



# MAYOR AND COUNCIL MEETING FEBRUARY 22, 2006

A Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands will be held February 22, 2006 at 7:30 PM in the Borough Hall, 100 First Avenue Atlantic Highlands NJ. This meeting is in compliance with the Open Public Meetings Act. Adequate notice has been provided by transmitting the Resolution of Annual Meetings to the Asbury Park Press and the Courier, by posting it in the Borough Hall on a bulletin board reserved for such announcements and by filing it with the Municipal Clerk of Atlantic Highlands, on 1/04/2006. This agenda is complete to the extent known and formal action will be taken.

1. Silent prayer
2. Pledge of allegiance
3. Roll call
4. Approval of previous meeting minutes – February 08, 2006
5. Reports – Council, Administrator, Professional, Other
6. Comments from the Public
7. Unfinished Business:  
NONE
8. New Business:
  - a. Resolution 050-2006, Naming JIF Commissioner
  - b. Resolution 051-2006, Creation of Recreation Trust Fund Dedication by Rider
  - c. Resolution 052-2006, Refunding Overpayment of Taxes
  - d. Resolution 053-2006, Authorizing Mosquito Commission to Perform Aerial Treatment
  - e. Resolution 054-2006, Appointing John Giordano to Sanitation
  - f. Resolution 055-2006, Appointing Joseph Thornton to Harbor Maintenance
  - g. Resolution 056-2006, Emergency Temporary Appropriations
  - h. Resolution 057-2006, Transfer of Funds
  - i. Resolution 058-2006, Payment of Bills
  - j. Ordinance 04-2006, Amending Chapter 3 of the Revised General Ordinances  
Introduction and First reading
9. Executive Session
10. Adjourn



## MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF FEBRUARY 22, 2006

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on February 22, 2006 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, Doyle, Fligor, Ladiana, Nolan, and Spatola. Borough Attorney Reilly, Borough Engineer Robert Bucco, and Municipal Clerk Harris were also present. Administrator Hubeny 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 1/4/2006. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

### APPROVAL OF MINUTES

Regular Meeting -February 08, 2006

Council member Archibald made a motion for the approval of the above minutes. It was seconded by council, member Fligor and carried by the following vote:

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

NAYS:

### REPORTS - COUNCIL MEMBER, COMMITTEE, PROFESSIONAL

Council member Ladiana reported the county awarded a grant to the Borough, in the amount of \$250,000.00 for use towards open space. She had requested these funds with the help of Joe McGinty of Birdsall, and the Environmental Commission. She is happy that the County is on our side in the acquisition of open space. She further reported the Categorical Exclusion Documents, that were a part of the process for the Bayshore Trails money awarded in 1996, have been reviewed. We received a letter from Laura Rappley stating the process has been complete so the funding will be released. We will receive an additional \$200,000 for the Wagner Creek mitigation along with the \$366,000.00 March 18<sup>th</sup> will be the ground breaking ceremony for the Wagner Creek mitigation. We will be focusing on getting as many bicycles to Wagner Creek as possible. That will symbolize the connection between the Wagner Creek mitigation, which is a necessary requirement before the beginning of the construction, and the Bayshore Bike Trail. Earth Day will be April 22<sup>nd</sup> and the Environmental Commission is still in the planning stage. This year the focus will be around Wagner Creek and the hobbie cat beach. Mick Burke along with Jackie Royce is rebuilding the info boxes along Many Mind Creek. The will have a permanent display on the. She reported the Elementary School is having their Chance Auction on March 31<sup>st</sup> at Gibbs Hall on Fort Monmouth.

She made a request of Mr. Reilly to conduct a workshop, for this Council, on the State Pay-to-Play laws. A date of March 22, 2006 at 6:30pm was agreed upon.

Attorney Reilly feels that the topic should cover both the local and state requirements. As each party goes into the next election cycle and the next appointment cycle, it is good to know in advance, the different ways to do it. Certainly he would be able to put something together that can be discussed for a half hour and if you have any questions we can talk about it again.

