



# MAYOR AND COUNCIL MEETING JANUARY 25, 2006

A Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands will be held January 25, 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 -
  - a. January 01, 2006
  - b. January 11, 2006
5. Reports - Council, Administrator, Professional, Other
6. Comments from the Public
7. Unfinished Business:
  - Ordinance 01-2006- Salary Ordinance
  - Second Reading, Public Hearing and Possible Adoption
8. New Business:
  - a. Ordinance 02-2006- Establishing Affordable Housing Development Fees
    - i. Introduction & First Reading
  - b. Ordinance 03-2006- Raising Maximum Penalties for Violating Borough Ordinances
    - i. Introduction & First Reading
  - c. Resolution 035-2006, Transfer of Funds
  - d. Resolution 036-2006, Adopting Employee Supplemental Insurance Plan
  - e. ~~Resolution 037-2006, Appointing Co-Public Defenders (WITHDRAWN)~~
  - f. Resolution 038-2006, Adjustments to Sewer Utility Bills (AMENDED)
  - g. Resolution 039-2006, Certification and Approval of LOSAP Recipients (AMENDED)
  - h. Resolution 040-2006, Payment of Bills- Total \$103,674.42
  - i. Resolution 041-2006, Appointments to Recreation Committee
9. Consent Agenda- (These Items will be enacted on as one unless individual discussion is required)
  - a. Raffle License 3339-06, Leonardo Grade School PTA- Off Premise 50/50 - March 10, 2006
  - b. Raffle License 3340-06, Leonardo Grade School PTA- On Premise Gift Auction - March 10, 2006
10. Executive Session
11. Adjourn



## MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF JANUARY 25, 2006

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on January 25, 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. Administrator Hubeny, Borough Attorney Reilly, Borough Engineer Robert Bucco, and Municipal Clerk Harris were also present.

Mr. Harris stated that notice of this meeting has been transmitted to the Asbury Park Press and the Courier, continuously posted in the Borough Hall on a bulletin board reserved for such announcements, and filed with the Municipal Clerk of Atlantic Highlands, on 1/3/2006. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

### APPROVAL OF MINUTES

Mayor Donoghue called for the approval of minutes from the last two meetings. He commented that he has requested some clarifications in the minutes of January 1st and asked that only the minutes of January 11<sup>th</sup> be considered.

The motion was offered and moved for adoption by Council member Archibald and seconded by Council member Nolan.

Council member Ladiana commented that she was incorrectly identified as a member of the Finance Committee, under comments for Ordinance 1-2006, and asked for the correction to be made.

This motion passed by the following vote.

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

NAYES:

The Executive Session minutes for January 11, 2006 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 Ladiana reported that the Environmental commission meeting was last Thursday. They are beginning the plans for Earth Day 2006, which is on April 22<sup>nd</sup>. Paul Boyd is working on getting the signs for Green Acres put up. She also attended the Regional Stormwater Management meeting on Tuesday. The County has made a lot of progress. We are scheduled to adopt our Storm water Control ordinance by April of this year. The Harbor has to adopt their Stormwater Management Plan by April 1<sup>st</sup> of this year and an Ordinance by April of 2007.

Council member Archibald if the Harbor is aware and if they have a copy of what they need to do?

Council member Ladiana replied that Bob Mainberger was working on it last year is approximately 80% complete. He will be continuing to work on it.

Council member Fligor reported that he met with Mr. Bate, Hoffman and Doyle and took a tour in the Harbor; they have a clean Marina meeting coming up in February Wickburg Construction will begin working on Pier 3. He reported the Personnel Committee would be meeting tomorrow and K. Hovnanian is still being heard in the Planning Board. He presented a calendar from Eatontown that he felt was informative and he would like to see Atlantic Highlands do something similar.

Administrator Hubeny stated he would speak to the Administrator in Eatontown to get the information as to who put it together.

Council member Ladiana commented that Joe Reynolds is a part of the Bayshore regional Watershed Council, that has submitted an expression of interest to the I-Boat NJ Program, to get funding up to \$20,000.00 to work on a regional Dredge Management Plan.

Council member Nolan reported that we are still awaiting the DOT approval to deal with the storm drains on First Ave and Route 36. When they did the smoke testing that is where most of the smoke came from. They are going to check and see if the County or State is connected into our sewer system, then get in and correct it. The Borough has satisfied the requirements for the 2004 grant of \$70,000.00. The 2005 application is in process as well as the Five-Year Plan. The percentage of flows for 2005 went up .6% from last year. He further reported that he and Council members Fligor and Doyle took a tour of the Water Plant. He commented that they have great equipment that still works that has been there since the 1930's. They are still having issues with the clarifier tank sliding.

