



# MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF AUGUST 17, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on August 17, 2011 in the public meeting room of Borough Hall, 100 First Avenue Atlantic Highlands NJ.

Mayor Rast called the meeting to order at 7:00 PM. After a silent prayer and the Pledge of Allegiance, the following roll call was taken:

**Roll call:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton

**OTHERS PRESENT:** Borough Administrator A Hubeny, Borough Engineer D Marks, Mayor F Rast, Borough Attorney B Reilly and Municipal Clerk D Harris.

Mr. Harris stated that notice of this meeting has been transmitted to the Asbury Park Press and the Two River Times, continuously posted in the Borough Hall on a bulletin board reserved for such announcements, and filed with the Municipal Clerk of Atlantic Highlands, on 1/04/2011. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

## **WORKSHOP DISCUSSION:**

**WPCS – Police Radio Equipment – Dick** Katrell from WPCS spoke to the Mayor and Council on the police radios. For all intents and purposes the equipment is originally from 1980. There is a concern that during the move into the new space the equipment will break down and fall apart. Most of the equipment is 20+ years old and Motorola Does not make any parts to replace the current equipment. They can install a system that will be the Atlantic Highlands Police Department system only or the AHPD in conjunction with Monmouth County. The FCC also requires a narrow banding transmission on any two way radios. This is applicable not only to the police but will be a requirement for all Borough departments as well as the fire department and first aid. Future radio equipment needs must be considered by the governing body and a determination needs to be made as to how and when this equipment will be upgraded. Pricing and purchasing will be handled through a contract in place with Monmouth County.

**Habitat for Humanity -** Habitat for Humanity was here for the property upon Memorial Parkway to discuss the possibility of building a Habitat for Humanity home on that location, Instead of the COAH home. Habitat for Humanity would like to obtain this property for little or no money, but Atty. Riley explained that the consideration from the governing body was to determine what was the financial contribution being requested by the Borough. Councilman Archibald feels that this topic should be discussed in executive session. He is not sure that the Council has reached a conclusion on how they are going to handle this property. Atty. Riley feels

that the Council should hear Habitat for Humanity's financial offering before they discuss it in executive session. He [Atty. Riley] recalls on some occasions their group has paid some money's on properties and on other occasions they have not. He does not know what Habitat for Humanity has decided, or has any thoughts on what, if anything they will offer for this situation. Councilman Doyle asked if they had acquired a property in another town on Route 36 for over \$100,000. Habitat for Humanity acknowledged that they did purchase property from the Borough of Keansburg; however they were not in a financial position at this time to purchase further properties. They will be investing about \$125,000 to build this house, which is a two-family house with a one-bedroom apartment upstairs and a two-bedroom apartment downstairs. They will also be providing the owner a 30 year interest-free mortgage, so they are putting a lot of money out for a good period of time. They have applied for grants but have not been successful.

Administrator Hubeny explained this property is not in compliance with building codes because it was an undersized lot and they would be required to come before the Planning Board to obtain a variance. It is zoned affordable housing but it is an undersized lot.

Councilman Fligor feels that if anyone comes into this town. And offers to build us a house that will fulfill 1.5 COAH credits, we would be crazy not to consider that. He is looking at this as a savings to the Borough.

Mayor Rast stated that this will be discussed in executive session for tonight, while it is still fresh in our minds.

**Atlantic Highlands Arts Council** - William Iler of the Atlantic Highlands Arts Council made a presentation to the governing body, regarding a permanent home for their organization. A building has been donated for this purpose. The building is currently located in West Long branch and the owner has offered to put this building on a barge and then transfer it to a permanent location. They desire to have the location close to the water because it costs approximately \$10,000 to lift or raise utilities lines. The Arts Council is requesting the Borough supply them with a piece of property at a favorable lease along the road behind First Avenue, behind the Hess property. They are also asking if the Borough would be financially able to supply a footing for them for this structure. The Council was very interested in Mr. Iler proposition; however they were not happy with the location and suggested he consider other spots within the Borough.

**Front Porch Club – Chili Fest** - Municipal Clerk Harris expressed his concern to the governing body regarding a request by the Front Porch Club for a social affairs permit to sell alcohol at their annual Chili Fest event. Their intention is to serve rum punch and beer along the public street. He feels this would subject the Borough to unnecessary liability and they [the Front Porch Club] should sell and serve the alcohol from the premises of the Strauss House as well as having the area clearly defined and fenced in. The governing body concurred with this position and also feels that they [the Front Porch Club] should hire a police officer for their event and further recommends that they look for a more appropriate venue to accommodate this growing event.