Council member Fligor attended a Meet the Mayors session of the Northern Monmouth Chamber of Commerce and Conference of Mayors. They honored "Friends of the Navesink" for preserving over 100 acres of property in Middletown and Atlantic Highlands. He reported that the Earth Day committee would be meeting on February 27<sup>th</sup>. He also attended a meeting with the JIF, in Hazlet, with Mrs. Spatola, Mr. Doyle, Mrs. Ladiana and the town will receive a \$1,000 credit on it's insurance premium. He reported that he was currently working on a brochure for the Marina Program for the Harbor. He had also met with NJNG who will be contracting to clean the tide gates on Highland Ave, so that will hopefully relive some flooding in that area. The Borough yard is being planned for pavement in the summer when it is nice and hot. We are still waiting for NJ DEP approval for the Sodon property.

Council member Nolan reported that Councilman Fligor covered the Sewer Authority meeting for him. The Administrator now has a permit to look at Highway 36 and First Ave to try to find

the leaks there. The sewer Authority has given us preliminary approval for our grants for 2006-2006.

Council member Doyle reported that the recent storm had damaged the pier for Sea Streak. Harbor personnel did the repairs. The Harbor commission is also looking at restructuring their fee payment schedule for 2007, to help out the timing with the boaters. The Harbor Commission will also be working with our engineers to try and obtain permits, from the state, to extend the piers and add some berths. He also reported the finance Committee is about 50% done with the preparation of the budget.

Council member Spatola mentioned the First Aid Squad has prepared a membership informational flier that will be distributed, as a kick off for their membership program. She mentioned that Michael Delatorre is their newest member.

Council member Archibald reported that the recreation committee met with the counselor from last year, who made several suggestions that he would like to see for this year's program, including an assistant director. He believes there is already \$1,000 in the budget for this purpose, and they may ask for an additional \$500 or \$1,000 for this purpose. They feel it would be beneficial to have two adults over 21 in charge. Being a trustee of the AHSEP, he believes that they will be receiving good news very soon regarding the grant application for funding from I boat NJ program. They will hopefully receive about \$60,000, which will give them a big jump-start. He reported that June 26 and 27<sup>th</sup> the NJ State Opti-Sailing race, will be held here in the Borough. The catamaran club is sponsoring it. He commented that he had been working with the engineer on the Conifer property. They were supposed to meet but they were waiting on revised plans that were not received until last evening. He asked Mr. Bucco to disclose what he can about the concerns he has, from both our point of view and Middletown's point of view.

Mr. Bucco commented that it is basically the drainage. They submitted plans with a revised basin, trying to meet the requirements of the new Stormwater regulations. He is not really comfortable with the proposal as it relates to the drainage. There would be underground storage tank underneath one of the baseball fields, and he is not real happy with that. He suggests that they come back with more information prior to considering this proposal for drainage. This proposal would require another series of meetings, before we could move forward.

Council member Archibald mentioned the decision to put our ports in the hands of a foreign country and asked for a resolution backing the Governor in his actions. We are close by and could be affected by this.

He finally remarked that he would like to go back to having a second public comment session, one prior to executive session and after our new business.

Mayor Donoghue reported, on behalf of Administrator Hubeny, the NJ PEOSHA had met with the Administrator and will begin inspecting Borough buildings on the first of March. He reported on Bayside Dr needing repair and the need to open up the Highlands side of the road. Highlands is preparing to reopen their end. We will give two-day notice to residents before we close off our side of the road. He further commented that some information has been received on the synthetic ice rink mentioned several meetings ago. This information has been turned over to the Harbor commission for consideration. Regarding the possible renewal of the cable franchise, we have been in contact with Verizon and will be meeting with them in early March.

Engineer Bucco had no further reports. He did comment on the situation of the clarifier at the request of Mayor Donoghue.

Attorney Reilly will reserve his matters for Executive session.

#### **PUBLIC COMMENT SESSION**

Joseph Hawley-25 Ocean Blvd-wanted to thank Mr. Archibald for brining up the situation on the ports and suggesting the governing body do a resolution. He stated he was in the company of the Giuliani brothers and they received a letter that the Borough wants to meet with them and his question is who is going to be meeting with the family members to discuss the transaction? He asked if the Open Space committee would be involved? He asked if the Borough was willing to come up with the monies to clean up the property if it were found to be contaminated? He thinks its great the town got the money and feels council members Archibald and Spatola should be commended because they spent time speaking to the Freeholders also. He reported Roberta McAntee was gravely ill in the hospital.

