



MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF DECEMBER 14, 2005

The Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands held on December 14, 2005 in the public meeting room of Borough Hall, 100 First Avenue, Atlantic Highlands, NJ.

The meeting was called to order at 8:00pm. After a silent prayer and the Pledge of Allegiance, the following roll call was taken: Council members Archibald, Fligor, Ladiana, Nolan, Noonan, Spatola, and Mayor Donoghue.

Mayor Donoghue also read a Proclamation of The Borough of Atlantic Highlands marking December 17th as Arbor Day. A Proclamation was read recognizing The Atlantic Highlands Lions Club on its 80th Anniversary. Mayor Donoghue proclaimed that January 14, 2006 be known as Atlantic Highlands Lions Club Day.

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

Mark Strassburg-First Ave-Understands that Ordinance 32-2005, will possibly be passed tonight, and asked if it could be tabled and rewritten so that he is not breaking the law.

Jacob Hoffman-Navesink Ave-He commented on the Firemen's Field house becoming deplorable. He would recommend that the Council go over and take a look at the condition of the field.

Council member Spatola asked that if someone was to rent/use the facility is it being inspected by the Borough. She indicated that the tiles have been damaged from water.

Janet Burlong-She agrees with Mark that the proposal should state a date or effective at the next renewal of the license.

Mike Harmon-Bonnie Brae Path-Is angry with a Political Flier insinuating Harmon was profiting from privately owned property by Mr. Harmon. He feels this flier crosses the line.

Council member Archibald stated that he has a copy of a letter to Mr. Harmon asking to meet with him. Mr. Archibald commented that he wanted copies of the minutes from the Open Space Advisory. He wants to ask why this letter was sent to Mr. Harmon and only one member of Council is sent the letter.

Mayor Donoghue commented that the informal open space committee consists of himself, Council member Ladiana, Mr. Boyd and Mrs. Royce. The committee is so informal that they don't keep minutes, but an agenda could be provided to him.

Michael Harmon-Bonnie Brae Path-Came down to Borough Hall and looked at the plans of Home Properties Incorporated. Essentially it called for was two ball fields, a soccer field and 180 units. The soccer field is gone. Now there is a retention basin. There was no obligation for AH.

Mayor Donoghue indicated that when the Mayor, Attorney Miller, and Council member Archibald met last year we were faced with new storm water regulations. At the time it was the choice that was given. It was the choice to remove the field.

Michael Harmon indicates that Home Properties paid nothing for this land, AH and Middletown bought the land and gave 7 acres to Home Properties. He doesn't see how this becomes our burden. He feels that if a retention basin is going to be there it be as natural as possible.

Council member Archibald indicates that the file is not in borough hall. Council member Ladiana indicated that she was looking at the file and it is in borough hall. He also asked who authorized the response to Mr. Harmon that they all received from Attorney Miller last night. Indicated that there was no approval of the Council to send this letter.

William Phillips-Memorial Parkway-Asked if we are looking at the subterranean retention? He indicates that 8 to 12 foot units are being put under ground and put dirt on them, then they are able to play ball. If there is an open creek one the kids are going to go out there and possibly drown, cars are going to come off the highway and nobody thinks of these things.

Mayor Donoghue ended the public comment portion and proceeded with the regular business.

RESOLUTION 212-2005, PAYMENT OF BILLS

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

This resolution was adopted by the following vote.

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

NAYS: Council member Archibald, Fligor, Spatola

RESOLUTION 213-2005, IMPLEMENT ADDITIONAL DEFERRED COMPENSATION PLAN

Mayor Donoghue asked Administrator Mr. Hubeny to give a brief description of this resolution.

Mr. Hubeny indicated that the borough currently has a deferred compensation plan with one company. The clerk and himself met with AXA and it is no cost to the borough, it gives flexibility to the employee.

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

RESOLUTION 214-2005, ADOPTION OF THE CORRECTIVE ACTION PLAN

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 215-2005, AUTHORIZING RCA WITH LAKEWOOD

This resolution was offered and moved for adoption by Council member Fligor 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 216-2005, TRANSFER OF FUNDS

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

This resolution was adopted by the following vote.

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

NAYS:

RESOLUTION 217-2005, PETITIONING FOR THIRD ROUND CERTIFICATION

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

Council member Archibald asked if this is affirming that we have seen this plan. Mayor Donoghue indicated that the planning board had adopted it on the third round.

This resolution was adopted by the following vote.

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

NAYS:

ABSTENTIONS: Council member Archibald

RESOLUTION 218-2005, BOND FOR FUNDING TO PURCHASE AND DEVELOP AFFORDABLE HOUSING

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

This resolution was adopted by the following vote.

AYES: Archibald, Fligor, Ladiana, Nolan, Noonan, Spatola

NAYS:

RESOLUTION 219-2005, BOND TO PAY REGIONAL CONTRIBUTION AGREEMENT

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

This resolution was adopted by the follow vote.

