



## MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF MAY 11, 2005

The Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands was held on May 11, 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 Fligor, Ladiana, Nolan, Noonan, and Spatola. Temporary Administrator Jahn, Borough Attorney Miller, Borough Engineer Elliott, and Acting Municipal Clerk Harris were also present. Council member Archibald was absent.

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.

Mayor Donoghue introduced Fred Jahn, the Acting Borough Administrator. He then read a proclamation naming May 14, 2005 as Kid's Day America. He further noted the pending retirement of Claire Richardson, Planning Board Secretary, and that the Borough will be acknowledging her at a future time.

### **PUBLIC COMMENT SESSION**

Joseph Hawley -25 Ocean Blvd- commented on the defeated school budget, and the governing body considering the cutting of \$13, 000.00 from the school budget. Understanding that the school budget was defeated, by not a large majority of votes, he strongly urged the governing body to keep the school's budget in tact.

Joanne Esparra-52 memorial Pkwy- also commented on the school budget. She commented on the value a good school provides to the community and our homes. She asked that a resolution be initiated to improve this budget as it stands with no additional cuts.

Sara Weimer-34 E. Lincoln Ave & School Board President-Also asked the Governing Body to consider leaving this budget as is, uncut. There have been some unforeseen expenses that have come up since the budget have been put together, that were not budgeted for so we (the school board) would like you to consider leaving this budget in tact so that we can meet those expenses as they arise without any cuts to our programs. Norma Terini-30 E. Washington Ave- thinks the Council and the school board has to consider that they have a wonderful opportunity, with Dr. Wallauer retiring, to re-look at utilizing their resources and changing the way they are thinking about doing certain jobs. She thinks the replacement of the superintendent should be a three to five year commitment that needs to be re-looked at, possibly having shared services with Middletown, using their expertise, in conjunction with our resources here in Atlantic Highlands. She thinks that the opportunity has arisen for the town, townspeople to look at holding off on filling Dr. Wallauer's position at this time, and do some research with other school in the area and State offices and maybe saving quite a bit of money.

Joseph Hawley- commented that when he was on the Board they had explore the possibility of regionalization, and it would cost more money to the town. Highlands also has indicated they do not intend to regionalize with Henry Hudson. All three school districts would have to agree. He believes the school board has explored every means to reduce taxes. He feels the fault lies on the State level, which has failed to fully fund the educational mandate.

Council member Ladiana- Chairman of the Finance Committee- commented that after she and the committee met with the school board, they realized it was an extremely

tight budget. Since that time, there were certain things tossed around, that \$13,000 they were considering cutting. After doing more research, she understands that the utilities are under budgeted. She would like the council to consider approving the budget as is. She made a motion to leave the budget as is.

**RESOLUTION 099-2005, CERTIFY THE ELEMENTARY SCHOOL TAX LEVY FOR 2005/2006**

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

Council member Nolan explained the reasoning behind the \$13,000 cut and whether this particular line item would be used, or was it over funded. He feels that in future years, security will become an issue because you have more entrances and stairwells.

Council member Ladiana commented that the impact of F17-01, if it is not utilized this year, it can be added to the surplus and be available next year when those funds will be needed, under more restraint of F17-01.

Council member Fligor explained the line item being \$28,000.00 to hire someone to monitor new security cameras on all of the doors. They thought that was excessive and could cut \$13,000.00 from that.

Council member Spatola explained after having been in that position, you really walk a tight line. You have an obligation to the taxpayer that has voted the budget down, and yet, no one wants to hurt the school.

Council member Fligor asked if a \$30,000.00 savings they would have by not hiring a new principle and utilizing the vice-principle.

Board President Weimer explained that legally they are required by the State to have a Principle and a Superintendent, which is why Dr. Wallauer wore both hats.

After further discussions,

This resolution was adopted by the following vote.

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

NAYS: Council member Fligor

Council member Nolan made a motion to open the public hearing on the budget amendments. It was seconded by council member Ladiana and passed by unanimous consent.

Thomas Fallon, RMA explained that the amendment reclassifies revenue from one portion of the budget to another. It has no effect on the bottom line. The other two reclassifications are because of operational issues in the Borough, moving money between salaries and wages and other expenses. There is no change in dollar amounts, just a movement of monies. The other amendment is moving the appropriation for the Public Employees Retirement System monies from inside to outside of the CAP.

Jacquie Jones-22 Keystone Dr-asked if the amended budget includes funds to repair the HVAC system in Borough Hall.

