



## MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF OCTOBER 10, 2012

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on October 10, 2012 in the public meeting room of Borough Hall, 100 First Avenue Atlantic Highlands NJ.

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

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:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton, Mayor Frederick J. Rast III. James Neff of T&M was covering for David Marks.

### APPROVAL OF PREVIOUS MEETING MINUTES:

#### Regular Meeting, September 26, 2012

**Motion:** Approve Minutes, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Robert Sutton.

Motion passed unanimously.

### WORKSHOP DISCUSSION:

NONE

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

Councilman Dellosso had no report.

Councilman Sutton reported the sewer flows for September were around 40% for the second month in a row. The Borough is doing very well and he is unsure why. He will be meeting with the Water Sewer Department regarding the planned improvements.

Councilman Fligor reminded everyone about the Lantern Tour on October 26 and 27<sup>th</sup> with the rain date on the 28<sup>th</sup>. There will be a milder version of the Lantern Tour for young children in the afternoon, during the daylight. There will also be a zombie walk from the Harbor after Recreation has their parade.

Councilman Archibald had no report but did mentioned East Garfield Avenue, between Central and 7<sup>th</sup> is in dire need of a street light, more mid-block towards First Ave.

Councilman Hoffmann reported the Harbor is finalizing the 2013 rates and they should be presented at the next meeting. Winter storage has picked up as it is the season. He reported the Fire Department is in the process of conducting their annual equipment tests. And he reported that the Annual Blue Mass is on October 17<sup>th</sup> at St. Agnes, with a reception following at the Shore Casino.

Councilman Doyle reminded everyone about Veterans' Day on November 11, 2012 and invited everyone to come by the American Legion for a little ceremony.

Mayor Rast announced that on November 18th at 4:00pm, there is a Wounded Warriors Luncheon being held at Walter Mim's Steak House. The cost is \$25.00 per person and is in honor of the late Pvt. First Class Michael Breen, son of Patricia Malloy

Administrator Hubeny reported that 42% of the residents of Atlantic Highlands are recycling. We have received our first excellent scoring on our reports. He reported the Borough's Health Insurance premium this year is \$1,134,576.00 and there looks like a 10.2% increasing totaling 115,000 which is equal to 2 pennies on the tax rate. These figures do not take into account the amounts contributed by employees. He has received instruction from Mr. Delloso to do some competitive pricing. He reported that T&M and he have been reviewing steep slope failure on Bayside Drive. They have recently had one on a private drive know as Carter's Drive, shared by seven private homeowners. There is a problem with the piping and it needs to be replaced. Although it is not on Borough property he would like to take the lead on this and get it done. After discussions with the attorney, we will be noticing the residents that they will be responsible for the approximate \$10,000 expense. The owners agreeing to share the expense would be ideal. If not, the Borough would consider making the repair and then place a local assessment on each of the private homes. He reported the COAH appeal is going to have oral arguments on November 7<sup>th</sup>. The Borough believes COAH should not put additional burdens on Municipalities that do not have additional lands, to satisfy COAH number. Mr. Surrenian is representing 21 towns that will be splitting his expenses. He finally reported Mr. Krikorian is interested in purchasing the alley behind the Blue Bay Inn if the Borough would consider selling it. We would need to obtain an appraisal which would cots about\$500.00. The property is contiguous to Leshar property and would have to be offered to him as well.

Clerk Harris mentioned the addition of First Bancard to the payment of bills in the amount of \$3,561.90.

James Neff, engineer of T&M Associates reported on work that they have been doing with Administrator Hubeny on the McDavitt property and the West Ave Repaving project Phase II. They will be submitting a grant application to NJDOT for additional funding.

Attorney Reilly had no report

James Krauss of the Environmental Commission reported the Many Mind Creek grant application has progressed on to the next level.

Jane Frotton reported the Harbor employees did a wonderful job building the new stairs up to the Harbor Office and the gas dock.

Chief Vasto reported the monthly report will be available at the next meeting. He reported the new officer is being trained, but has qualified for firearms and will be fully uniformed in a couple of weeks.

## **PUBLIC COMMENTS**

Frank Grecco-Leonard Ave asked about the status of collapsed retaining walls that have collapsed around town. He wanted to know if the wall was not installed properly, was it due to heavy rains that were not properly diverted or any other issue pertaining to the retaining wall. He asked about Leonard Ave, between Ave C and D, where there is a depression. He feels it seems to be getting worse. He was also wondering if a utility company can come out and do a repair to the depression in the road. He finally asked that the tract of land behind the Blue Bay Inn go out for open bid to any interested persons, not just offered exclusively to the Blue Bay Inn.

