



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF FEBRUARY 27, 2013

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on January 23, 2013 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.

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 1/02/2013. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

After a silent prayer and the Pledge of Allegiance, the following roll call was taken:

Present: Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton, and Mayor Frederick J. Rast III.

Absent: Councilman John Archibald Jr.

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER:

Councilman Hoffman reported the fire department is diligently putting their budget together they have some maintenance on the trucks, but nothing outstanding and earth shattering. The harbor is going to start the fund raising for the 2013 fireworks and he will reach out and begin the licensing for the fair this year.

Councilman Doyle had no report.

Councilman Dellosso had no report

Councilman Sutton had no report.

Councilman Fligor reported on the planning board's proposed ordinance number 04-2013 and they support the proposed FEMA flood maps and the construction of properties at the base elevation +1 foot. They have not addressed an ordinance that would deal with height issues. This ordinance just deals with the acceptance of the base maps +1 foot. If this ordinance is passed and a homeowner is at the limit they would be required to come to the planning board for any additional height variances. He reported that Auto Exotica is planning on expanding. He

has a personal plus a borough issue regarding this because there is an issue with flooding on Highland Avenue, because of this. Their plan is to build a very large building in comparison to what was there before and they desire to pave the entire lot which would cause the runoff water to go somewhere other than settling in their lot. They are concerned that it will go to the wetlands which would require permitting of some sort or if it were going to be discharged into the sewer system, along the highway. The concern is that if water is dispensed into the wetlands, it would cause flooding in homes along Leonard Avenue, Highland Avenue, Center Avenue as well as others. He finally reported on the 2012 Reports from the planning board, which is a summary of all of their activity for the last year. He mentioned that the sewer authority would be reorganizing tomorrow night and mentioned that the bids for the Force Main in Buttermilk Valley came back about one third the expected cost.

Mayor Rast read a letter from the Police Chief of Keansburg commending Chief Vasto and his staff for their assistance provided after Hurricane Sandy.

Administrator Hubeny reported that James Krauss prepared a grant document to the Geraldine Dodge foundation on behalf of the Atlantic Highlands, environmental commission, he submitted on Monday for \$45,000 and we will see how it turns out. The Mayor, Mrs. Froton and himself sent a letter to Jean May who was the public assistance coordinator for Monmouth County for FEMA who has returned to his home in Illinois. He was a tremendous help in getting the harbor right up/worksheet understood. He sent kudos to T&M employees who prepared the paperwork that we needed, resulting in a project worksheet being signed Monday by Mr. Amici our Harbor Manager, for \$19,315,326.76. He commented that we have no complaint with FEMA who have been good and responsive. He reported that the Fire Dept. and the Sandy Hook Little League suffered damage and the snack shack and the field house. They had applied for the public nonprofit assistance and have both been denied based on the fact that the athletic field is not part of their qualifications for reimbursement. There is a letter of appeal, just sent out last week, and we will see what happens. There was also a minor-league Baltimore Oriole player, Trent Howard, who came and met them at the field with a whole bunch of kids and will try to raise some funds through the nonprofit the Orioles are involved with. He reported there was a pretty water main leak on North Avenue that is being fixed tomorrow. It appears that when the new main was laid, back in the 1990s all of the old connections were not terminated and we have a leak in one of the old connections. He reviewed some brief facts from the Shade Tree report. He also attended a shared services seminar with Monmouth County; one of the new things The County is working on is an IT center in Freehold that would backup our material for disaster recovery. Finally he reported he is working on the shared court agreement with Highlands.

Clerk Harris had no report.

Attorney Reilly reported that Mr. Ritter has filed an appeal to the state Supreme Court to hear his case after it was dismissed by the appellate courts. He does not believe that it will be accepted.

Borough Engineer reported the West Avenue resurfacing project contractor has approached T & M about doing work while the weather is favorable, we will see what can be accomplished during periods of good weather. He did report on the change order for Well Number 7

Replacement project, which is in compliance with the NJ DEP requirements to abandon that well.

Jane Frotton – Harbor Commission, reminded everyone of the preconstruction meeting with J.H. Reid this Friday at 1:00 PM.

James Krauss – Environmental Commission, thanks the environmental commission of Middletown for giving them notice, which was not a requirement. He reported the not be woods clean up. They has been rescheduled from April 28 to April 21, which is a Sunday. At their meeting 2 weeks ago. They discussed the new FEMA flood maps and they are unanimously in support of the adoption of ordinance 04 – 2013. He received a CAFRA application in regards to 24 Harborview Dr. for a reconstruction of a bulkhead gabion wall. He will share it with Mr. Marks and Mr. Hubeny after the meeting and discuss it with them.

Mayor Rast reported on some staffing/personnel issues within the Atlantic Highlands Police Department.

PUBLIC COMMENTS:

Jim Krauss – 77 Bayside Dr., thanked the Harbor Commission and Harbor Commission staff, Mister Hubeny and Mister Marks for a fabulous job done, regarding the reconstruction of the Harbor work.