Mayor Donoghue explained those funds are included in the Budget, which would be adopted after.

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

**RESOLUTION 096-2005, ADOPTING 2005 MUNICIPAL BUDGET**

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 Fligor, Ladiana, Nolan, Noonan, and Spatola

NAYS:

**RESOLUTION 097-2005, APPROVING PARTICIPATION IN THE MCIA LEASE PROGRAM**

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

Council member Fligor explained that this would be for a new street sweeper, which is desperately needed by the Borough and a utility truck for the Water Dept, which carries there piping, and things. The interest rate is 2.55% over the course of a five and ten year term.

Council member Nolan explained that this is a program offered by the County, but once every two years.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 098-2005, PAYMENT OF BILLS**

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 Fligor, Ladiana, Nolan, Noonan, and Spatola

NAYS:

**RESOLUTION 100-2005, ADOPTING LOSAP DEFERRED PLAN PROVIDER**

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

Council member Nolan explained that this a part of the LOSAP program where the Borough has to approve a provider who will set up, run and manage all of the funds. They met with three providers and the Firemen recommended Lincoln Financial.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 101-2005, APPOINTING WEB MANAGER**

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

Council member Ladiana mentioned that this would be a cost savings to the Borough.

Council member Fligor commented on the quality of the sites provided by Zumu.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 102-2005, AWARDING FIREWORKS CONTRACT**

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

Council member Spatola commented that they would be getting the same show, a little different sequence.

Council member Ladiana asked if the contract had been reviewed by the Harbor attorney.

Jane Frotton-Harbor Commission explained that the Borough Administrator in the past has reviewed these contracts and have not gotten legal input from the attorney.

Mayor Donoghue recommended that the attorney review these contracts.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 103-2005, AUTHORIZING AGREEMENT WITH THE SPCA**

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

Acting Clerk Harris explained that the animal control officer needs a facility to drop off stray animals, and this resolution would establish a relationship between the SPCA and the Borough for the payment of those bills.

This resolution was adopted by the following vote.

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

NAYS:

**ORDINANCE 12-2005, ESTABLISHING THE SPECIAL EVENTS COMMITTEE**

This Ordinance was read by title. It was moved for Introduction and First Reading by Council member Nolan, seconded by Council member Noonan and was approved by the following vote:

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

NAYS:

It shall be published in an official newspaper and a public hearing will be held on May 25, 2005.

**ORDINANCE 13-2005, AUTHORIZING MCIA LEASE AGREEMENT**

This Ordinance was read by title. It was moved for Introduction and First Reading by Council member Fligor, seconded by Council member Nolan and was approved by the following vote.

Council member Fligor explained the difference between this Ordinance and the prior resolution 097-2005.

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

NAYS:

It shall be published in an official newspaper and a public hearing shall be held on May 25, 2005.

**CONSENT AGENDA**

- 1) Approval of Minutes: April 13, 2005 Regular Meeting
- 2) Approval of Request: Block Party- June 18, 2005 6:00pm E Lincoln Ave.

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

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

NAYS:

ABSTAIN:

The Executive Session minutes for April 13 and April 27, 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**

Council member Spatola reported that tentatively the GAP Band would be playing two nights at the fair. Also on the night of the fireworks, they have invited the RAT radio station to broadcast live from the Harbor. The new fire truck will be dedicated on firefighters' night at the fair.

Council member Noonan reported that he met with the members of the local PBA regarding the mold issues in the building. It was a productive meeting but we are waiting on the report from PEOSHA who was here in March. Once we receive the report, which recommends the issues that have to be taken care of, we can begin to start the ball rolling.

Council member Nolan reported that Council member Spatola has been charged with naming the new truck. He explained the history behind the arrival of the new truck and chassis. He gave accolades to the Firemen for the hard work and energy put into to bring forth this outstanding piece of equipment.

Council member Fligor reported that NJNG had their meeting and only six residents showed. NJNG has been in contact with the County regarding the trail. They have a deal that they will prep the trail area between Ave D and Highland Ave and the County will build the trail. He mentioned that the Library Board is actively looking at properties for the new library. He commented that the sewer flow rates are at 52%. We are paying more for sewerage flow than Highlands, which is paying 48%. To circumvent that, we are doing smoke testing in town during the week of May 20.

