



## MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF SEPTEMBER 12, 2012

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on September 12, 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:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Lou Fligor, Councilman Jacob Hoffmann, Mayor Frederick J. Rast III.

**Absent/Excused:** Councilman Peter T. Doyle, Councilman Robert Sutton.

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.

**APPROVAL OF PREVIOUS MEETING MINUTES:**

Regular Meeting, August 15, 2012

**Motion:** Approve Minutes, **Moved by** Councilman Jacob Hoffmann, **Seconded by** Councilman Lou Fligor.

**Vote:** Motion passed (**summary:** Yes = 3, No = 0, Abstain = 1)

**Yes:** Councilman John Archibald Jr., Councilman Lou Fligor, Councilman Jacob Hoffmann.

**Abstain:** Councilman Roy Dellosso.

**WORKSHOP DISCUSSION:**

**CY 2012 BEST PRACTICE INVENTORY PROGRAM** – Administrator Hubeny explained the Best Practices Incentive Worksheet for 2012 has been completed and the Borough had scored a 92% which means the Borough will receive 100% of the State Aid for next year. If you have not seen it he recommends you review it and no specific comments are required. There will be a certification, by the clerk, sent to the State that the report was openly discussed at this public meeting.

**DRAINAGE ON OCEAN BLVD** – Administrator Hubeny commented that the Borough is focusing on 104 Ocean Blvd. The problem is water coming down Ocean Blvd around Hill Rd and into the driveway at 104 Ocean Blvd. He and David Marks sat down with the county engineer to design a plan for a potential fix. The county feels there should be a cost share with the Borough because the terrain puts water from Hill, Hooper and Auditorium Dr, which add to the problem. It was discovered during a rain storm that Auditorium Drive does not contribute to the problem but there was some concession on Hill and Hooper but after further investigation, it was seen that most of the water goes in the other direction[away from 104 Ocean Blvd]. The county needs to go back to the drawing board and shift the 70/30 - Borough/County split the other way. The good thing is that there will finally be a fix to this long term problem. There may be some additional funds required by the Borough to finalize this repair. Councilman Archibald recommended that since we have the County’s “attention” regarding water on Ocean Blvd, that if we have other issues, we should try to facilitate fixes now, since we have their ear. There was also some discussion, initiated by Councilman Archibald, regarding Bayside Drive and possibly reaching out to Highlands and the County to orchestrate repairs/repaving down there also.

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

Councilman Archibald reported the Soccer Program has started and the first games have been played. The Chief’s report is in process, but he mentioned they have interviewed for and are in the process of hiring a new officer [completing background checks etc.]. If all goes well we [the Council] will swear him/her in at the next meeting.

Councilman Hoffmann reported the fire department had their Appreciation Picnic last Saturday. He was disappointed more people did not attend. He reported the Historical Society’s Flea Market in the Harbor was rained out and will be rescheduled for this weekend. The Snapper Tournament still went on. He reported the Harbor personnel built new stairs going up to the Harbor office and they look really good. The shed at the end of the gas dock is showing wear and tear and it will have siding put on it to spruce it up..

Councilman Fligor asked if the Senior Center could get a new coat of paint and the floors buffed up.

Councilman Archibald asked about the progress of sending out leases electronically and asked when the rates would be presented to the Council. There was some discussion about the rates being made consistent across the board.

Councilman Dellosso commented that the Historical Society was added to the National Register of Historic Places. He mentioned there would be discussion on some personnel items during the Executive Session.

Councilman Fligor reported that the Flea Market will be held on Saturday September 15<sup>th</sup> and the Mayor’s Ball will be on the 28<sup>th</sup>.

Administrator Hubeny reported that the November meeting falls in the middle of the League of Municipalities Conference in Atlantic City and with the proper notices, would like permission to move it to the 21<sup>st</sup> of November. He reported on the Beacon Newsletter and that he and the clerk

have been talking about starting an electronic newsletter, which could result in about a \$5,000 dollar savings for the Borough. He reported the Well #7 bid is due September 20<sup>th</sup>, which will be opened at 11:00am. He reported on the bid results for the West Avenue Repaving Project and the Borough engineer has made a recommendation which will be addressed later.

Clerk Harris – No report

Attorney Reilly – reported we will be closing on the property conveyance for Habitat for Humanity. He also reported on the Ritter appeal and feels relatively confident that the Appellate Court will uphold the dismissal of Mr. Ritter’s law suit. If the Borough prevails in the law suit, it he recommends the Borough pass an Ordinance, which would preclude anyone from permanently docking in that refuge area.

Engineer Marks - No Report

James Krauss – Environmental Commission reported that a group of residents along Bayside Drive were very impressed with what Mr. Weinberg did at Hudson Springs and have since put together a committee to beautify Hilton Station. They will be presenting some ideas in the near future.

## **PUBLIC COMMENTS**

Mickey Rast – 49 8<sup>th</sup> Ave, reminded everyone of the Mayor’s Ball and asked that the Council take out an ad in the journal, as they have in years past. She mentioned the Historical Society would be the benefactor of the proceeds from the Mayor’s Ball.