Mike Harmon-Bonnie Brae Path- commented that he has been asking about the Conifer project and sketch five, since November and wanted to know if the sketch was available. He does not see how the Borough can be reviewing the plan that Conifer had submitted without sketch five. He has received a letter that Conifer is before CAFRA with this drainage plan. He has seen this

happen before, where the developer will go to CAFRA, get their approval, then come before the town stating they can't change the plans because they already have their permit from CAFRA. His bottom line point is, he does not feel Conifer should have submitted any plan to CAFRA without them first being approved by Atlantic Highlands and Middletown.

Jane Frotton- Chairman of the Atlantic Highlands Harbor Commission- commented that she too was aware of the meeting with the Giuliani brothers. She offered her assistance to be there at the meeting. She has sat in, on a number of occasions, meetings with the Giuliani brothers and feels she has a lot of input to it and her services would be valuable at that meeting. She also feels that since the Harbor is the so-called "money source", since they have floated a bond prior to this administration, the Harbor has been very involved and it effects "our" money at the Harbor, it is very important that either the chairman or Mr. Hoffman be at that meeting.

Ed Cetron- Auditorium Drive- wanted to go on the record with his disappointment with everyone who allows politics or personalities and arguments get in the way of us doing the right thing to get this property. He does not want his taxpayer dollars being misused because any on, two or three of you [Governing body members] can't agree to put the best people we have in that negotiation meeting.

Ed Mahoney- Asbury Ave-agrees that this discussion should be held in executive session, and not be open to the public because we would not get the best deal as a Borough. As far as the Harbor Commission being at the meeting, that is at the discretion of the Mayor. He would suggest someone with Mr. Doyle's background be there, if you so decided. The Harbor has a long history of not acquiring this property. We do not know if those negotiations were friendly or unfriendly. We don't want to go into negotiations with unfriendly people. Wes should not assume that the negotiations in the past have been good. He also agreed with Mr. Archibald's suggested resolution regarding the acquisitions of these harbors. He does not trust the Federal government to watch our security on something like that and he is very opposed to it. He finally commented on the importance of Pay-to-Play and questioned what Mr. Archibald's concerns are about the legal fees.

Mary Wall-79 Ocean Blvd- asked if there was date for the workshop for the ordinance, so we could all learn the difference between a statute and an ordinance, and would the public be allowed to attend.

John White -Center Ave - expressed his disappointment, over the last twenty minutes, sitting here seeing a clash of egos. Everybody seems to want to get a little credit for what is being done. You all represent the town, you certainly know how important this is, you are intelligent people and I expect you to get together and work this out, send the best team to negotiate and do what has to be done. You should be working for the best interest of the town, not buttering your egos.

Rich Margolis- Ocean Blvd- commented that he too would like to see a second public comment session after the ordinance was voted on. He wants to make sure that once Middletown or this town starts litigation over that Conifer property, that both the attorney and the engineer would be out of the picture.

Mike Harmon- Bonnie Brae Path- commented that he understands that Middletown and this town have been on the same page for years, but now there is another agency involved, the State, and how do you stop anything that is going to the State.

#### **NEW BUSINESS**

##### **RESOLUTION 050-2006, NAMING JOINT INSURANCE FUND COMMISSIONER**

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, Doyle, Fligor, Ladiana, Nolan and Spatola

NAYS:

##### **RESOLUTION 051-2006, CREATION OF RECREATION TRUST FUND**

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

Council member Nolan explained how this would allow recreation to utilize funds received for tickets and fees for trips to be utilized during the year in which the costs are incurred.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 052-2006, REFUNDING OVERPAYMENT OF TAXES**

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, Doyle, Fligor, Ladiana, Nolan and Spatola

NAYS:

**RESOLUTION 053-2006, AUTHORIZING COUNTY MOSQUITO COMMISSION TO PERFORM AERIAL TREATMENT**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 054-2006, APPOINTING JOHN GIORDANO TO SANITATION**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 055-2006, APPOINTING JOSEPH THORNTON TO HARBOR MAINTENANCE**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 056-2006, EMERGENCY TEMPORARY APPROPRIATIONS**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 057-2006, TRANSFER OF FUNDS**

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

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 058-2006, PAYMENT OF BILLS**

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

This resolution was adopted by the following vote.