Council member Archibald reported that he attended the Environmental Commission meeting. Recreation held their Reorganization meeting last Thursday. Zena Kammers is the new Chairman. They are working on their calendar of events and should have their budget finalized by the next meeting. The basketball Program is well underway.

He reported that he and Council member Nolan met with Chief Vasto, and they are going to arrange a time to go over his budget proposal.

Council member Spatola reported Tom Stone was named a Life Member of the Atlantic Highlands First Aid, at their meeting on January 17<sup>th</sup>.

Council member Doyle reported that Adam is in full swing with the budget, meeting with department heads next week. They hope to sit down in early February to start sensitizing the numbers. Council member Nolan commented that we had difficulties last year with the budget, delaying the commencement of our capital projects. He is hopeful that whether they give us extensions or not, that we won't need them. Administrator Hubeny commented that the Borough has already been in touch with the Division of Local Finance, making them aware of our situations. They are providing us with help, as well as our auditor, Mr. Farrell, who is giving us great assistance.

Administrator Hubeny reported the Fire Marshall's office received a defibulator on a grant, worth about \$5,200.00. He mentioned that the Fire Dept. would be giving one to Borough Hall to put in this building. Tom Stone, who is a certified instructor, will train the Borough employees. He further mentioned that we still dealing with the issues on Sears Ave and Mr. Reilly and Mr. Bucco are working with the Borough trying to resolve those issues. Bayside Drive is getting worse and he has been in touch with the county engineer and the Highlands administrator, David Gilson. The county has developed a plan to fix the Highland's side and close off Bayside Dr. on our side, right at this incident. There is no easy, short-term resolution to this problem. He will be meeting with Mr. Bucco and Ms. Elliott to transition projects from Birdsall to T&M. He mentioned he and the Mayor had a meeting with the people from Smart Growth. We have a 2003 grant that will be reimbursing us for work that we have done throughout the year. He mentioned AHNJS has a \$20,000 matching grant that we must apply for, if we decide to, by February 15<sup>th</sup>.

Bernard Reilly commented on remarks made by Council member Ladiana made at the reorganization meeting relative to his 9-year experience as the Borough Attorney. He listened to the tape and the comments that as made were centered on Green Acres acquisitions made for the Lenape Woods Park. The comments implied that there were improper procedures that some how led to the Borough losing money. The fact of the matter is that we acquired the property, we did not have a Greens Acres commitment, therefore when you don't have a Green Acres' commitment, you don't put the Green Acres' language in the deed, because you put restrictions on the property with no commitment that you will get the funding. The second reason, not to put the Green Acres restrictions in the original deed is that if in 50 or 100 years from now, if there is a change of heart if that property is to continue to be used as Green Acres property, you not only have to clear it up with the State, you have to go back to the original heirs that signed that deed. To avoid that is to do a second deed, at the point of commitment of Green Acres' funding, and that will avoid both problems. That is why it was done, it wasn't done by accident, it was deliberately because of those two reasons. Why there was a delay after he left, he has no idea. When Green Acres commits to funding the money, you re-execute a deed form the Borough to it, which is a minimal exercise. The inference that as a result of this and other problems that the legal bills went up a 100% after he left. He has indicated that it appears that the increase in attorney bills is relative to the contract and other things and not because of anything that he had done.

Council member Ladiana commented that she has copies of all of his billings back to December of 2000. He was billing us for the purchase of the Kennedy-Rowan property, and accepts the reason why there was no Green Acres language. The next piece of property was the Conifer Property, which you did not represent us on because there was a conflict of interest, was another deed without the Green Acre's language. As the Borough attorney, and part of the settlement agreement done in 2001, it specifically says Atlantic Highlands and Middletown will work towards getting Green Acre's funding. The next property was the Iler property, in July 30, 2002. She had gone to Freehold today and got copies of the original deeds signed of by Mr. Reilly, and copies of the corrected deeds filed by Mrs. Miller adding the Green Acre's language, and her question to Mr. Reilly is, that sometime between August of 2001 when the Rowan/Kennedy property was purchased, which you have identified in your bills as open space, why didn't you re-file corrected deeds and get that information so the Borough can submit that for reimbursement.

Mr. Reilly replied because as he explained, it is not done until the State commits to the funds. Council member Ladiana commented that the late Mr. Phair had sent everyone a letter, a status report; he had gotten from the State Green Acres, basically saying that the three pieces of property that were in various stages of documentations, as of April 27, 2004. They listed project numbers and files at Green Acres proving that they were approved at some time while you were still Borough Attorney. So her question to Mr. Reilly is as legal representative for this Borough, whose job is it to know this stuff? Once it was in the Borough's hand isn't it your job to correct the deed.

