



MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF JUNE 08, 2005

The Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands was held on June 8, 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, 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

Joseph Hawley-25 Ocean Blvd-asked if the CFO would be appointed tonight, how much he or she were going to be paid and suggested it would be more prudent to combine both the Administrator and Chief Financial Officer as they have done in other small communities and towns.

Council member Archibald questioned how would we know if, we put an offer out tonight, if the person accepts it, and how can we vote on it the same night? He believes we have to make an offer and we do not know if the person would accept it.

Council member Ladiana began to review the CFO hiring process and was interrupted by several members who expressed the desire to discuss this issue in executive session.

Council member Ladiana questioned Council members Archibald's e-mail communication where she feels he is insinuating, that offering terms of employment without the full councils knowledge of those terms, is improper and may be illegal.

Mayor Donoghue commented that we have an idea, that if this person is acceptable to this Council, what this person will accept. In that sense, you certainly can talk if not specifically, then provisionally about salary with this person. If after this discussion is over, and we decide to appoint this person, at whatever the price, and the personnel committee advises us that it will be acceptable or not acceptable, then we will do it.

Council member Archibald asked where and will there be any negotiation?

Mayor Donoghue responded that if the majority of the Council determines that there ought to be some further negotiations, then we wouldn't act tonight until we confer with her.

Council member Ladiana commented that is what the executive session is for and that is the way it has always are done.

Council member Nolan commented that we go into executive session and discuss things and then come out and vote on them after wards, it happens a lot. What is that surprising?

Council member Fligor commented that he was unaware of what she would like to have, he is aware of what was offered.

Mayor Donoghue ended this conversation and reserved it for Executive session.

After no one came forth with further public comments, Mayor Donoghue closed the Public Comment session and continued with the business.

Council member Archibald asked that the original proposed resolution 110-2005 be amended to include the seventh member.

RESOLUTION 110-2005, WELL WISHES TO SEVEN OCEAN ADVENTURERS

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 111-2005, OPPOSING THE PROPOSED CLOSURE OF FORT MONMOUTH

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 112-2005, PAYMENT OF BILLS TOTALING \$1,033,339.51

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

Council member Spatola commented that they had an agreement with the attorney to sit and discuss the disagreements we had about her billing. That has not happened. She had received her package and would like to discuss with her, a time they could actually sit down and discuss her bills. Until that time, she would like to pull the attorney bills out of the billing and hold them.

Mayor Donoghue commented that the members have gotten, as promised, a lengthy report analysis from the attorney on the bills which should answer any question known to man-kind.

Council member Spatola had more questions and would like to proceed with having a meeting with Mrs. Miller, who had agreed to meet after she had gone through her billing and furnished comments.

Council member Archibald questioned the March bill asking about ten calls from "elected official" regarding personnel issues and her to identify the elected official, because he does not feel we should approve a bill if we do not know who the elected official is.

Attorney Miller responded that she reviewed Mr. Reilly's bills all of which were approved, where Mr. Reilly never identified an elected official in his bills. He was my predecessor, and I would assume that the same policy would follow.

Council member Fligor commented that she had listed him by name, and everyone else as elected official. He feels that if you are going to make it "elected official" it should be that way for everybody.

Attorney Miller commented that she could not identify the official because she did not have her files with her.

Council member Fligor stated that from now on they should be named in the bills.

Council member Noonan called the question and that discussion ended.

Council member Fligor questioned why the Green Acres refund was not utilized to pay off any bonds.

Council member Ladiana explained that the original monies were short term financed, in 2003 it was then converted to permanent financing which is not callable and can not be paid off until it reaches maturity. Council member Archibald offered information regarding long-term bonds and the call periods that add marketability to our securities to long-term investors, who desire to lock in rates for ten years.

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 113-2005, RENERWAL OF LIQUOR LICENSES

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

Council Member Noonan recused himself because he has professional contact with some of these enterprises. Council member Spatola also recused herself because she sometimes works at one of the licensed premises.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana and Nolan

NAYS:

ABSTAIN: Council members Noonan and Spatola

Resolution 114-2005 was not introduced at this time.