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

NAYS:

**ORDINANCE 04-2006, AMENDING CHAPTER III OF THE REVISED GENERAL ORDINANCES-DEALING WITH ABANDONED VEHICLES**

This Ordinance was read by title and moved for Introduction by Council member Fligor, then seconded by Council member Nolan.

Council member Spatola questioned the definition of abandoned in regards to private property, and if a car can be considered abandoned on private property.

Chief Vasto explained that it has to have good plates and insurance, and be in working condition, even on private property. He explained that you could get a permit within the first thirty days to do repair work and get it running.

It was approved by the following vote.

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

NAYS:

It shall be published in an official newspaper and a public hearing shall be held on March 08, 2006.

**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) Property Acquisition-McConnell & Giuliani
- 2) Pending Litigation-Palmar/Gulf

Mayor Donoghue read this resolution in full. It was offered and moved for adoption by Council member Nolan at 9:00 PM, seconded by Council member Ladiana and adopted by the following vote.

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

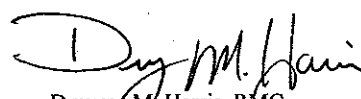
NAYS:

**RECONVENE** - At 10:20 PM the meeting was resumed.

**ADJOURN** - There being no further business before the Mayor & Council, Council member Ladiana moved to adjourn the meeting at 10:20 PM, the motion was seconded by Council member Spatola and unanimously approved.

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The Governing Body approved these minutes on March 08, 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 050-2006

### NAMING JOINT INSURANCE FUND COMMISSIONER

WHEREAS, N.J.S.A. 40A: 60-5 provides that the Mayor nominate, and with the advice and consent of Council, appoint all subordinate officers of the Borough; and,

WHEREAS, it is necessary to designate certain duties and assignments to comply with the Statutes, Administrative Code and directives of the State of New Jersey, County and other requirements; and,

WHEREAS, since is the Borough's desire to have the Administrator serve in the capacity as Joint Insurance Fund Commissioner,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that Adam Hubeny will serve as the Joint Insurance Fund Commissioner for the Borough of Atlantic Highlands for the calendar year of 2006.


This Resolution was offered and moved by Council member Nolan, seconded by Council member Ladiana and adopted on February 22, 2006 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 22, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 23rd day of February 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 051-2006

### REQUESTING PERMISSION FOR THE CREATION AND USE OF TRUST FUNDS DEDICATION BY RIDER FOR RECREATIONAL PURPOSES

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or money by dedication by rider; and,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that:

1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provision of N.J.S.A. 40A: 4-39, as amended by P.L. 1999, c.292, for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating municipal "fee-based" recreation programs.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

This Resolution was offered and moved by Council member Nolan, seconded by Council member Spatola and adopted on February 22, 2006 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 22, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 23rd day of February 2006.

Dwayne M. Harris, RMC  
Municipal Clerk





## RESOLUTION 052-2006

### REFUNDING OF TAXES

WHEREAS, the mortgage company, having satisfied the property tax obligations for the fiscal year of 2005, now reflects an overpayment, made by the mortgage company,

Countrywide Tax Service Corporation  
1757 Tapo Canyon Road  
Suite 300  
Simi Valley, CA 93063

For Block 64, Lot 4.01 - 78 Wesley Ave, Atlantic Highlands, NJ 07716, for said year:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey, that the Tax Collector, Chief Financial Officer and any other appropriate official be and is hereby authorized and directed to refund the overpayment of taxes for the fiscal year of 2005 in the amount of \$2007.24,

This Resolution was offered and moved by Council member Archibald, seconded by Council member Nolan and adopted on February 22, 2006 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M, Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 22, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 23rd day of February 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 053-2006

### AUTHORIZING THE MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION TO PERFORM AERIAL SURVEILLANCE AND TREATMENT