Mr. Reilly replied that he had nothing to do with Conifer because of ethical restrictions. Another attorney handled it; and there are still issues between Atlantic Highlands and Middletown. Council member Ladiana questioned why we were successful in filing the corrected deed and getting the reimbursement on the property, because we did what you didn't do.

Mr. Reilly explained that once Green Acres says they will lend you the money, then you do the corrected deed, because you don't do the corrected deed before they commit to loaning you the money, because you don't put the restrictions on the property before you have the commitment.

Council member Ladiana responded that the Borough had the commitment because this Council, Mr. Archibald, Mayor Harmon and Dave Palamara, sat here, when she was running for election, telling us that the State was holding up the money.

Mayor Donoghue commented that both parties have enunciated their feelings on this issue and asked if anyone else would like to jump in.

Council member Archibald commented that it was not Green Acres that drove up the legal costs of this Borough. The contract was changed...

Mayor Donoghue interjected that he is unsure what that has to do with the issue Mr. Reilly has brought up here, but do you honestly think there is a reason to flog this horse? The woman, you have successfully gotten rid of Mrs. Miller as the attorney, but this issue is dealing with the specific Green Acres thing. Mr. Reilly and Mrs. Ladiana have expressed their views on this issue and he feels that this is as far as it needs to go.

Council member Archibald commented that the retainer agreement was changed from 2003 to 2005 without members of Council knowing it. All of last year he got shouted down, and every single time he referred to the retainer agreement, he heard it was the exact same retainer agreement. It was not the exact same agreement. It allowed for excessive billing.

Mayor Donoghue replied to Mr. Archibald stating the fact is, everything you say is not necessarily fact. The fee agreement was signed off on January 3rd of last year. Everyone on the Council, at the time, should have known what the agreement said, and he again does not see the point in flogging this horse anymore. Mr. Reilly did not raise the issue of the fees. He raised the question of reimbursement and proper procedures.

Council member Archibald commented that many times in public, it was stated that agreements were the same. If there were a difference, we should have been made aware of the difference, and if nothing else, we should have been advised to hire another attorney to check to see if there was a new contract going in place. The whole thing is wrong and we should discuss our options in Executive Session.

Council member Nolan asked if we could get on for the benefit of the public. Both parties have had their say; lets get on with the business of the public.

Engineer Bucco had no extensive report; he recapped prior comments made by the Administrator.

#### **COMMENTS FROM THE PUBLIC**

Ed Cetron- Auditorium Drive- commented on his unsettling water bill this last quarter. After getting a print out from the point he purchased his property, he has determined that the estimating software is grossly inaccurate. All of his estimated bills over the years have been grossly inaccurate. He took what he showed his average should have been and compared it

Keansburg, Toms River, the State and the Federal Government and they all match. His comparison is based on what he thought he should have used and what the Government standard for the amount of water used in our particular environment. It shows that the estimating program picks a number roughly for a three or four person household, of 700ccf. The number by standard should be more like 2700 per quarter. Hopefully the new meters will reduce the need for estimation, you will still get a small number of misreads, but that number should be adjusted so residents don't get surprised every quarter when something like that happens.

Joseph Hawley-25 Ocean Blvd- commented on his concern the applications to obtain property on the West side of the Borough. He recently found an application has been made to obtain those properties and would like to suggest Mr. Kastening be invited to a public meeting so the people of the Borough can get on the record, what he is up to. He is promising money to the Borough that is unavailable. He is promising Port Authority money, which he has no right to do. A lot of people in this community feel that this money is already here. He suggests we invite him to a meeting so the people in the community can ask him what is going on.

Mike Rybeck- North Ave- asked if Atlantic Highlands could get a temporary Ice Skating Rink, with artificial ice, like the kind that he had seen in Long Branch over the Holidays.

Rich Margolis- 264 Ocean Blvd- asked if there was any information on the Hofbrauhaus being purchased.

Allan Dean- Second Ave- commented on the new format of the agenda with one public comment session. He feels the two comments sessions provided the opportunity for the public to speak prior to any activity as well as an opportunity to speak at the conclusion of the evening, to express their concerns or raise other issues. He would like to see that format reinstated.

**UNFINISHED BUSINESS**

**ORDINANCE 01-2006, SALARY ORDINANCE**

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 Archibald, seconded by Council member Nolan and unanimously approved.

**PUBLIC HEARING**

No member of the public came forward.

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

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

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

NAYS: Council member

ABSTAIN: Council member Fligor

**NEW BUSINESS**

Mayor Donoghue explained Ordinance 02-2006 would not be considered until COAH has completed all of its reviews and proposes and changes.

