



## MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF MAY 25, 2005

The Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands was held on May 25, 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.

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 took a moment to recall the dedicated service of Borough Administrator, John Phair, and to pray for his wife and family. We in Atlantic Highlands were extremely lucky to have had John as our administrator for the last eight years, and we were saddened by his death last week. This was a man who loved his hometown and worked very hard to make it a better place. Until recently, he was a man full of life and humor, so therefore it is appropriate to celebrate the life of this good, honorable, compassionate, courageous and funny man. Both as an Administrator and earlier as a Councilman, John was a dedicated and effective public servant. Even from his sick bed, John was committed to see that the Borough continued to operate as efficiently as possible. He was a fighter determined to get well and return to work, and sadly, he didn't get that opportunity. I personally, will be eternally grateful for the assistance I received from John Phair, and I think the town should be enormously appreciative of his efforts.

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 Acting Municipal Clerk Harris were also present.

Mayor Donoghue read a proclamation that June 2005 be known as Myasthenia Gravis Awareness Month in Atlantic Highlands.

Mayor Donoghue read a proclamation honoring Claire Richardson on the occasion of her retirement.

Mayor Donoghue announced the Borough receipt of a check, from Green Acres, as reimbursement to cover the cost of buying much of the Clearwater Pool tract for parkland

and athletic fields. The check is in the amount of \$827,932.00. He thanked the attorney, Janice Miller, for her hard work in recovering this monumental sum.

## **PUBLIC COMMENT SESSION**

Council member Archibald commented that although he agrees with most of the Mayor's statement, he feels Mr. Palamara should be given credit. He did a lot of the work for the Green Acres Application. It was because of his work, we went from \$500,000 to \$875,000.

Mayor Donoghue stated he was willing to give credit to anyone who played a role in this. It has taken Mrs. Miller, Mrs. Ladiana quite a bit of time to get the documents the State requires, in so that they would write this check.

Mickey Rast-49 Eighth Ave- commented that everything was going forward with the Car Show. They have done everything that Capt. Amici had wanted them to do. They have the insurance, and everything is in place for the Car Show, June 4<sup>th</sup> from 5pm-9pm. She had also submitted an application requesting the Borough to sponsor a trophy. She mentioned that the overhead lighting on First Ave is attractive, but the lanterns are not as bright as the ones in the harbor and questioned if there was something to increase the wattage. She also questioned the punch list for the Streetscape that needed to be done. She commented that they would like to have plugs installed on the lights, if possible, during the second half of the project.

Fred Rast-49 Eighth Ave- commented that the lights on First Ave are white. The others have a yellow tone, which emanate more lighting, so you might just have to change the bulbs. He also commented that at 42 First Ave, since the building at 44 First Ave burned down, he has had a water problem in the basement. He has taken corrective actions to alleviate this. His contention is that there is a leakage of town water, in or about Second Ave, and has spent near \$8,000 to date and would like the Borough to consider reimbursing him some of his expense, since the water occurrence is somewhat due to the Streetscape project on First Ave.

Allan Dean-25 Second Ave-asked the council what they had done, to buy the relief the taxpayers sought by defeating that budget. After Mayor Donoghue and Council member Ladiana explained the steps the Governing Body had taken Mr. Dean commented that he feels that this Council has rejected the voters. He also commented on the Road Projects, especially the ponding on Second Ave and questioned why Second Ave was removed from the planned road projects list or this year.

Joseph Hawley-25 Ocean Blvd-commented on past defeats of the School Budget and the actions of former Mayor Harmon, deciding to keep the budget in tact. He noted that the Superintendent's salary is the lowest in the County. He also asked the Mayor to thank Art Weimer for his participation in the green Acres reimbursement. He also commented on the regionalization of the schools and commented that perhaps the three schools could share a Superintendent a Business Administrator and a Director of Curriculum.

Allan Dean-25 Ocean Blvd- commended the Mayor on getting the monies back from Greenacres and thanked Council member Archibald for his work on the Lenape Woods acquisition, his negotiation over Sudden City. He has concerns over the billing the attorney may have made in this effort. He also asked the Council to engage with other bodies to have discussions with other bodies [Highlands, the Boards of Education].

Paul Barbado-22 Lawrie Rd-commented on his situation with trespassing residents. He also mentioned that the situation is again about the pipe, discharging his or her washing machine and gutter water onto his property and he had asked that someone go look at it. Administrator Jahn commented that he had been there and feels it is a neighborhood issue and it is not something the Borough will get involved in.

Mr. Barbado questioned if The DOT had contacted the Borough about the curb and trip hazard. *(To date the DOT has not been in touch with the Borough regarding this matter).*

Mike Rybeck-12 North Ave-was curious to the impact, Kara Home's application, to the Middletown Planning Board would have on the Borough. Council member Archibald explained that it was on the South side of the highway and he would be reluctant to taking any action.