WHEREAS, the Monmouth County Mosquito Extermination Commission anticipates the resumption of its aerial surveillance and treatment program on or about March 15, 2006 and continuing through November 30, 2006; and,

WHEREAS, Aerial spraying is also a tool for controlling adult mosquitoes, found to be carrying the West Nile and other mosquito borne viruses, used in swamp and wetland areas and also where truck mounted spraying is ineffective because large areas are inaccessible; and,

WHEREAS, regulations of the Federal Aviation Administration require that this Commission obtain written approval from the local governing body where operations are conducted,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that The Monmouth County Mosquito Extermination Commission is authorized to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Atlantic Highlands, found to have a significantly high mosquito population and may present either a public health, nuisance or disease factor.

BE IT FURTHER RESOLVED that The Monmouth County Mosquito Extermination Commission shall notify the local police department prior to each and every application.

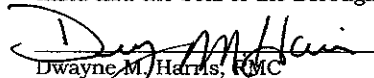
This Resolution was offered and moved by Council member Spatola, seconded by Council member Nolan and adopted on February 22, 2006 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 22, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 23rd day of February 2006.

  
Dwayne M. Harris, M.C.  
Municipal Clerk



## RESOLUTION 054-2006

### APPOINTING JOHN J. GIORDANO TO THE SANITATION DEPARTMENT

WHEREAS, there exists a need to fill a vacancy in the Sanitation Department created by the resignation of Edwin Rodriguez; and,

WHEREAS, the position was duly posted under the "Post and Bid" provisions contained in the current Labor contracts between the Borough and the Municipal Unions; and,

WHEREAS, there were no bidders from the unions under "Post and Bid" procedures, thus allowing the Borough to fill the vacancy from outside union ranks; and,

WHEREAS, following the interview of potential applicants, the Borough Administrator has recommended the appointment of John J. Giordano to the Sanitation Department in the grade of Maintenance Employee I, at a salary of \$25,000.00, as set forth in the Municipal Employees Association Contract;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey that the appointment of John J. Giordano to the Sanitation Department effective February 27, 2006 is hereby approved.

BE IT FURTHER RESOLVED that Mr. Giordano will serve a 90 day probation period as per Union contract with the Borough.

This Resolution was offered and moved by Council member Nolan, seconded by Council member Archibald and adopted on February 22, 2006 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 22, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 23rd day of February 2006.

  
Dwayne M. Harris, RMCC  
Municipal Clerk



## RESOLUTION 055-2006

### APPOINTING JOSEPH THORNTON TO HARBOR MAINTANENCE

WHEREAS, there exists a need to fill a vacancy in the Harbor Maintenance Department created by the resignation of Jon Brittingham; and,

WHEREAS, the position was duly posted under the "Post and Bid" provisions contained in the current Labor contracts between the Borough and the Municipal Unions; and,

WHEREAS, there were no bidders from the unions under "Post and Bid" procedures, thus allowing the Borough to fill the vacancy from outside union ranks; and,

WHEREAS, following the interview of potential applicants, the Borough Administrator has recommended the appointment of Joseph Thornton to the Harbor in the grade of Maintenance Employee I, at a salary of \$24,000.00, as set forth in the Municipal Employees Association Contract;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey that the appointment of Joseph Thornton to the Harbor Department effective February 21, 2006 is hereby approved.

BE IT FURTHER RESOLVED that Mr. Thornton will serve a 90 day probation period as per Union contract with the Borough.

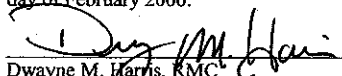
This Resolution was offered and moved by Council member Fligor, seconded by Council member Doyle and adopted on February 22, 2006 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 22, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 23rd day of February 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 056-2006

### EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, an emergency condition has arisen with respect to the fact that the Borough has yet to adopt its 2006 budget and no adequate provision has been made in the 2006 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A: 4-20 provides for the creation of an emergency temporary appropriation for the above mentioned; and,

WHEREAS, the total emergency temporary resolutions adopted in the year 2006 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total \$ 2,167,101.00; and,

NOW, THEREFORE, BE IT RESOLVED, (by not less than two-thirds of all the members thereof affirmatively concurring) by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A: 4-20;