**ORDINANCE 03-2006, RAISING MAXIMUM PENALTIES FOR VIOLATING BOROUGH ORDINANCES**

This Ordinance was read by title.

Council member Ladiana asked if an Ordinance does not have a specific fine, who decides what the fine will be.

The attorney explained that the Judge would determine the fine up to the maximum as permitted by State Law.

It was moved for Introduction by Council member Nolan, seconded by Council member Archibald, and 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 will be held on February 8, 2006.

**RESOLUTION 035-2006, TRANSFER OF FUNDS**

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 036-2006, ADOPTING EMPLOYEE SUPPLEMENTAL INSURANCE PLAN**

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

Administrator Hubeny explained that this is a payroll deduction, with no cost to the Borough. It is absolutely 100% funded by employee contributions.

Council member Nolan explained that the Borough also saves because one the plans, being tax – deferred, precludes the Borough from paying the other portion of Social Security.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 037-2006, APPOINTING CO-PUBLIC DEFENDERS**

Mayor Donoghue explained the appointed Public Defender proposed this job be split between him and the past Public Defender, Raymond Raya, at no additional costs to the Borough. Since then Mr. Sorensen wrote, and for various reasons was no longer proposing this.

Attorney Reilly commented that he spoke to Mr. Sorensen who indicated he was withdrawing because he felt the volume of work was enough for two people.

Council member Nolan expressed his sorrow because Mr. Raya was a good guy who did good work for us.

Council member Ladiana moved that this resolution be considered and was seconded by Council member Spatola.

Council member Archibald asked why we needed to add lawyers to the pay roll.

Council member Ladiana commented that it was Mr. Sorensen initial idea to do co-defenders.

Attorney Reilly commented that if he has withdrawn his consent without that there is not much we can do.

Councilman Doyle commented that he thinks it a dangerous precedent that professionals and other employees can talk to other people and move onto the Borough payroll.

Council member Archibald agreed commenting what would prevent the Borough attorney agreeing to add another attorney, or Mr. Bucco adding another engineer.

Council member Ladiana commented that she would like to speak to Mr. Sorensen himself.

Mayor Donoghue asked if the mover and secondary would acquiesce to withdrawing it until a further time after Mr. Sorensen has been consulted.

Council member Ladiana and Council member Spatola agreed to withdraw the resolution.

**RESOLUTION 038-2006, ADJUSTMENTS TO SEWER UTILITY BILLS**

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, Doyle, Fligor, Ladiana, Nolan and Spatola

NAYS:

**RESOLUTION 039-2006, CERTIFICATION AND APPROVAL OF 2005 LOSAP RECEIPTS**

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

Council member Nolan gave a brief explanation of the LOSAP history and how the program works.

Administrator Hubeny explained how the contributions work and noted that there was \$65,000 budgeted, but the actual contributions total \$35,150.00.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 040-2006, PAYMENT OF BILLS**

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

Council member Archibald would like to see the bills listed by departments.

Councilmember Ladiana and Fligor would like to see it by budget categories.

Council member Nolan questioned the payment to Meridian hospital, and questioned if the Firemen got their Hepatitis B shots.

Council member Ladiana asked about the status of the HVAC. Administrator Hubeny hopes to present a proposal for the feasibility study of this building. There are recommendations that will be reviewed by Mr. Bucco, but the Mayor and Council needs to determine what they are going to do with this building. He mentioned that he and Robert Dougherty went to Trenton regarding the \$ 10,700.00 PEOSH fine for the mold conditions downstairs. They were successful in getting it abated down to \$2,500.00 penalty.

This resolution was adopted by the following vote.

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

NAYS:

**RESOLUTION 041-2006, APPOINTMNETS TO RECREATION COMMITTEE**

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

XXDiscussion

This resolution was adopted by the following vote.

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

NAYS:

**CONSENT AGENDA**

- 1) Approval of Raffle Licenses 3339-06, Leonardo Grade School; March 10, 2006, at Shore Casino, Municipal Harbor, Atlantic Highlands, NJ
- 2) Approval of Raffle Licenses 3340-06, Leonardo Grade School; March 10, 2006, at Shore Casino, Municipal Harbor, Atlantic Highlands, NJ

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

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

NAYS:

**RESOLUTION TO ENTER EXECUTIVE SESSION**

Was offered and moved for adoption by Council member Nolan at 8:50 PM, seconded by Council member Fligor and adopted by the following vote.

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

NAYS:

Mr. Harris read this resolution in full:

WHEREAS, the Open Public Meetings Act P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist; and,

WHEREAS, the Governing Body wishes to discuss:

1. Item-.Pending Litigation -COAH
2. Item- Personnel Matters – Officer Doherty

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes will be made public.