AYES: Council member Archibald, Fligor, Ladiana, Nolan, Noonan, Spatola

RESOLUTION 220-2005, INTENT TO NEGOTIATE FOR THE PURCHASE OF PROPERTY

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

Council member Spatola does not agree with condemnation. Council member Ladiana agrees with Council member Spatola.

This resolution was adopted by the following vote.

AYES: Council member Archibald, Ladiana, Nolan, Noonan

NAYS: Council member Fligor, Spatola

RESOLUTION 221-2005, AUTHORIZE SALE OF BOROUGH PROPERTY

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

There was no discussion on this resolution.

AYES: Council member Archibald, Fligor, Ladiana, Nolan, Noonan, Spatola

NAYS:

RESOLUTION 222-2005, AMENDING LEASE AGREEMENT WITH BRG

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

Council member Nolan indicated that this was discussed at the harbor commission and they understand that it's hard with the start up. Council member Noonan indicated that it was written into the lease, this year it was not. Council member Ladiana didn't feel it should be something to go through every year.

This resolution was adopted by the following vote.

AYES: Council member Fligor, Ladiana, Nolan, Noonan, Spatola

NAYS:

ABSTENTIONS: Council member Archibald

RESOLUTION 223-2005, APPOINTING AN APPRAISER

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

Council member Nolan asked if he was more expensive than the other appraisers with Guliani. Mayor Donoghue indicated that he was an appraiser with Guliani. He is considered a man of great reputation.

This resolution was adopted by the following vote.

AYES: Council member Archibald, Fligor, Ladiana, Nolan, Noonan, Spatola

NAYS:

ORDINANCE 29-2005, CONTINUATION OF RENT CONTROL ORDINANCE

This would be the public hearing and possible adoption. This is an Ordinance that was introduced two weeks ago.

A motion to open the public hearing was made by Council member Nolan and seconded by Council member Fligor and unanimously approved.

PUBLIC HEARING

No one came forward to discuss Ordinance 29.

A motion to close the Public Hearing was made by Council member Nolan and seconded by Council member Noonan.

A motion to adopt Ordinance 29 was made by Council member Nolan and seconded by Council member Archibald.

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

NAYS:

Ordinance 29 has been adopted appropriately.

ORDINANCE 32-2005, AMENDING CHAPTER VI OF THE GENERAL ORDINANCE-ABC

This Ordinance was read by title. A motion to introduce this ordinance was made by Council member Fligor and seconded by Council member Archibald and unanimously approve.

PUBLIC HEARING

Mark Strassburg-65 First Ave-Indicates that if this outline is passed his licenses are in jeopardy of having a problem.

Chief Vasto indicates that they are going to be cooperative. Mr. Strassburg indicates that it doesn't matter if the police are going to cooperate, it's not written in the law and it should be. He's a taxpayer.

William Eaton-84 Bay Ave-Asked if there is a standard 20-day stopping period.

Mr. Harris indicated that it is only on bond financial ordinance.

Pat Murray-Asbury Ave-Asked since the employees are already monitored by the ABC why is this necessary.

Chief Vasto indicated that the ABC does not monitor the employee cards, the police monitor the cards.

Mike Harmon-Bonnie Brae Path-Asked how long does it take to get the cards? Chief Vasto indicated that fingerprint is required, they are allowed to work until the police receive the card back from the state. When there is no record found on an individual, then a card is issued.

The turn around is about 30 days.

Mark Strassburg- First Ave-Is there any discussion of possible grandfathering of individual licenses of people having one for several years now. He feels it is a hardship for the employees.

Council member Spatola also holds an ABC card and this ordinance will take effect immediately on adoption. She indicates that perhaps we make an amendment with an effective date of January 1st. Mr. Harris indicates that any ordinance that is adopted becomes effective immediately upon adoption. There are ordinances passed at every meeting, but yet people are in violation everyday. It is the enforcing of this ordinance that gives the grace to the residence. Chief Vasto stated that he is going to grant the grace period.

Council member Spatola asked how this ordinance would be enforced? Chief Vasto indicated that they will get in touch with all the tavern owners and get a list of employees and if any of the cards are expired, they will be asked to come down and renew the application and issue new cards. He feels the ordinance is written poorly.

William Phillips-Memorial Parkway-Asked Chief Vasto why do they have to be certified tomorrow. He asked if someone is certified in Highlands, how does this affect Atlantic Highlands if the employee was to come work for a large party in Shore Casino.

Chief Vasto indicated that any employee who does not have a card needs to get one. This ordinance is only who serves alcohol.

A motion to close the Public Hearing was made by Council member Nolan and seconded by Council member Archibald, and unanimously approved.

A motion to adopt Ordinance 32 was made by Council member Fligor and seconded by Council member Noonan.