RESOLUTION 115-2005, ADJUSTMENTS TO WATER/SEWER UTILITY BILLS

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

Council member Ladiana noted that these were corrections to December bills.

This resolution was adopted by the following vote.

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

NAYS:

RESOLUTION 116-2005, APPOINTING MUNICIPAL CLERK

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

Mayor Donoghue commented that he enthusiastically endorses the appointment of Dwayne Harris as the Borough Clerk. He commented that Dwayne has been acting clerk for the past year and a half and mentioned other duties and services performed, as well as academic accomplishment in obtaining his Registered Municipal Clerk Certificate.

The other members of the Council expressed their congratulations and well wishes.

Dwayne then expressed his appreciation in serving each member of the Governing body and commented that each member brings something to the council and the Borough that is very complimentary.

This resolution was adopted by the following vote.

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

RESOLUTION 118-2005, APPOINTING SHADE TREE MEMBER

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

This resolution was adopted by the following vote.

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

ORDINANCE 14-2005, BOND ORDINANCE FOR CAPITAL IMPROVEMNTS

This Ordinance was read by title. Administrator Jahn explained that there were five major items in the Ordinance; 1-\$207,600 for improvements to Borough hall, primarily the revamping of the HVAC and mold removal, 2- Sewer infrastructure including various upgrades to the sewer system, 3- replacement of water mains, 4- improvement to various roads \$309,900 5- Streetscape Phase II \$415,000.

It was moved for Introduction by Council member Ladiana, seconded by Council member Nolan and was approved by the following vote:

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

It shall be published in an official newspaper and a public hearing shall be held on July 13, 2005.

CONSENT AGENDA

- 1) Approval of Minutes: May 11, 2005 Regular Meeting
- 2) Approval of Raffle Licenses 3324-05, 3325-05, 3326-05 and 3327-05, Atlantic Highlands Fire Dept, Fireman's Fair; June 29-July 3, 2005, at the Municipal Harbor, Atlantic Highlands, NJ.
- 3) Approval of Raffle Licenses 3328-05 and 3329-05 for the Rainbow Foundation, October 29, 2005 at the Shore Casino.

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

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

The Executive Session minutes for June 25, 2005 will be approved by a yes vote by a majority of Council members as indicated by the signatures on those minutes.

REPORTS - COUNCIL MEMBER, COMMITTEE, PROFESSIONAL PUBLIC

Council member Noonan reported the AH Yacht Club is having their annual Blessing of the Fleet on Saturday June 11th, performed by local clergy. He reported that the Administrator has obtained contractors to install gutters and leaders on the Borough Hall.

Council member Fligor reported that the May sewer flows were 49.9%, which is down from 52.4% at the last meeting. Smoke testing is in progress and a letter has been sent notifying the town residents. A follow up letter will be sent out to those who did not respond to the original letter sent out during 2004. He further reported the Library needs to have their sidewalk repaired. Administrator Jahn is already in the process of getting it fixed. He mentioned the Circle of Friends; book discussion and coffee hour will be on June 21st at 10:00am at Indulgence Café. There would be a comic magician at Veteran's Park at 3:00pm and he encouraged everyone to attend. He reported that he received a call from the Environmental Commission chair to do a walk through review, with NJNG, of the work down at the Cassriel property. Cassriel looks good, but the Borough property was a little bare.

Council member Ladiana reported on the Harbor meeting, she attended on behalf of the Environmental Commission, trying to get the Harbor to embrace becoming a "Clean Marina". Bill Bate signed the resolution agreeing to sign the pledge forms to become a clean marina.

Council member Spatola reported that WRAT radio station would be broadcasting from the Fireworks display on Saturday. Henry Hudson will also be playing on Sunday at the fair. She also mentioned that on June 15th the Historical Society and Paul Boyd would be making a presentation on the history of the Atlantic Highlands Harbor at the Senior Center, 7:00pm.

