



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF JANUARY 11, 2012

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on January 11, 2012 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

Present: Archibald Jr. John, Doyle Peter T., Fligor Lou, Hoffmann Jacob, Sutton Robert, Mayor Rast, III Frederick J.

Absent: Dellosso Roy

Others Present: Administrator Hubeny, Borough Attorney Reilly, Borough Engineer Marks, Deputy Clerk Merkel.

Mrs. Merkel 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 in the office of the Municipal Clerk of Atlantic Highlands, on 1/03/2012. They read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

APPROVAL OF PREVIOUS MEETING MINUTES:

Reorganization Meeting – January 01-2012

These minutes were tabled due to the Mayor asking for the minutes to identify each person appointed to their respective positions.

WORKSHOP DISCUSSION:

RENT CONTROL ORDINANCE

Mayor Rast tabled this Ordinance at this time. Mr. Hubeny indicated that the rent control board has not acted at all on this Ordinance. He feels that it would be worthwhile to renew this Ordinance in case of a "what if" situation. They discussed changing the method in which the calculations are done. Mr. Reilly will look into it and it will be discussed at the next meeting.

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER

Councilman Sutton will be calling a meeting with the water and sewer committee to discuss the various projects for 2012. Mr. Marks will discuss replacing well #1 in his report.

Councilman Fligor was at the Environmental Commission meeting and some of the wall has been completed. He indicated that Mr. Weinberg wanted to put a wrought iron railing up but the environmental commission asked that they not do that because it would block the view. Mr. Fligor

passed around some photos for everyone to see. Handrails still need to be put into place and there is a water issue that Mr. Hubeny is aware of and is being taken care of.

Mr. Fligor indicated that he attended the Art Builds Community meeting. He asked the Council what they thought the best use of this grant would be. Mr. Fligor indicated that all the entities in Atlantic Highlands should have a say on this matter. Then the ABC will welcome their recommendations. Mr. Archibald asked for clarification of this grant. Mr. Fligor explained the process. Mr. Hoffmann indicated that if they are looking for ideas they can help with the up grade of the Firemen's Field Building.

Councilman Archibald asked about the Trail around Cape Cottage. Mr. Fligor indicated that cape cottage is required to build a trail around it and insure it. Mr. Fligor indicated that they have to take responsibility for the area. He mentioned an email had circulated from Jim Krauss. Mr. Reilly spoke of this email briefly. He feels that we may not get any changes out of the document. Second thing they asked for was a Certificate of Insurance for the easement. Eventually the Homeowners Association will own it. The owners of the property need to maintain the trail. Mr. Reilly feels that the council should move forward with this easement. Mayor Rast asked if this easement is part of Middletown as well and Mr. Reilly indicated that there will be an identical document for Middletown to sign for access to the easement.

Mr. Fligor indicated that the ball fields at Conifer were starting to be cleared. The excavation has started. Mr. Archibald asked about the lights. Mr. Hubeny said that they were in they were out but there is still discussion regarding them.

Mr. Doyle asked about Center Ave parks. Mr. Hubeny reported that he has two price quotes. The engineer doesn't feel the field needs a whole new under drain. Mr. Hubeny and Jim Phillips from the Water department spoke to some neighbors and they indicated that every zone of water was coming on for an hour at 2am and that is why the fields were soaked. The controller was replaced and the landscape companies will come in and fix the center of the field.

Mr. Archibald reported that Recreation would have their first meeting of 2012 on Thursday the 12th of January. He has no report of the Police department and the Chief reported he will have a report next meeting for the Council.

Councilman Hoffmann reported on the Harbor. He reported the Harbor has been doing a lot of maintenance with the nice weather. As everyone knows Mr. Bates retired and Mr. Amici was moved into the position of Harbor Manager at the Harbor Commission meeting last night. A Resolution will be on the agenda for the next Council meeting. He reported the Fire Department is still reorganizing everything and working on their budget. Mr. Doyle asked about the status of the slips in the Harbor. Mr. Hubeny indicated that there are 109 slips that the Harbor Commission has not heard from. About 20 did not receive their contracts. 45 people are not coming back. This is less than normal. Usually there are 100+ that take a leave of absence, late fees are being collected, and some people indicated that they had not received their contract. People can take a leave of absence which gives them the opportunity to get back into a slip but not necessarily the same slip. Late fees are at the discretion of the Harbor. Mr. Archibald asked about sending out the contracts electronically but some slip owners don't want to give us their email addresses. Mr. Archibald recommended in the Summer someone go up and down the docks for every owner's email address. Some owners don't have email as mentioned by Mr. Hubeny. Mr. Sutton asked how many slips are available. Mr. Hubeny indicated 712, inclusive. Full payment is due March 1st.

Councilman Doyle had nothing to report.

Administrator Hubeny reported that budget meetings are pretty much complete. Fire department is doing additional research then they will be complete. Chief Vasto's budget still needs to be done. On a good note our Shared Services with Highlands for mechanic work brought in \$38,500. The Mayor and Mr. Hubeny and the chief of Highlands will meet regarding the dispatcher shared services area. Talks have been positive amongst all. Court and Judge are still being discussed. Mr. Hubeny spoke of a letter from the court administrator regarding the parking ordinance. Codification of ordinances had some issues when they were being done. The parking fine on First Avenue was \$38 and by State Statute the minimum is \$50. Judge Lawson authorized the change for this Ordinance. Mr. Hubeny indicated that he put a letter from the PBA in everyone's box in regards to the Police wanting to put a gym downstairs for the employees. This will be discussed further between the Police commissioners and Mr. Hubeny and Jake and Roy.