Allan Dean-mentioned a number of stumps around the Borough, particularly in front of his home. Robert Dougherty has informed him, that the town will be doing stumps in the near future. He was also informed that a resident, Donald Brown, who had complained about tree stumps in his yard, and the big delay was that the Borough was waiting for a Hold Harmless Agreement from Mr. Brown. He questioned what the hold harmless agreement does, why did we have to wait so long for the agreement and what it means to him if someone trips on the stump in front of his home and how much did it cost the Borough.

Attorney Miller explained that the stump was on Mr. Brown's property and his fence was involved and the hold-harmless agreement was done to protect the interest of the town.

Chief Vasto explained that the stump was actually on Borough property, but the roots were on his property and they need to be ground, which could cause some harm to his fence.

Council member Archibald asked if the Borough had a listing of the stumps to be ground. He has a stump and would like it added to the list.

Mayor Donoghue closed the Public comment session.

**RESOLUTION 104-2005, RENAMING OF PROSPECT AVE**

This resolution was offered and moved for adoption by Council member Ladiana 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 105-2005, DESIGNATION OF TREE INSPECTORS**

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

Mr. Frotton clarified, that it has always been the policy to have some from the Shade Tree Commission do the inspection of trees. The only place you need a tree permit is in the Steep Slope area, you do not need on in the flat area. If there is a question, the inspector can call the engineer in, as a consultant, to make a decision. Other than that the inspector, generally signs the permit and gives the authority.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 106-2005, CONTRACTING FOR BOROUGH MASTER PLAN UPDATE**

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

Council member Fligor questioned some inconsistencies between the verbiage utilized in the resolution and the agreement as well as the amount of the agreement. Council member Nolan explained that it is only a “draft” until the Council adopts it as the Master Plan.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 107-2005, 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 Archibald, Fligor, Ladiana, Nolan, Noonan and Spatola

NAYS:

**RESOLUTION 108-2005, APPROVING SLIP LEASE FOR MISS MOORE**

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

Council member Nolan explained that this ratifies the approval of a lease by the Harbor Commission and this will permit the signing of the lease.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 109-2005, APPOINTING SCOTT NELSON TO SANITATION DEPT.**

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

Administrator Jahn stated the salary would be \$23,000.00 per year until he obtained his CDL license as stipulated in the Union agreement.

This resolution was adopted by the following vote.

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

NAYS:

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

This Ordinance was called up for Second Reading and Final Adoption and read by title.

A Motion to open the Public Hearing was moved by Council member Fligor, seconded by Council member Spatola and unanimously approved.

**PUBLIC HEARING**

Allan Dean- Second Ave-asked why the Chamber of Commerce is involved in this Special Events Committee.

Council member Nolan replied that if there were an event in town, a run, a parade, it would affect the businesses in town for anything that goes up and down First Ave.

Mayor Donoghue expressed his feelings that it is perfectly legitimate to have the business interest in town have a voice on the events in town.

Mr. Dean asked if there were going to be any citizen representatives on this committee.

A Motion to close the Public Hearing was moved by Council member Nolan, seconded by Council member Fligor and unanimously approved.

Council member Noonan, seconded by Council member Nolan, moved FINAL ADOPTION.

Council member Fligor stating that considering the amount of people on this committee, shouldn't we have at least one resident member?

Acting clerk Harris explained that the purpose of the Ordinance was not dissuade or approve the events, but to coordinate the facilities of the Borough in regards to these special events. A citizen could be included but the question is what would they offer in regards to scheduling sanitation and Police barricades?

It was approved by the following vote.

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

NAYS: Council member

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

This Ordinance was called up for Second Reading and Final Adoption and read by title. A Motion to open the Public Hearing was moved by Council member Fligor, seconded by Council member Ladiana and unanimously approved.

#### **PUBLIC HEARING**

Joseph Hawley-Ocean Blvd-asked what was being leased.

Council member Fligor explained that it was a lease purchase agreement and we were spending a\$170,000 for a Street Sweeper and \$35, 000 for a utility truck.

Mr. Hawley asked if a new Police car could be added to this Ordinance.

Council member Ladiana explained that a street sweeper would be required for the new storm water regulations

Council member Fligor explained that we would be looking at least \$30,000 dollars to repair the old sweeper.

Council member Ladiana commented that John Phair had given her a list and once the new Administrator is in place they will review the list and develop a schedule of what needs to be replaced over the next couple of years.

Debbie Trapphagan-14 E Washington Ave also had heard about the need for the new SUV for a Police vehicle and would like the Governing Body to consider replacing it now.