**AHFD – Ladder Truck** – Chief Russell Mount III updated the governing body on the status of the Hook and Ladder truck, which had suffered damage and is in need of repair. The truck is currently out of service. He explained that the fire department budget is taxed and they need

funds to get the work done. He also noted that Highlands and Rumson are on cover, but are concerned with response times with the Oceanic Bridge soon to be out of service. The truck was recently taken to Pennsylvania, where it was evaluated and determined that extensive repairs will be required. The department has the funds available however; it will deplete their budget and restrict other maintenance and repair needed for the remainder of 2011.

**Martin Hawley**, Fire Marshal for the Borough of Atlantic Highlands, introduced Charles Wells, who will be the newly appointed Assistant Fire Marshal.

A motion to appoint Mr. Wells [Resolution 119 – 2011] was offered by Councilman J Archibald and was duly seconded by Councilman P Doyle

This motion was passed by the following vote:

<b>Ayes:</b>	Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
<b>Nays:</b>	None (0)
<b>Abstain:</b>	None (0)
<b>Absent:</b>	None (0)

At 8:45 PM Mayor Rast asked for a 5 min. recess.

At 8:55 PM the Council reconvened.

## **REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER**

Councilmember Archibald -reported on the police activity for the month of July. He also reported that the environmental commission meets on August 2 and October 9, 2011 will be the cleanup of the Lenape Woods.

Councilmember Hoffman – reported that the fire department had a picnic after the fair to thank all of the volunteers. He reports the harbor is building the sample length of dock with the pier on it and that is coming along well.

Councilmember Doyle – reported that the Mark Spatola annual blood drive last night received 29.25 gallons of blood, which is the equivalent to 117 pints. It was a record and there were 140 people who donated blood.

Councilmember Dellosso – reported that the building was moving along and the staff has moved from the old portion into the new portion. They are still projecting the end of December for completion, which will be further discussed in executive session. He reported the Historical Society is having their craft fair this weekend at Veterans Park.

Councilmember Sutton – reported that tomorrow, the water and sewer committee will be meeting at 7:00 PM to discuss several issues that they are facing. He reported the flows from TOMSA are 45.6% which are down from the month before.

Councilmember Fligor – reported that all of the contaminated soil found on Sodon's property will be removed by the end of this week by New Jersey Natural Gas. The cleanup of the property should be finished by mid September. In October they will start the planting process, planting bushes and trees, to restore the property. He reported that the Lantern Tour will be Friday and Saturday, October 28 and 29th from 7:30 to 9:00 PM. The Historical Society is looking for adult actors to volunteer for those two nights.

Mayor Rast asked chief Vasto a question about the location of the vendors during the historical Society Craft Fair on Saturday.

Chief Vasto explains that the vendors could be located in the street on the closed off portion of First Avenue

Administrator Hubeny – reported the tree planting meeting with the residence of Second Avenue and Avenue C will take place next Thursday on August 25 at 6:00 PM, here at Borough hall. He commented that Borough Hall is moving although not at the pace that he would like to see. He thanks the employees for all of their help in moving from one side to the other and remarked on what a smooth transition it was. On August 5 and 6 they came in and moved the administration part of upstairs and , the vault was cleaned out and we were basically moved in about 2 1/2 days. The movement went very well and the street department guys should be commended. No one took a break and they got it done. We were hoping the police department was going to be moved in by this Friday but that is not going to happen. Hopefully by next Friday the police department will be moved over. He reported that the Municipal aid application is coming due and on our list is Fourth Avenue. He would like to recommend that we go with rebuilding Fourth Avenue. We have already done Second Avenue, Third Ave., and Fifth Avenue and Sixth Avenue so Fourth Avenue would make sense. He also reported that the 2009/2010 Road Program is almost complete. We are in the punch listing phase. He reported that there was some damage to the gabions at Hudson Springs. Compass Construction will be out on Monday to assess the damage and determine the necessary repairs. Taylor Fence came in and gave us a price on locating a pole gate on Sears Landing. He felt their estimate was a little high so he is having Liberty come in and give him a price. As everyone is aware Mr. Bate will be retiring at the end of the year. The personnel committee in the harbor is doing a reevaluation of the job titles in the harbor, and will be considering hiring part time office help. The plan is not to rehire an Assistant Harbor Master if Mr. Amici is moved up into the Harbor Master position. They will be going to advertise for this position shortly.

Municipal Clerk Harris – reported that the newsletter for the third quarter should be complete in the next couple of days, and should be distributed by September 3. He also gave a brief summary on Municipay who will be offering the Borough the opportunity to receive credit card payments online and in Borough Hall. There will be no cost to the Borough, but the users will pay a small convenience fee directly to the credit card processor. He also reported on the new volunteer portal that is now accessible on the Borough website. Residents will be able to go right to the

website and volunteer for different boards and committees within the Borough. It will automatically save their information into a database.