Deputy Clerk Merkel had nothing to report.

Borough Attorney Mr. Reilly indicated he will discuss matters in executive session.

Borough Engineer Mr. Marks indicated that Well #1 the design is 80-85% complete. They are waiting for some communications from a few Well drillers just regarding a few issues. He anticipates having the application to the DEP next week. The 2009-2010 Road Program is essentially complete. There is a very minor punch list of items that need to be resolved. There is a soil erosion issue that was flagged on E. Highland Avenue by Freehold Soil Conservation District. That was where the drainage ditch was filled in and with all the rain over the past few months some dirt has washed away. They are waiting for nice weather to do some plantings. The streetscape is complete. The final paperwork will be sent to DOT however there is an issue regarding the Head Boat pump out force main. He will meet on Friday with John Amici to go over the findings. 2007 Road Program remedial work is complete through the work with JADS. Also a reminder for Council that there are a few DOT grants that were approved. One is the West Avenue bike way extension working off of what the County has done. The West Avenue resurfacing project through the DOT which was a grant of \$150,000 and \$200,000 respectively. There is a pending grant through the DOT for Streetscape IV for Sutton Walk.

Chief Vasto had nothing to report at this time.

Chairlady Frotton for the Harbor has nothing.

Mrs. Rast for the Chamber of Commerce spoke of the wall at highway being started. She reported that there were some changes that needed to be made to it. There was an issue with the bus stop pad which is much larger than what was there. The contractor will bring a template in for review. She described the look of the wall to the Council and she spoke of the Shell station property.

She also mentioned that the Henry Hudson students painted the window of the Painted Pair window to spruce it up a little. They did a wonderful job. If any other buildings want the window painted the school will be happy to do it. You would just purchase the paint for them.

Mr. Hubeny indicated that the State put in new signs on the Highway. These signs have been put on the Highway in front of Foodtown and in the circle.

PUBLIC COMMENTS:

Jerry Vasto-Wesley Ave-reported that the PBA ball will be May 25. It's their 25th Anniversary. It's going to be a good time with lots of different things going on throughout the night. Tickets will be available.

UNFINISHED BUSINESS:

NONE

NEW BUSINESS:

RESOLUTION 019-2012, AUTHORIZING ACCEPTANCE AND EXECUTION OF DEED TO BOROUGH

Approval was moved by Jacob Hoffmann, seconded by John Archibald.

Roll call:

AYES: Archibald Jr. John, Doyle Peter T, Fligor Lou, Hoffmann Jacob, Sutton Robert.

NAYS: None

Abstain: None

CONSENT AGENDA: These items will be enacted by one motion. If detailed deliberation is desired on any item, Council may remove that item from the consent agenda and consider it separately.

RESOLUTION 020-2012, APPROVING CHANGE ORDER #65 – SANTORINI CONSTRUCTION

RESOLUTION 021-2012, APPROVING CHANGE ORDER #66 – SANTORINI CONSTRUCTION

RESOLUTION 022-2012, APPROVING CHANGE ORDER #67 – SANTORINI CONSTRUCTION

RESOLUTION 023-2012, APPROVING CHANGE ORDER #68 – SANTORINI CONSTRUCTION

RESOLUTION 024-2012, APPROVING CHANGE ORDER #2 – 2009/2010 ROAD PROGRAM – JADS CONSTRUCTION

RESOLUTION 025-2012, TRANSFERS

RESOLUTION 026-2012, PAYMENT OF BILLS \$1,405,133.91

RESOLUTION 027-2012, AUTHORIZING CONTRACT FOR RANDOM DRUG TESTING

Approval was moved by Archibald John, seconded by Hoffmann Jacob.

Roll call:

AYES: Archibald Jr. John, Doyle Peter T, Fligor Lou, Hoffmann Jacob, Sutton Robert.

NAYS: None

Abstain: None

PUBLIC COMMENT SESSION:

No comments from the public

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** – Litigation – Ritter vs. Atlantic Highlands
2. **Item**-Litigation-Iler vs. Atlantic Highlands
3. **Item**-Property Contract Negotiations-Joe Anthony

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.

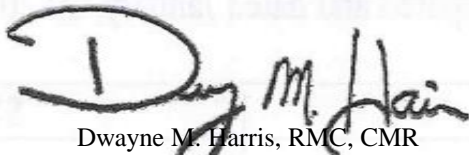
ADJOURN [8:45] -There being no further business before the Mayor and Council, Motion to adjourn was made by Council member Doyle Peter T, seconded by Sutton Robert. Motion passed unanimously.

A motion was offered by Councilman R Sutton to approve these minutes. It was duly seconded by Councilman L Fligor

This motion was passed by the following vote:

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

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 January 25, 2012.



Dwayne M. Harris, RMC, CMR
Municipal Clerk