Council member Ladiana reported that they are still reviewing resumes and conducting interviews for the CFO. She attended a Harbor meeting last week as a representative of the Environmental Commission. She presented that the DOT Office of Maritime Resources is offering grant money, through their I Boat NJ Program, and she is working with Bill Bate and Mainberger to put together three expressions of interest, for some grant money that will pay for some of the projects at the Harbor. She mentioned the Green Table Meeting that she will be attending, that is designed to educate everyone on the requirements of Green Acres, to receive their reimbursements. She also asked that the members respond to Joe Reynolds on his e-mail regarding the Clean Communities activities.

Engineer Elliott reported that she received a phone call from Don Norbitt who received the project on Highway 36 from Wilbur Dixon. She hopes that by July 4 they will be there to reconstruct the inlet that will increase the carrying capacity of the inlet and reconstruct the curb in that area. She further hopes that by the next meeting she will have proposals for the capital projects. She also spoke with a resident on 109 Garfield Ave who had a drainage complaint and wanted it to be added to the capital projects. The improvements will cost about \$3,600.00.

Temporary Administrator Jahn commented that was happy to be here and would like to set up individual meetings with the members of the Governing Body.

Council member Spatola asked if the person who cleans the field house and senior bldg could come and clean the meeting room and bathroom, at the firehouse, during the week. She also asked Attorney Miller to clarify some points she made in a letter addressed to Council member Archibald. Specifically the letter alludes to the fact that Attorney Miller does not feel the meeting with she and Mr. Archibald is in order. *Council member Spatola read a portion of the letter.* She feels they do need to sit down and have a meeting, and she (Mrs. Miller) has refused to sit down and have a meeting. She would like Mrs. Miller to reconsider.

Mrs. Miller stated that she wrote that since she and Mr. Archibald will not meet with her at her office, she would like them to write them (each item) to tell her how each item on Mr. Archibald's list relates to the \$25,000 retainer.

Council member Spatola feels that we need an expert opinion to arbitrate this disagreement.

Frank Gaudio commented that their firm is not questioning their ability to question the billing. Merely putting things in columns does not tell us how it is or is not related to the retainer agreement. His firm would like; them to specifically point out, why they feel a certain line item is in error, and to quell the suspicions of political motives behind this issue.

**There was a malfunction in the second tape and no further audio recordings of the meeting were available.**

*After extensive conversation between members of the Governing Body, Mayor Donoghue halted the debate and opened the Public Comment session.*

**PUBLIC COMMENT SESSION**

Joseph Hawley- 25-Ocean Blvd- expressed his feelings in regards to the Attorney and her billing.

Mary Wall-79 Ocean Blvd- commented on Mrs. Miller being an employee of the Borough that she answers to the Governing Body and should meet with the members of the Governing Body in Borough Hall if they so desire.

Jacque Jones-22 Keystone Dr- thanked the Acting Clerk for his diligence with the new pay-to-play Ordinances. She would also like some maintenance stone laid down on Keystone Dr.

Police Chief Vasto- commented on Resolution 97. He would like the Borough to include Police vehicles.

Mickey Rast-49 Eight Ave-/Chamber of Commerce- commented that the Chamber would be hosting a Car Show on June 4 from 5-9pm along First Ave.

Judy Grasso- thanked the Governing Body for their support on the School Budget.

Loretta Gluckstein-Ocean Blvd-expressed the same sentiments, thanking the Governing Body for supporting the school.

Fred Rast-Eight Ave- asked the town to consider revising the building inspection system and expressed some difficulties he has had with getting electrical inspections and permits in conjunction with the installation of an elevator in his building.

Paul Barbado-22 Lawrie Rd-commented about water drainage on his property from a neighboring yards pipe. He asked someone to come and look at this so it can be dealt with. He commented on his "trip hazard" and mentioned that the DOT will be coming to investigate his situation.

Mary Wall- asked how much we are paying for the new site.

**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) Personnel Issue- Police Grievance against the Borough

Mr. Harris read this resolution in full. It was offered and moved for adoption by Council member Nolan at 9:25 PM, seconded by Council member Fligor and adopted by the following vote.

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

NAYS:

**RECONVENE** - At 10:00 PM, the meeting was resumed.

**ADJOURN** - There being no further business before the Mayor & Council, Council member Nolan moved to adjourn the meeting at 10:05 PM; the motion was seconded by

May 11, 2005

Council member Noonan and unanimously approved.

The Governing Body approved these Minutes on June 8, 2005.

Dwayne M. Harris  
Municipal Clerk