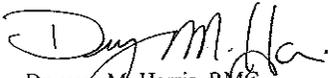
NOW THEREFORE BE IT RESOLVED, that the Mayor and Council to go into Executive Session to discuss the above items and the public is excluded form this meeting.

**RECONVENE** - At 9:15 PM the meeting was resumed.

**ADJOURN** - There being no further business before the Mayor & Council, Council member Fligor moved to adjourn the meeting at 9:15 PM, the motion was seconded by Council member Spatola and was unanimously approved.

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The Mayor and Council approved these minutes on February 08, 2006.

  
Dwayne M. Harris, RME  
Municipal Clerk



## ORDINANCE #1-2006

### AN ORDINANCE FIXING THE COMPENSATION OF CERTAIN OFFICIALS AND EMPLOYEES OF THE BOROUGH OF ATLANTIC HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, FOR THE CALENDAR YEAR 2006

BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey as follows:

#### SECTION 1. Salaries Determined.

The following minimum and maximum salaries and other remuneration shall be paid to the officials and employees of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, in accordance with the provisions of this Ordinance, as set forth below during the calendar year 2006, said rates effective January 1, 2006.

<u>Title/Classification</u>	<u>Salary Range</u>	
	<u>Maximum</u>	<u>Minimum</u>
Borough Administrator	\$50,000.00	\$
85,000.00		
Borough Clerk/Registrar	35,000.00	
52,000.00		
Chief Financial Officer	45,000.00	
84,000.00		
Qualified Purchasing Agent	3,000.00	
6,000.00		
Tax Assessor	15,000.00	
23,000.00		
Tax Collector	6,000.00	
8,000.00		
Deputy Tax Collector	25,000.00	
52,000.00		
Municipal Judge	10,000.00	
17,500.00		
Prosecutor	12,000.00	
16,000.00		
Public Defender	2,000.00	
4,000.00		
Public Works Manager	3,000.00	
3,000.00		
Water Plant Operator	8,000.00	
8,600.00		
Water Plant N-1 License	1,000.00	
3,000.00		
Water Plant C-2 License	1,000.00	
3,000.00		
Borough Attorney	18,000.00	
25,000.00		
Harbor Attorney	12,000.00	
15,000.00		
Code Enforcement Official	10,000.00	
12,000.00		
Construction Official	6,000.00	
10,000.00		
Building Sub-Code Official	4,000.00	
8,000.00		
Fire Sub-Code Official	4,000.00	
8,000.00		
Plumbing Sub-Code Official	4,000.00	
8,000.00		
Electrical Sub-Code Official	4,000.00	
8,000.00		
Zoning Officer	4,000.00	
8,000.00		

Fire Marshal	3,000.00
4,000.00	
Deputy Fire Marshal	500.00
1,500.00	

<u>Title/Classification</u>	<u>Salary Range</u>
<u>Maximum</u>	<u>Minimum</u>
Fire Chief	1,000.00
1,500.00	
Deputy Fire Chief	1,000.00
1,500.00	
Fire Captain	750.00
1,250.00 Confined Space Coordinator	1,000.00
2,000.00	
Chief of Police	\$85,000.00
\$118,000.00	
Captain of Police	80,000.00
104,000.00	
Dispatcher	25,000.00
40,000.00	
Records Retention Secretary	25,000.00
28,000.00	
School Crossing Guard	3,500.00
7,000.00	
Court Administrator	25,000.00
53,000.00	
Insurance Coordinator/Deputy Clerk	25,000.00
28,000.00	
Construction Code/Tax Assessor	
Secretary/Assistant Construction	
Administrator	25,000.00
28,000.00	
Water/Sewer Utility Collector	25,000.00
28,000.00	
Administrative Assistant/Finance Clerk/ Planning Board Secretary	25,000.00
28,000.00	
Librarian	25,000.00
36,000.00	
Harbor Master	40,000.00
74,000.00	
Harbor Utility Collector/Secretary	25,000.00
53,000.00	
Harbor Security	25,000.00
26,000.00	

<u>Collective Bargaining Units</u>	<u>Salary Range</u>
<u>Maximum</u>	<u>Minimum</u>
Police -	
Hired Prior 11/1/96	
Lieutenant	\$79,000.00
\$87,000.00	
Sergeant	77,000.00
85,000.00	
Patrolman 4 <sup>th</sup> Step	71,000.00
79,000.00	
Hired After 11/1/96	
Lieutenant	\$79,000.00
\$87,000.00	
Sergeant	77,000.00
85,000.00	