Jim Krauss – 77 Bayside Drive commented that the land behind the Blue Bay Inn could actually increase the value of the Blue Bay Inn and that should be investigated. He thanked the council for moving on Hillside Road he is appreciative and is sure his neighbors are thankful also. He commented on the Workshop discussion at the Planning Board last week regarding negotiations pertaining to the granting of variances, and if there is a time limit put upon the owner to complete the work, it should be supplement with a performance bond.

## **UNFINISHED BUSINESS:**

### **ORDINANCE 11-2012, AMENDING BOROUGH CODE – FEES**

**Motion:** Open Public Hearing, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Peter T. Doyle.

Motion passed unanimously.

Administrator Hubeny explained the revised fee ordinance.

Frank Grecco – Leonard Ave has an issue with the ones [fees] associated with construction, zoning and the like. He reminded everyone the moment someone pulls a permit, and once the work gets done, it triggers a reassessment. Once the reassessment takes place, the property's value goes up and the Borough receives additional tax revenue from that property. The Borough

is penalizing good behavior by charging additional fees for people to maintain their homes. The town is benefiting hugely from thousands of dollars of tax revenue, so why does someone have to be penalized to get a permit. Since fees have not been increased in about seven years, he questioned if there was a problem which causes this issue to be raised at this time.

Melissa – 126 Wesley Ave commented that her family bought their house a couple of years ago and completely fixed it up. She agrees with what Mr. Grecco is saying. She also commented that Maryanne Hanko needs to be here past 5:00pm because it is difficult for people to get there once a week, especially if they work.

Frank Grecco - Leonard Ave, asked everyone to vote no on this ordinance because it does not serve the community. Just because another town has one [a particular fee] does not hold water in his boat, unless there is an increase in costs associated with the process.

**Motion:** Close Public Hearing, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Roy Dellosso.  
Motion passed unanimously.

**Motion:** Adopt Ordinance, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Peter T. Doyle.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton.

## **NEW BUSINESS:**

1. **Consent Agenda:** These items were enacted by one motion. If detailed deliberation was desired on any item, Council could have removed that item from the consent agenda and considered it separately:

- a. Resolution 140 - 2012, Payment of Bills - \$939,123.49
- b. Resolution 141 - 2012, Renewal of “In Pocket” Liquor Licenses
- c. Resolution 142 - 2012, Hiring of Part Time Employee/Restructure Borough Departments
- d. Resolution 143 – 2012, Approving NJDOT Grant Application – West Ave Repaving -Phase II
- e. Resolution 144-2012, Accepting Membership into AHFD – Kyle Weimer

**Motion:** Consent Agenda [ Resolutions 140-144], **Moved by** Councilman Jacob Hoffmann, **Seconded by** Councilman Robert Sutton.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton.

**ORDINANCE 12-2012, AMENDING BOROUGH CODE – CHAPTER 139, ARTICLE II – PARKING - Introduction/First Reading**

**Motion:** Introduce Ordinance 12-2012, **Moved by** Councilman Roy Dellosso, **Seconded by** Councilman Lou Fligor.

**Vote:** Motion passed (**summary:** Yes = 4, No = 2, Abstain = 0).

**Yes:** Councilman Roy Dellosso, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton.

**No:** Councilman John Archibald Jr., Councilman Peter T. Doyle.

Public Hearing and possible adoption will be had on October 24, 2012.

**ORDINANCE 13-2012, AMENDING DEVELOPMENT REGULATIONS – PLANNING BOARD VARIANCE EXTENSION - Introduction/First Reading**

**Motion:** Introduce Ordinance 13-2012, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Lou Fligor.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton.

Public Hearing and possible adoption will be had on October 24, 2012.

**PUBLIC COMMENT SESSION:**

Frank Grecco – Leonard Ave commented on the Development Regulation and the position of the Planning Board regarding a variance extension application being approved when the application is exactly the same as originally approved. The Board at its discretion could decide to rehear the application all over again.

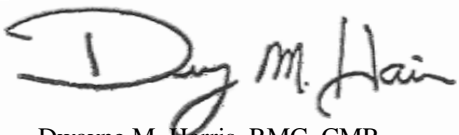
**ADJOURN** [9:46pm] - There being no further business before the Mayor and Council:

**Motion:** Adjourn, **Moved by** Councilman Lou Fligor, **Seconded by** Councilman Robert Sutton. Motion passed by unanimous consent.

October 10, 2012

**Motion:** Approve Minutes, **Moved by** Councilman Lou Fligor, **Seconded by** Councilman Robert Sutton.

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 October 24, 2012.

A handwritten signature in black ink that reads "Dwayne M. Harris". The signature is written in a cursive style with a large, looped initial "D".

Dwayne M. Harris, RMC, CMR  
Municipal Clerk