1. An emergency temporary appropriation be and the same is hereby made for the following line items:

#### CURRENT:

Utilities - Natural Gas - Other Expenses	\$10,000.00
Total Current subject to NJSA 40A: 4-20	\$10,000.00

#### CURRENT not subject to NJSA 40A: 4-20

Capital Improvements-Purchase of Computers	10,000.00
Debt Service:	
Principal on Bonds	257,000.00
Principal on MCIA Lease Program	83,400.00
Principal on Notes	81,000.00
Interest on Bonds	326,360.00
Interest on MCIA Lease Program	25,380.00
Interest on Notes	69,385.00
Green Acres Trust Principal & Interest	9,330.00
Total Current not subject to NJSA 40A:4-20	\$861,855.00

<b>TOTAL ADDITIONAL TO CURRENT</b>	<b>\$871,855.00</b>
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#### WATER and SEWER UTILITY:

Debt Service:	
Principal on Bonds & Loans	238,400.00
Principal on Notes	12,217.00
Interest on Bonds	142,000.00
Interest on Notes	15,065.00
TOTAL ADDITIONAL TO WATER-SEWER UTILITY	\$407,682.00

#### HARBOR UTILITY:

Debt Service:	
Principal on Bonds	285,000.00
Interest on Bonds	226,225.00
Interest on Notes	6,230.00
TOTAL ADDITIONAL TO HARBOR UTILITY	\$517,455.00

2. That said emergency temporary appropriation would be provided for in the 2006 Municipal Budget.

3. That one certified copy of this resolution is filed with the Director of Local Government Services.


This Resolution was offered and moved by Council member Nolan, seconded by Council member Spatola and adopted on February 22, 2006 as follows:

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

**NAYS:**

ABSTAIN:

I, Dwayne M, Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 22, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 23rd day of February 2006.

  
Dwayne M. Harris, RMCC  
Municipal Clerk



# RESOLUTION 057-2006

## TRANSFER OF FUNDS

WHEREAS, various 2005 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2005 Budget Appropriation Reserve in the last two months of 2005; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Atlantic Highlands that the transfers in the amount of \$15,685.00 be made between the 2005 Appropriation Reserves as follows:

### CURRENT FUND

	<u>FROM</u>	<u>TO</u>
Operations within "CAPS"		
Tax Assessment		
Other Expenses	\$2,540.00	
Tax Appeals		
Other Expenses	2,800.00	
Court		
Salaries and Wages	2,220.00	
Public Defender		
Salaries and Wages	2,000.00	
Public Defender		
Other Expenses	225.00	
Recycling		
Other Expenses	840.00	
Public Library		
Salaries and Wages	680.00	
Environmental Commission		
Other Expenses	790.00	
Telephone		
Other Expenses	1,590.00	
Social Security		
Other Expenses	2,000.00	

Police		
Other Expenses		55.00
Buildings and Grounds		
Other Expenses		990.00
Planning Board		
Other Expenses		6,385.00
C.O.A.H. Planner		
Other Expenses		2,205.00
Affordable Housing		
Other Expenses		6,050.00
Total	\$ 15,685.00	\$15,685.00

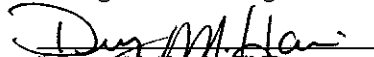
This Resolution was offered and moved by Council member Nolan, seconded by Council member Doyle and adopted on February 22, 2006 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M, Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 22, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 23rd day of February 2006.

  
Dwayne M. Harris, BMC  
Municipal Clerk





# RESOLUTION 058-2006

## PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated February 03, 2006 which totals as follows:

Current Account	\$348,782.70
Water & Sewer Account	\$45,855.46
Harbor	\$96,316.00
General Capital	\$18,896.20
Water Capital	\$365.00
Harbor Capital	\$26,446.39
Animal	\$0.00
Trust	\$5,983.14
Unemployment	\$0.00
Many Mind Stewardship Grant	\$208.50
MCIA Lease	\$
<b>TOTAL</b>	<b>\$ 516,407.00</b>

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, that these vouchers, totaling \$516,407.00, be paid to the persons named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers. An individual listing of all bills submitted has been posted on the bulletin board and is also on file in the Municipal Clerk's office for reference.

