no further business before the Mayor & Council, Council member Nolan moved to adjourn the meeting at 9:27 PM, the motion was seconded by Council member Ladiana and unanimously approved.

The Governing Body approved these minutes at their meeting on August 17, 2005

Dwayne M. Harris
Municipal Clerk