Ed Cetron – Auditorium Drive, commented at the last meeting, there was discussion about Avenue D and what was going to happen there. He asked about the other activity going on there, regarding the encroachment on Borough property with the bulkhead and by the Paper Street, he asked what was the latest going on those matters.

Frank Grecco – Leonard Avenue, asked what the status was regarding the drainage issue on Avenue C with New Jersey Natural Gas. Regarding Auto Exotica, he would strongly suggest that everyone look at their application. He has serious concerns about them paving that lot. If they paid that lot, undoubtedly, the water that runs off will end up in Many Mind Creek. Many mind Creek is now flooding on a routine basis in homes and businesses are being seriously affected because of it, particularly the motor home business, and this is just rain.

Engineer Marks, commented that after hearing some of the concerns. He contacted the board engineer and advised him that there is concerned about the drainage. The Middletown ordinance does require certain reductions in storm water so you do an analysis and identify where the storm water will go and reduce the storm water or at the very least, not increase it. There needs to be some sort of retention system to hold back the water during the storm and release it under a controlled manner.

Attorney Riley recommended that a letter be sent from the borough expressing their concerns regarding this matter. He offered to write that letter and feels it would be a good

idea to go on record rather than not say anything until after this thing is over.

UNFINISHED BUSINESS:

NONE

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:

- b. Resolution 057-2013, Authorizing Application to the Local Finance Board
- c. Resolution 058-2013, Emergency Temporary Appropriations
- d. Resolution 059-2013, Authorizing Bid for Harbor Dock Boxes
- e. Resolution 060-2013, Authorizing Bid for "On The Deck" Canopy
- f. Resolution 061-2013, Authorizing "Paint the Town Pink"
- g. Resolution 064-2013, Payment of Bills - \$811,643.59
- h. Resolution 65-2013, Authorizing Change Order #1 – Well No. 7 Replacement Project
- i. Resolution 066-2013, Authorizing Contracts with Baxter Assoc. and MSA Systems

Councilman Sutton requested that Resolution 065-2013 be removed from the consent agenda.

Motion: Approve Consent Agenda [Resolutions 057-061 & 064-066], **Moved by** Councilman Roy Dellosso, **Seconded by** Councilman Peter T. Doyle.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

Motion: Approve Resolution 065-2013, **Moved by** Councilman Roy Dellosso, **Seconded by** Councilman Peter T. Doyle.

Vote: Motion carried by affirmative roll call vote (**summary:** Yes = 4, No = 0, Abstain = 1).

Yes: Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann,

Abstain: Councilman Robert Sutton.

RESOLUTION 062-2013, AWARD CONTRACT – CDF REHABILITATION

Motion: Approve Resolution 062-2013, **Moved by:** Councilman Lou Fligor, **Seconded by** Councilman Jacob Hoffmann

Vote: Motion passed (**summary:** Yes = 5).

Yes: Councilman Roy Delloso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton.

RESOLUTION 063-2013, AUTHORIZING CONTRACT – HARBOR RECONSTRUCTION

Motion: Approve Resolution 063-2013, **Moved by:** Councilman Lou Fligor, **Seconded by** Councilman Roy Delloso

Vote: Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1).

Yes: Councilman Roy Delloso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann.

Abstain: Councilman Robert Sutton.

ORDINANCE 04-2013, AMENDING FLOOD DAMAGE PREVENTION ORDINANCE - INTRODUCTION/FIRST READING

Motion: Approve Ordinance 04-2013 **Moved by** Councilman Lou Fligor, **Seconded by** Councilman Robert Sutton

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Councilman Roy Delloso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton.

Public Hearing and Possible Adoption will be held on March 27, 2013 at 7:00pm.

ORDINANCE 05-2013, BOND ORDINANCE - \$9,600,000 FOR HARBOR IMPROVEMENTS - INTRODUCTION/FIRST READING

Motion: Introduce Bond Ordinance 05-2013, **Moved by** Councilman Jacob Hoffmann, **Seconded by** Councilman Peter T. Doyle.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Councilman Roy Delloso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton

Absent; Councilman John Archibald, Jr

Public Hearing and Possible Adoption will be held on March 13, 2013 at 7:00pm.

PUBLIC COMMENT SESSION –
No Comments from the public

ADJOURN [8:05pm] - There being no further business before the Mayor and Council, Councilman Doyle made a motion to adjourn. It was seconded by Councilman Fligor, and passed by unanimous consent.

Motion: Approve Minutes of February 27, 2013, **Moved by** Councilman Robert Sutton, **Seconded by** Councilman Lou Fligor.

Vote: Motion passed (**summary:** Yes=5, No=0, Abstain=1)

Yes: Councilman Roy Delloso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton.

Abstain: Councilman John Archibald Jr.

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 March 13, 2013.

/s/ Dwayne M. Harris, RMC.
Digital Signature

Dwayne M. Harris, RMC
Municipal Clerk