Patrolman 8 <sup>th</sup> Step	71,000.00
79,000.00	
Patrolman 7 <sup>th</sup> Step	69,000.00
76,000.00	
Patrolman 6 <sup>th</sup> Step	61,000.00
68,000.00	
Patrolman 5 <sup>th</sup> Step	53,000.00
59,000.00	
Patrolman 4 <sup>th</sup> Step	46,000.00
51,000.00	
Patrolman 3 <sup>rd</sup> Step	41,000.00
46,000.00	
Patrolman 2 <sup>nd</sup> Step	37,000.00
41,000.00	
Academy and 1 <sup>st</sup> Step	30,000.00
35,000.00	

<u>Collective Bargaining Units</u>	<u>Salary Range</u>	
	<u>Minimum</u>	<u>Maximum</u>
Municipal Supervisors Association - Supervisor	\$48,000.00	
\$61,000.00		
Assistant Supervisor	40,000.00	63,000.00
Municipal Employees Association - Assistant Supervisor	40,000.00	
50,000.00		
Maintenance III	38,671.47	
48,000.00		
Maintenance II	26,000.00	
30,000.00		
Maintenance I	21,000.00	
25,000.00		

<u>Part Time, Hourly, Seasonal Employees</u>	<u>Minimum</u>	<u>Maximum</u>
	Mayor	\$
4,500.00		
Councilmembers		
3,000.00		
Summer Recreation Program Director		
3,500.00		
Summer Recreation Head Counselor	700.00	
1,000.00 Meeting Attendance		
25.00		
Election Work		
40.00		
Summer Recreation Program Aides/ Junior Counselors	6.15	
10.00		
Secretary, Recreation Committee	6.15	
14.00		
Substitute Librarian	6.15	
14.00		
Librarian's Aide	6.15	
14.00		
Student Help	6.15	
14.00		
Special Officer Class 1	6.15	
14.00 Special Officer Class 2		15.00
22.00		

Dispatchers	6.15
14.00	
Police Matron	6.15
14.00	
Court Officer	6.15
14.00	
Office Help Part Time	6.15
35.00	
Harbor Service Attendants Supervisor	6.15
14.00	
Part Time Service Attendants	6.15
14.00	
Part Time Security Guards	6.15
14.00	
Part Time Laborers	6.15
14.00	
Part Time Gas Dock	6.15
14.00	
Meter Readers	6.15
14.00	

SECTION 2.

The base salary of each employee shall be fixed, within the salary range for the employee's job classification, by the Borough Administrator after consultation with and consent of the Borough Council, except as may be otherwise specified by any Collective Bargaining Agreement applicable to said employee.

SECTION 3.

A. Each full-time employee shall be entitled to and receive a longevity bonus for each completed five year increment of continuous full-time employment, prorated for that period from the anniversary date to the end of the calendar year, as recognition for the employee's service and increased value to the Borough.

**YEARS OF SERVICE**

	<u>PBA</u>	<u>Other</u>
5 Years	\$1,350.00	\$1,200.00
10 Years	1,775.00	1,400.00
15 Years	2,600.00	1,600.00
20 Years	3,775.00	1,900.00
24 Years	4,125.00	
25 Years		2,100.00
30 Years		2,300.00
35 Years		2,500.00
40 Years		2,700.00

B. Such payment shall be included in and considered part of the employee's basic salary for purposes for computing taxes and payments to any retirement system, and shall be made in the same manner as prescribed by the Mayor and Council for payment of regular services.

SECTION 4.

All employees shall be paid on a biweekly basis.

SECTION 5.

All ordinances or parts of ordinance inconsistent with this ordinance be and the same are hereby repealed and this ordinance shall take effect January 1, 2006.

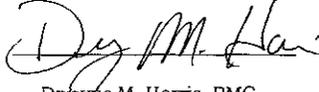
Council member Nolan introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Archibald and approved by the following vote.

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

The Second Reading, Public Hearing and possible adoption is scheduled for January 25, 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 January 11, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 12th day of January 2006.



Dwayne M. Harris, RMC

SECOND READING AND FINAL ADOPTION: PASSED January 25, 2006

After a Public Hearing and Second Reading, Councilmember Archibald moved for Final Adoption of this Ordinance. It was seconded by Councilmember Nolan and adopted by the following vote.

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

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 January 25, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 26th day of January 2006.



Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: January 27, 2006



Peter E. Donoghue, Mayor



## ORDINANCE 03-2006

### AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 1-GENERAL PROVISIONS- 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 1, *General Provisions*, Article 5, *General Penalty*, and Section 1-5.1 of the Revised General Ordinances of The Borough of Atlantic Highlands is hereby amended to read as follows:

**Section 1-5.1 Maximum Penalty.** For violation of any provision of this Code or other Ordinances of the Borough of Atlantic Highlands, unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be by one (1) or more of the following: imprisonment in the County Jail or in a place provided by the municipality for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding two thousand (\$2,000.00) dollars; or by a period of community service not exceeding ninety (90) days.