Mike Rybeck-North Ave-asked what the life of the lease was, what the insurance requirement was and if we had maintenance logs for these vehicles.

Council member Fligor commented that the lease is a 2.3% interest over a 5-year period for the utility truck and 10 years for the sweeper.

Council member Nolan commented that it would be covered under the same insurance as the other Borough Vehicles.

Council member Fligor commented that Rudy Trivet takes very good care of the vehicles, and he is constantly buying parts, and he keeps a list of that.

Mary Wall-79 Ocean Blvd- asked if they would be able to get the same agreement next year when they revisit the Police vehicle.

Council member Fligor explained that the program comes around every two years.

Council member Nolan explained that next year there is another lease coming up and we are going to see if we can expand on that next year.

A Motion to close the Public Hearing was moved by Council member Spatola, seconded by Council member Noonan and unanimously approved.

FINAL ADOPTION was moved by Council member Fligor, seconded by Council member Nolan and approved by the following vote.

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

NAYS: Council member

## **CONSENT AGENDA**

- 1) Approval of Minutes: April 13, Workshop Meeting
- 2) Approval of Minutes: April 27, 2005 Regular Meeting
- 3) Approval of request by the Chamber of Commerce to sponsor a "Car Show" on First Ave

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

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

NAYS:

ABSTAIN:

## **REPORTS - COUNCIL MEMBER, COMMITTEE, PROFESSIONAL**

Council member Fligor reported that the Sewer flows are 52.4% for the month of April. It is important that the smoke testing is done soon to find out where these problems are hiding. Smoke testing will be started on June 6<sup>th</sup> thru June 10<sup>th</sup> done by Oswald. The Sewer Authority adopted a new fee schedule the fees for new connections will be \$2,844.00 with a per unit residential charge of \$200.00 and per unit commercial charge of \$600.00, and he noted that this is for new connections only.

He was questioned about NJNG construction of property higher than it originally was. NJNG explained that it was a requirement by their DEP permit and it will be returned to the current elevation when they are complete. NJNG has stopped testing North of Highland Ave to compile the information they have collected.

NJNG will be meeting with the Giuliani's and Hovnanian to discuss remediation that needs to go through that property.

He also reported that he and Mr. Jahn went out and looked at all of the projects in town that need to be done.

Council member Noonan reported that we have received the inspection notice from PEOSHA, and now the engineer can formulate a plan of attack.

Council member Ladiana reported that she had spoken to the Harbor Commissions about submitting expressions of interest for some money through the I Boat NJ Program. She has mailed a letter with four expressions of interest on four different projects ranging from \$50,000-\$200,000.

The Personnel Committee is reviewing resumes for the Administrator position.

She met with Mike Denko on the Clean Marina and they are working to get the Harbor to sign a pledge card to be a clean marina in the next two years.

She attended the Green Acre Green table yesterday, which was extremely informative. The process was extremely complicated and you cannot do it on your own. The recommendations of Green Acres was that each Municipality really formulate a plan to get this stuff together and right the first time so you can get your money, and the information needs to be easily transferable.

Council member Archibald questioned who had attended the meeting?

Council member Ladiana stated that she carpooled with Dwayne and Jackie Royce.

Mrs. Miller also attended as a representative of Atlantic Highlands on the Mayor's urging.

Mayor Donoghue feels it would be a considerable advantage to the town, to have an attorney familiar with the process, so we can apply smoothly and get our money on whatever project we may do

A council member Archibald does not feel that the taxpayers should pay for two people to attend a seminar.



Mayor Donoghue feels that is expenditure is small peanuts and very much in the best interest of the town.

Council member Fligor commented that we are getting to the top of our budget for attorney expenses. The whole key here is to make sure everyone stays within their budget.

Council member Archibald asked if any Council member is allowed to send any employee to a seminar without Council's authorization?

Administrator Jahn replied that he would like to think that would be an administrative decision, hoping Council would grant the administrator the authority to do that. The council's time is much too valuable to do that.

Council member Nolan reported the DOT presentation will be tomorrow night from 4:30-8:00pm. It is very informal, there will be surveys and people are free to come in and out, along the same venue as the NJNG presentations.

Council member Spatola reported that the 2005 fireworks show will be dedicated to the memory of John Phair and would like to present Pat Phair with a plaque. They have a brochure that will be distributed around town, talking about the activities of the fair and the committee. The committee is also leaning toward calling the week Independence Week and would propose events on Sunday to bring in the families. They would like to have a blues group called the Chuck Lambert Band perform in Veteran's Park at 3:00pm. They are also in conversation with the restaurants to develop a "taste of Atlantic Highlands" where people would taste the wares as they walked to the fair. They would have a ticket that would be entered into a raffle drawing and the prize would be a dinner for two at one of the restaurants.