Attorney Riley had no report.

Chief Vasto had no report.

Engineer David Marks had no report.

**PUBLIC COMMENTS:**

William Phillips – Memorial Parkway – commented on the work being done at the Firemen's Fields and how it is really being turned around.

Jerry Vasto 4 Wesley Avenue asked when the dissolution of the sewer authority will happen.

Jim Krauss Bayside Drive commented on Borough Hall and the Arts Councils. If the Art's Council proposal includes some museum aspect, he feels this would be great for the town. Things like that tend to bring people into the town and make it a "destination" point. He sees three major issues that need to be overcome, one being where to put it, how do we fund it and will it require someone who is interested to run it, he feels these are the challenges.

**UNFINISHED BUSINESS:**

**ORDINANCE 15-2011 – AMENDING THE SALARY ORDINANCE 01-2011**

Councilman Doyle made a motion to open the public hearing, which was moved by Councilman Dellosso and approved by unanimous consent.

No comments from the public.

Councilman Sutton made a motion to close the public hearing. It was seconded by Councilman Dellosso and passed by unanimous consent.

After a second reading and public hearing, a motion to adopt this ordinance was offered by Councilman J Hoffmann and was duly seconded by Councilman R Dellosso

This motion was passed by the following vote:

<b>Ayes:</b>	Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
<b>Nays:</b>	None (0)
<b>Abstain:</b>	None (0)
<b>Absent:</b>	None (0)

**NEW BUSINESS:**

**RESOLUTION 120-2011 – DESTRUCTION OF ABANDONED PROPERTY**

Councilmember Sutton made a motion to approve this resolution. It was seconded by councilmember Archibald and was passed by the following vote

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

**Nays:** None (0)

**Abstain:** None (0)

**Absent:** None (0)

**RESOLUTION 121-2011 – RENEWAL OF LIQUOR LICENSE – CATERING ON THE CLIFF, LLC**

Councilmember Dellosso made a motion to approve this resolution. It was seconded by Councilman Hoffman and was passed by the following vote.

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

**Nays:** None (0)

**Abstain:** None (0)

**Absent:** None (0)

**RESOLUTION 122-2011 – PAYMENT OF BILLS**

Councilmember Dellosso made a motion to approve this resolution it was seconded by councilmember Archibald and was passed by the following vote.

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

**Nays:** None (0)

**Abstain:** None (0)

**Absent:** None (0)

**ORDINANCE 16-2011 – AMENDING BOROUGH CODE CHAPTER 139 - VEHICLES AND TRAFFIC**

Councilmember Sutton made a motion to introduce this ordinance. It was seconded by councilmember Dellosso and was passed by the following vote.

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)  
**Nays:** None (0)  
**Abstain:** None (0)  
**Absent:** None (0)

The second reading and final adoption will be considered on September 14, 2011 at 7:00 PM

**PUBLIC COMMENT SESSION –**

William Phillips, Memorial Parkway made comments regarding resolution 121. He was under the impression that you could not hold a license hostage, that you must use it. Mayor Rast had Municipal Clerk Harris briefly explain the legal logistics of holding a pocket license to Mr. Phillips.

**RESOLUTION TO ENTER EXECUTIVE SESSION**

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** – Potential Litigation- Santorini Construction
2. **Item** - Property negotiation – Habitat for Humanity
3. **Item** – Property / Lease Negotiation – AH Arts Council
4. **Item** – Contract Negotiation – Hanafy /Avenue D Vacation

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 from this meeting.

At 9:52pm, Councilmember Sutton made a motion to enter Executive Session. It was seconded by councilmember Dellosso and was passed by the following vote.

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)  
**Nays:** None (0)  
**Abstain:** None (0)  
**Absent:** None (0)

The Regular Meeting resumed at 10:52pm.

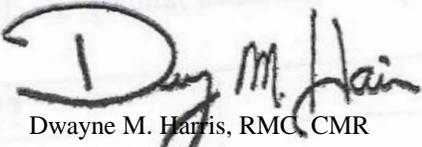
**ADJOURN** – {10:53 PM} there being no further business before the Mayor and Council, Council member Archibald made a motion to adjourn. It was duly seconded by councilmember Fligor and was approved by unanimous consent.

A motion, to approve these minutes, was offered by Councilman L Fligor and was duly seconded by Councilman R Dellosso.

This motion was passed by the following vote:

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and (5)  
**Nays:** None (0)  
**Abstain:** None (0)  
**Absent:** Councilman R Sutton (1)

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 the action of the Governing Body at its meeting held September 14, 2011.



Dwayne M. Harris, RMC, CMR  
Municipal Clerk