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.

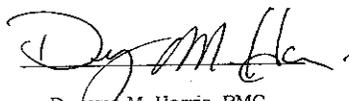
Council member Nolan introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Archibald and approved by the following vote.

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

The Second Reading, Public Hearing and possible adoption is scheduled for February 8, 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 January 25, 2006.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 26th day of January 2006.



Dwayne M. Harris, RMC



# RESOLUTION 035-2006

## 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 \$30,570.00 be made between the 2005 Appropriation Reserves as follows:

CURRENT FUND

	<u>FROM</u>	<u>TO</u>
<b>Operations within "CAPS"</b>		
Administration		
Salaries and Wages	\$ 4,000.00	
Administration		
Other Expenses		500.00
Mayor and Council		
Other Expenses		100.00
Clerk		
Salaries and Wages	940.00	
Clerk (Elections)		
Other Expenses		150.00
Finance		
Salaries and Wages	570.00	
Finance		
Other Expenses		300.00
Data Processing		
Other Expenses		4,600.00
Planning Board		
Other Expenses		1,710.00
C.O.A.H. Planner		
Other Expenses		9,100.00
Affordable Housing		
Other Expenses		1,150.00
Other Code Enforcement		
Other Expenses	215.00	
Fire Safety		
Other Expenses	850.00	
Prosecutor		
Other Expenses	745.00	
Streets and Roads		
Salaries and Wages		6,250.00
Streets and Roads		
Other Expenses	4,000.00	
Buildings and Grounds		
Salaries and Wages		200.00
Buildings and Grounds		
Other Expenses		400.00
Vehicle Maintenance		
Salaries and Wages	2,000.00	

Vehicle Maintenance		
Other Expenses		
400.00		
Recreation		
Salaries and Wages	3,000.00	
Electricity		
Other Expenses		8,900.00
Natural Gas		
Other Expenses		
6,200.00		
Telecommunication		
Other Expenses		
150.00		
Street Lighting		
Other Expenses		
2,850.00		
Landfill Fees		
Other Expenses		
50.00		
Gasoline - HHRSD		
Other Expenses		
1,810.00		
Total	\$ 30,570.00	\$30,570.00

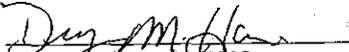
This Resolution was offered and moved by Council member Archibald, seconded by Council member Nolan and adopted on January 25, 2006 as follows:

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

NAYS: Council members

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 January 25, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 26th day of January 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 036-2006

### ADOPTING AN EMPLOYEE SUPPLEMENTAL INSURANCE BENEFITS PLAN

WHEREAS, the Borough of Atlantic Highlands wishes to adopt an employee paid voluntary supplemental insurance program for the benefit of its eligible employees.

WHEREAS, there is no financial cost to the Borough of Atlantic Highlands to adopt and implement an employee paid voluntary supplemental insurance program; and

NOW THEREFORE, BE IT RESOLVED that the Borough of Atlantic Highlands hereby adopts the Employee Paid Voluntary Supplemental Insurance Program with AFLAC of Columbus, GA.

BE IT FURTHER RESOLVED that Borough Administrator and Chief Financial Officer, of the Borough of Atlantic Highlands, may execute without further resolution any related documents necessary or appropriate to adopt the program.

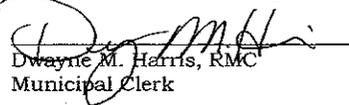
This Resolution was offered and moved by Council member Nolan, seconded by Council member Spatola and adopted on January 25, 2006 as follows:

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

NAYS: Council members

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 January 25, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 26th day of January 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 038-2006

### ADJUSTMENTS TO SEWER UTILITY BILLS

WHEREAS, the Water and Sewer Utility ratepayer listed below has requested adjustments made to the quarterly bill due to service leaks and misreads; and,

WHEREAS, the Water and Sewer Utility Collector has recommended, and the Borough Administrator has agreed that the below ratepayers be adjusted,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that adjustments to the quarterly Water and Sewer Utility bills be granted to the following:

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>		<u>AMOUNT</u>
42	1	16 Many Mind Ave.	\$	
		Sewer Adjustment		(436.60)
		Water Adjustment		(000.00)
70	9	29 Grand Ave.	\$	
		Sewer Adjustment		(339.70)
		Water Adjustment		(000.00)
117	3	14 Center Ave		
		Sewer Adjustment		(326.78)
		Water Adjustment		(000.00)

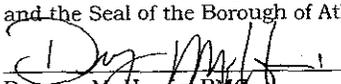
This Resolution was offered and moved by Council member Ladiana, seconded by Council member Spatola and adopted on January 25, 2006 as follows:

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

NAYS: Council members

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 January 25, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 26th day of January 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 039-2006

### CERTIFYING AND APPROVING 2005 LOSAP CONTRIBUTIONS

WHEREAS, A Length of Service Award Program (LOSAP) has been implemented in accordance with Chapter 388 of the Laws of 1997 (*N.J.S.A* 40A: 14-183 et seq.), to reward members of the volunteer Fire Department and First Aid Squad for their loyal, diligent and devoted services to the residents of the Borough of Atlantic Highlands; and,

WHEREAS, The LOSAP shall provide for annual contributions, by the Borough of Atlantic Highlands, to a deferred income account, for each eligible member that meets the criteria as outlined in Ordinance 11-2004; and,

WHEREAS, The following Fire Department members have met all criteria required to receive a LOSAP contribution in the amount set opposite their name:

Ackerson, Mark	1, 150.00
Barrett, Tim	1, 150.00
Blom, Brian	100.00
Buban, Thomas	100.00
Curry, Walter	1,150.00
DeBoer, John	400.00
Emerick, Damien	1,150.00
Eremus, Sr., Paul	1,150.00
Eremus, Paul	1,150.00
Gaffey, Tim	1,150.00
Giglio, Nicholas	1,150.00
Glietz, Richard	300.00
Glynn, Joseph	200.00
Griffin, William	500.00
Hawley, Martin	1,150.00
Hubeny, Adam	1,150.00
Hull, Dan	200.00
Marios, Beau	1,150.00
Melski, Scott	1,150.00
Mount, Bill	1,150.00
Murphy, Paul	1,150.00
Nelson, Richard	200.00
Philips, James	1,150.00
Phillips, William	1,150.00
Reith, Henry	1,150.00
Sweeney, Mark	1,150.00
Vasto, Butch	1,150.00
Vasto, Christopher	1,150.00
Woerz, Colin	1,150.00
Murray, Travis	1,150.00

WHEREAS, The following First Aid Squad members have met all criteria required to receive a LOSAP contribution in the amount set opposite their name:

Curry, Walter	1,150.00
Mount, Bill	1,150.00
Glenn, Beverly	900.00
Sully, Paul	1,150.00
Pandolfo, Gerard	1,150.00
Mc Kiernan, Thomas	1,150.00
Marotta, Luciano	1,150.00

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that The LOSAP annual contributions, from the Borough of Atlantic Highlands, to a deferred income account for each volunteer member having met the criteria, be made in accordance with the plan established by the Borough of Atlantic Highlands pursuant to P.L. 1997, c. 388.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be returned to each emergency service organization, were it shall be posted for no less than 30-days.

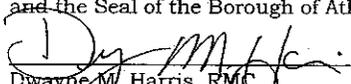
This Resolution was offered and moved by Council member Archibald, seconded by Council member Nolan and adopted on January 25, 2006 as follows:

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

NAYS: Council members

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 January 25, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 26th day of January 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



# RESOLUTION 040-2006

## PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated January 20, 2006 which totals as follows:

Current Account	\$82,604.92
Water & Sewer Account	\$15,092.78
Harbor	\$4,295.52
General Capital	\$ 1,050.00
Water Capital	\$ 0.00
Harbor Capital	\$ 0.00
Animal	\$ 169.20
Trust	\$ 15.00
Unemployment	\$447.00
DWI Enforcement	\$
MCIA Lease	\$0.00
<b>TOTAL</b>	<b>\$103,674.42</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 \$ 103, 674.42, 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.

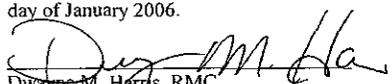
This Resolution was offered and moved by Council member Doyle, seconded by Council member Ladiana and adopted on January 25, 2006 as follows:

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

NAYS: Council members

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 January 25, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 26th day of January 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk



## RESOLUTION 041-2006

### APPOINTMENTS-AUTHORITY, BOARDS, COMMISSIONS, COMMITTEES

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, the Mayor has offered the following nominations for the offices and terms shown.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that the following appointments and terms are hereby confirmed.

#### RECREATION COMMITTEE: -

ASSOCIATE MEMBERS: - 1 year ending 12/31/06

Mary Ann Kilduff

Sally Sanzone

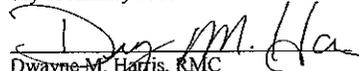
This Resolution was offered and moved by Council member Nolan, seconded by Council member Archibald and adopted on January 25, 2006 as follows:

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

NAYS: Council members

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 January 25, 2006. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 26th day of January 2006.

  
Dwayne M. Harris, RMC  
Municipal Clerk