Council member Archibald reported that recreation would be meeting tomorrow. He also mentioned he met with Mr. Jahn to discuss the short-term improvements they are planning to enhance security. They are also going to replace the door in the Library. He noted that Brian Phair graduated from the academy today.

Chief Vasto reported that the Department applied for a grant to receive a fully equipped Cannondale bicycle, and they received it. He mentioned the DOT's intention to add a bicycle lane along highway 36. He expressed his concerns with the potential hazards associated with their plans to narrow the lanes by one foot and include a four-foot bike path at the shoulder. It was determined that the prior Administrator expressed the Borough support for NJDOT efforts to improve bicycle and pedestrian compatibility. Council members Archibald stated that he would reach out to Assemblyman Corodemus, to see if he can't reach out to some project manager and get this thing stopped. It was decided that Temporary Administrator Jahn would contact the NJDOT and have a conversation expressing the Boroughs concerns with this project.

Jane Frotton-12 memorial Pkwy-spoke on how scary that highway is and if there is anything the Borough could do, to prevent some kid from getting killed.

Council member Nolan had no formal report, but he thanked everyone who participated in the DOT Public Information Center.

Temporary Administrator recalled that he would not be in tomorrow and delegated the communications with the DOT to Clerk Harris.

Engineer Elliott reported that she was working on the capital projects. She was hoping the resurfacing of the tennis courts would go to bid in a month. Mayor Donoghue mentioned the State would be coming to 7th Ave and Rt. 36 to correct the drainage situation.

COMMENT SESSION

Jackie Jones-22 Keystone Dr.-suggested Helen Rubin of the DOT step in on the route 36 issue and negotiate a meeting with the project manager. She also suggested that the Borough think about parking alternatives for the increased amount of visitors at the fireworks.

Mike Rybeck-North Ave- asked council member Fligor about the results of the smoke testing. He also asked if the E. Washington/Sears Avenue traffic conditions have been looked at. He also asked if the expense for the mold conditions here at Borough Hall was a Capital expense or an R&M expense.

Paul Barbado-22 Lawrie Rd-asked the mayor if Mr. Workmeister, from the DOT, was in contact with Ms. Elliott.

Engineer Elliott confirmed that she had spoken with him, and he feels that it is not in his jurisdiction to get involved, but he was directed from his superiors to review the situation and he would report back to her.

He again spoke about the supposed “trip hazard” and wanted to share photos. He asked to address the situation with one Council member who would explain it to the others. Council member Archibald volunteered.

Joe Reynolds-E Highland Ave- thanked Council member Ladiana for her efforts at the Harbor Commission, on getting them to pledge to be a Clean Marina.

Joe Hawley-Ocean Blvd- mentioned that during prior years, the Monmouth County Fire Police directed cars and told them where to go, in regards to parking, and he does not anticipate any problems with parking when the radio station comes.

Council member Ladiana asked Joe Reynolds, the Clean Communities Coordinator, if we could get recycling containers at the Fireman’s Field.

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) Possible Hiring of CFO Candidate

Mr. Harris read this resolution in full. It was offered and moved for adoption by Council member Fligor at 8:45 PM, seconded by Council member Nolan and adopted by the following vote.

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

NAYS:

RECONVENE - At 9:35 PM the meeting was resumed.

RESOLUTION 117-2005, APPOINTING CHIEF FINANCIAL OFFICER

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

Mayor Donoghue expressed his enthusiasm and optimism in appointing Dawn Babcock as the new CFO Officer. She would start around July 6th. He outlined her qualifications, experience and prior accomplishments. He stated that she is the most qualified applicant considered, and has familiarized herself with Borough office in order to be sure she and Atlantic Highlands will be a good fit. She is a resident of Hamburg but has indicated she is anxious to move to this area as soon as possible.

Council member Archibald asked how did we know she would start on July 6th. Council member Ladiana explained that she had spoken with the Administrator.

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 Noonan moved to adjourn the meeting at 9:45 PM, the motion was seconded by Council member Spatola and unanimously approved.

The Governing Body approved these minutes at their Regular Meeting on July 13, 2005.

Dwayne M. Harris, RMC
Municipal Clerk