AYES: Council member Archibald, Fligor, Ladiana, Nolan, Noonan

NAYS:

ABSTENTION: Council member Spatola

ORDINANCE 33-2005, AMENDING ORDINANCE 657-PARKING TIME LIMITS

This Ordinance was read by title. A motion to open the Public Hearing was made by Council member Fligor seconded by Council member Ladiana, unanimously approved.

PUBLIC HEARING

There was no discussion on Ordinance 33

A motion to close the Public Hearing was made by Council member Noonan and seconded by Council member Ladiana and unanimously approved.

A motion to adopt Ordinance 33 was made by Council member Nolan and seconded by Council member Archibald.

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

NAYS:

A motion to approve the minutes of the regular meeting of November 9th and November 30th, 2005 was made by Council member Archibald and seconded by Council member Spatola and approved by the following vote.

AYES: Council member Archibald, Fligor, Ladiana, Noonan, Spatola

NAYS:

ABSTENTION: Council member Nolan

REPORTS-COUNCIL MEMBER, COMMITTEE, PROFESSIONAL

Council member Ladiana had nothing to report.

Council member Fligor had nothing to report.

Council member Nolan had nothing to report.

Council member Noonan commented that Chief Vasto was installed as the President of the Monmouth County Chief's Association. He also thanked the Mayor and each member of the Council for affording him the opportunity to serve Atlantic Highlands.

Council member Spatola wanted to remind everyone that the Genevieve M. Hawley Memorial Tournament will be held on December the 27,28, and 30th at Henry Hudson.

Council member Archibald reported that December 21st is the next sign-up date for recreation basketball. January 13 a new program of Swing Dancing will start, see Council member Spatola for more information on that, if you'd like. Atlantic Highlands sailing education program is involved with youth sailing. The NJ state champions will be sailing in our harbor on June 28 & 29. He also thanked Council member Noonan for his services.

Council member Ladiana thought of something for the School. Two rooms on the new addition are being dedicated, one to Helen Marchetti, and one to Dr. Wallauer on December 21st at 7pm.

Administrator Mr. Hubeny reports that the Special Events Committee that has been established earlier this year has been very busy. They have been meeting with the Chamber discussing an event of Last Friday night. The SEC has approved the program and the event will go on Friday December 30. Mr. Hubeny explained what Last Friday is all about.

Also had a visit from the DEP and is happy to say that the Stormwater Management Plan, and the Borough Garage and the Harbor all successfully passed. We have the Salt Shed issue that is being worked on and should be resolved in the Spring.

OTHER BUSINESS Council member Fligor wanted to wish everyone a Merry Christmas, Happy New Year, Happy Holidays.

Council member Archibald asked what the status was for the Guliani track? Borough Attorney Miller indicated that they have been received appraisals, however there was some disparity, so the Greenacres is getting their own appraisal. Council member Archibald would like a copy.

PUBLIC COMMENT SESSION

Mr. Hoffman-Offered a suggestion to turn off the carolers that are on in Veteran's Park during the day.

Michael Harmon-Apologized for his temper earlier and wanted to wish everyone a Merry Christmas. Also asked about the sale of property, he thought that had to be done by ordinance or just resolution.

Kate Wigginton-Thanked everyone for the Resolution for Arbor Day. Also shared that the Shade Tree was offering Saplings to anyone who purchased a tree from the cub scouts. Also asked about resolutions being introduced by heading only and are being passed and the audience doesn't know the extent of a resolution, she suggested that maybe the resolutions could be available to the public to read through them, or someone read them to an individual wanting to know the extent of them.

Mayor Donoghue states it is a good suggestion worth considering.

Paul Barbado-Lawrie Road-He asked for clarification on something. Complaints regarding the water on his property. He also indicated that the pipe is the Royces.

This portion of the Public Comment Session is closed. Mayor Donoghue reported that there has been a request from the CFO to hold a special meeting closer to the end of the year for items such as the payment of bills, possible transfer resolution, and action on a lease of budget software. A meeting was offered for December 28th at 7:30pm.

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) Potential Litigation-Ordinance 20-2005
- 2) Purchase of Property
- 3)

Mr. Harris read this resolution in full. It was offered and moved for adoption by Council member Fligor and seconded by Council member Nolan and unanimously approved.

RECONVENE - At 9:45pm the meeting was resumed.

Mayor Donoghue mentioned that there are a number of people who want to meet on the First of January rather than the Second for the reorganization meeting. Council member Spatola indicated that she has school that day. Council member Archibald also has to work, Council member Doyle states the First is better for his schedule.

Mayor Donoghue indicated that there is a suggestion of 1pm start. After discussion it has been decided that the reorganization meeting will be January 1st, 2006 at 1 pm.

ADJOURN - There being no further business before the Mayor & Council, Council member Fligor moved to adjourn the meeting at 10:15 pm, the motion was seconded by Council member Nolan and unanimously approved.

The Governing Body approved these Minutes at their meeting on December 28, 2005.

Dwayne M. Harris

Dwayne M. Harris, RMC
Municipal Clerk