James Krauss – 77 Bayside Drive, commented that he agrees with Mr. Archibald about discontinuing discounts based on when people came into the Harbor and feels there should not be discounts for residents. He also mentioned there has not been a public hearing on Harbor rates and he has been at the meetings. He also commented, in his experience, the rates in the Harbor are not just one flat rate for all of the slips because the [different]slips may not only be longer but they may be wider as well. He also commented that Hillside Road and Bayside Drive have not been getting any better. They are still pushing mud out of the street and as he is watching the water flow, even after short rain events, it is pretty obvious that water is just pouring down from Hillside Road.

Mickey Rast – 49 8<sup>th</sup> Ave commented that Victorian attire for the Mayor’s Ball is optional. She did want to mention that as far as the problems with the hill; she believes there is just too much building going on in the hill and the Planning Board should address this issue. There are also residents on Bayside Drive that are misrepresenting their properties as buildable, in an attempt to sell them. With all of the land that has been slipping, she believes a lot of the building being approved on Ocean Blvd and Bayside Drive should be stopped. She also commented that the Borough should look into another cell service provider if the current agreement for a cell tower is not going to be fulfilled by the company [T-Mobile]. There is still a need for cell service on Bayside Drive.

Jim Krauss – 77 Bayside Drive commented that the best place to put a [cell] tower or repeater would be at the end of the breakwater, where the light house is.

**UNFINISHED BUSINESS:**

**RESOLUTION 113-2012, DENYING PERSON –TO-PERSON TRANSFER OF LIQUOR LICENSE**

**Motion:** Approve Resolution, **Moved by** Councilman Lou Fligor, **Seconded by** Councilman Roy Dellosso.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

**Yes:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Lou Fligor, Councilman Jacob Hoffmann.

**ORDINANCE 09-2012 – ADOPTING AND IMPLEMENTING THE ATLANTIC HIGHLANDS PURCHASING MANUAL**

**MOTION:** Open Public Hearing, **Moved by** Councilman Roy Dellosso, **Seconded by** Councilman John Archibald Jr.

Motion passed unanimously.

No Comments from the public.

**Motion:** Close Public Hearing, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Lou Fligor.

Motion passed unanimously.

**Motion:** Approve Ordinance 09-2012, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Roy Dellosso.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

**Yes:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Lou Fligor, Councilman Jacob Hoffmann.

**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:

Resolution 130-2012, Refund of Tax Sale Premium – Certificate #12-00018

Resolution 131-2012, Refund of Tax Sale Premium – Certificate #12-00008

Resolution 133-2012, Award Contract - West Avenue Resurfacing Project – DeFino Contracting  
Resolution 134-2012, Payment of Bills - \$573,556.18  
Resolution 135-2012, Approving the 2011 Audit Corrective Action Plan  
Resolution 136-2012, Authorizing Destruction of Unneeded/Unsafe personal Property

Councilman Archibald asked that Resolution 132-2012 be removed from the consent agenda and be considered separately. There was no objection to his request and the item was removed.

**Motion:** Approve Consent Agenda, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Roy Dellosso.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

**Yes:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Lou Fligor, Councilman Jacob Hoffmann.

**RESOLUTION 132-2012, AUTHORIZING EXECUTION OF MUTUAL RELEASE –  
HARMON vs. BOROUGH OF AH**

**Motion: Action:** Approve Resolution, **Moved by** Councilman Lou Fligor, **Seconded by** Councilman Jacob Hoffmann

**Vote:** Motion passed (**summary:** Yes = 3, No = 0, Abstain = 1).

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

**Abstain:** Councilman John Archibald Jr.

**ORDINANCE 10-2012 – CONVEYING EASEMENT FOR THE UNDERGROUND  
DRAINAGE PIPE - INTRODUCTION/FIRST READING**

**Motion:** Introduce Ordinance, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Jacob Hoffmann.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

**Yes:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Lou Fligor, Councilman Jacob Hoffmann.

Public Hearing and possible adoption will be held on September 26, 2012 at 7:00pm.

**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** – Personnel
2. **Item** – Contract Negotiation – AH/HRSA & TOMSA

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.

**Motion:** Approve Resolution, **Moved by** Councilman Roy Dellosso, **Seconded by** Councilman Lou Fligor. [8:14pm]

Motion passed unanimously.

9:35 Regular Session was resumed.

**ADJOURN:** [9:35 pm] There being no further business before the Mayor and Council: **Motion:** Adjourn, **Moved by** Councilman Lou Fligor, **Seconded by** Councilman Roy Dellosso.

Motion passed unanimously.

**Motion:** Approve Minutes, **Moved by** Councilman Roy Dellosso, **Seconded by** Councilman Lou Fligor.

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

**Yes:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Lou Fligor, Councilman Jacob Hoffmann.

**Abstain:** Councilman Peter T. Doyle, 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 September 26, 2012.



Dwayne M. Harris, RMC, CMR  
Municipal Clerk