Council member Archibald reported that last week was Summer Recreation sign ups. He has also looked into the safety and security at Borough Hall for the safety of our workers. There are three different things that can be done to enhance security and he would like to work with Mr. Jahn to put locks on the doors that would prevent anyone from freely accessing the work area. They would also relocate the worktable into the entrance way so that builders can come in and review plans without them coming into and around where people work. They (the employees) have suggested a plexi-glass over both counters to transact monies. No one feels we should get to that point yet. Also suggested was a camera and card system to access Borough Hall and into both sides of the work area. At this point it is too expense and the employees do not want to be tied down to buzzing somebody in every single time somebody comes in. In the short term we are going to try the locks on the doors and probably change the door on the Building Dept side.

Mayor Donoghue asked about the Court Clerk.

Council member Archibald had spoken with Kate Wigginton and she is fine with what she has. She preferred the way it was before the State got involved and told her to put that mandate in.

He will work with Mr. Jahn to get this fixed.

Council member Nolan asked when the tennis lessons would be.

Council member Spatola answered the last two weeks in July possibly a third clinic might be added the first week in August.

Council member Archibald would like to propose a resolution that the Borough encourages and wishes safe passage to the five people who are going to row across the ocean and thanking them for starting their journey here.

Motion was made by Council member Archibald, to send well wishes to the five gentlemen rowing across the ocean, and seconded by Council member Nolan.

It was passed by the following vote:

Ayes: Council member Archibald, Fligor, Ladiana, Nolan, Noonan and Spatola

Administrator Jahn reported that we were putting together a Bond Ordinance to cover the capital items for the next meeting. It is good to see the work programs that the council envisioned in the budget begin to get some wheels.

Council member Spatola asked about the status of the Stone Bridge.

The contractor told Mr. Dougherty that it was supposed to be finished several weeks ago.

Engineer Elliot commented that she was just waiting for the Bond Ordinance to be adopted. She has been working on preliminary information on the water main project and road project; the tennis court resurfacing and the side walk replacement along W Washington Ave.

## **PUBLIC COMMENT SESSION**

Bernard Frotton- reminded everyone about the parade on Monday, which will begin in the Harbor at 11:00. If it rains there will be a Memorial Service at the Elementary School. He also invited the Administrator and Attorney to walk in the parade if the desired to do so.

Police Chief Vasto- reported on parking problems on 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Avenues. They removed about eight cars and spoke with the owners personally, encouraging them to park in the Holly Tree lot.

Mike Rybeck-North Ave-spoke on the building traffic along Sears Ave and East Washington. He tough someone would look into it and get back to them with what the resolution would be.

Mickey Rast-49 Eighth Ave- asked Council member Fligor if the hook up fees would apply to a rebuilt structure.

Mike Rybeck-explained that the Sewer Authority would review the standards of application for the connection fees.

Joseph Hawley-25 ocean Blvd- questioned a notice he received regarding testing on his property in regards to the rebuilding of the burned down building on First Ave.

Allan Dean-Second Ave- spoke on the 2002 Borough survey and the Harbor Advisory Committee reporting on the expeditious acquisition of the Giuliani property and questioned what this administration has done to move expeditiously to acquire that property. He also asked about the report from PEOSHA. He also mentioned that there were two gentlemen from Brazil that left on a catamaran to Greenland and hopes they will keep him in their prayers as well. He commented on taxes in town be extremely high and finds it disturbing that this Council has refused to cut the school tax bill.

Mickey Rast-49 Eighth Ave-feels that this discussion goes on every month and is ridiculous. She asked Mr. Dean where he was when the attorney's bill fighting Gate Cottage was \$300,000.

Joseph Hawley-Ocean Blvd- asked if this Council would put forth a resolution opposing the closing of Fort Monmouth.

Mary Wall-79 Ocean Blvd-commented on Gate Cottage and the attorney bills and the Council agreed to spend that money and she feels it was money well spent. The council decides how the money should be spent and Mrs. Rast's husband was at very meeting opposing the spending of that money.

## **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) Discussion of possible land acquisition for a new library.

Mr. Harris read this resolution in full. It was offered and moved for adoption by Council member Nolan at 9:45 PM, seconded by Council member Fligor and adopted by the following vote.

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

NAYS:

**RECONVENE** - At 10:30 PM the meeting was resumed.

**ADJOURN** - There being no further business before the Mayor & Council, Council member Noonan moved to adjourn the meeting at 10:32 PM, the motion was seconded by Council member Fligor and unanimously approved.

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The Governing Body approved these minutes at their Regular Meeting on June 22, 2005.

Dwayne M. Harris  
Municipal Clerk