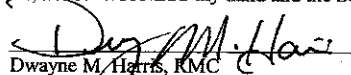
This Resolution was offered and moved by Council member Doyle, seconded by Council member Archibald and adopted on February 22, 2006 as follows:

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

NAYS:

ABSTAIN:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 22, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 23rd day of February 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## ORDINANCE 04-2006

### AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3-POLICE REGULATIONS- OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ATLANTIC HIGHLANDS

BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey that

Chapter 3, *Police Regulations*, Article 2, *Abandoned Motor Vehicles*, of the Revised General Ordinances of The Borough of Atlantic Highlands is hereby amended to read as follows:

#### 3-2 ABANDONED MOTOR VEHICLES. 3-2.1

**Definitions.** As used in this Section:

*Abandoned* shall mean, with respect to public streets, private property, public highways and public property, any vehicle which:

- a. Is parked out of doors without the current year's registration or identification markers as required by law, or
- b. Is so disabled as to constitute an obstruction to traffic, and the driver or person owning or in charge thereof neglects or refuses to move the same to a place where it will not obstruct traffic, or,
- c. Is found to be mechanically inoperative, or
- d. Is found without one (1) or more tires

*Motor vehicle* shall mean automobile, omnibus, road tractor, trailer, truck, truck-tractor and vehicle as defined in N.J.S.A. 39:1-1.

**3-2.2 Abandonment Prohibited:** It is unlawful to abandon a motor vehicle on any public street or highway of the Borough or on any property, which is owned, leased, or maintained by the Borough or to abandon, permit or suffer the abandonment of any motor vehicle on any private property unless garaged. ~~This section shall not apply to a commercial property on which is conducted a duly licensed and authorized automobile and/or truck repair business. (Ord. No. 548; Ord. No. 29-93 §4)~~

**3-2.3 Exceptions-** this section shall not apply to any owner of a motor vehicle who has received a Permit for Motor Vehicle Sale or Repair, issued upon written application and acceptance of same, from the Code Enforcement officer or designee, for those circumstances where:

- a. Sale - a single Motor vehicle is being held for sale, by the owner, for a period not to exceed (30) thirty-days, during

the 365 day period from the initial date of offering, unless extended by permit from the Code Enforcement Officer as outlined in section 3-2.4

- b. Repair - a single Motor vehicle is being held for repair for a period not to exceed (30) thirty- days from the original date of disability, becoming mechanically inoperative, or while waiting for appraisal as a result of an insurance claim, unless extended by permit from the Code Enforcement Officer as outlined in section 3-2.4.
- e. Commercial Establishment - motor vehicles are being stored on the private, commercial property on which a duly licensed and authorized motor vehicle repair facility, is being operated, unless extended by permit from the Code Enforcement Officer as outlined in section 3-2.4.

**3-2.4 Extensions.** A permit may be issued by the Code Enforcement Officer for an extension of the time periods set forth in this section 3-2.3, upon written application and acceptance of same and upon the payment of the following fees:

- a. Initial (30) thirty-day extension permit: \$25.00.
- b. Additional (30)thirty- day extension permit: \$50.00
- c. Additional extension: No extension shall be granted past (60) sixty-days

**3-2.5 Removal by Police Department** Whenever any member of the Borough Police Department finds any motor vehicle abandoned on any public street, public highway or public property, he may take possession by removing it to such place as may be designated by the Chief of Police or by securely placing a written notice on the motor vehicle which states that the Borough Police Department has taken possession and the motor vehicle shall be removed from the public street, public highway or public property.

Repealer: All prior Ordinances, or portions thereof, inconsistent with this Ordinance are hereby repealed.

This Ordinance shall take effect immediately upon final its final passage and publication as required by law.

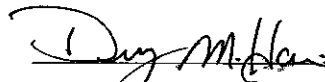
Mayor Donoghue introduced this Ordinance and, after First Reading Council member Fligor moved for approval. It was seconded by Council member Nolan and approved by the following vote.

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

The Second Reading, Public Hearing and possible adoption is scheduled for March 08, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 22, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 23rd day of February 2006.

  
Dwayne M. Harris, RMC