



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF JUNE 26, 2013

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on June 26, 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:

Roll Call - Present: Councilman Archibald Jr., John, Councilman Dellosso, Roy, Councilman Doyle, Peter, Councilman Fligor, Lou, Councilman Hoffmann, Jacob, Councilman Sutton, Robert, Mayor Rast, Frederick J. III,

APPROVAL OF PREVIOUS MEETING MINUTES: REGULAR MEETING – JUNE 12, 2013

Motion: Approve Minutes, **Moved by** Councilman Hoffmann, Jacob, **Seconded by** Councilman Sutton, Robert.

Motion passed by unanimous consent.

WORKSHOP DISCUSSION: NONE

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER:

Councilman Dellosso reported on the Sewer Authority dissolution. The next meeting will be July 12 at 8:00am.

Councilman Sutton had no report.

Councilman Fligor reported the Sewer Authority is almost 6 million gallons over what they were last year. The good thing is that we [AHHRSA] no longer get the surcharge for overage and a lot more rain is predicted next week. The flows are about 50% in comparison to the 40s which is where we have been. One of the issues is at Navesink Cove, which is being looked at.

Councilman Doyle had no report.

Councilman Hoffmann reported the Fire Department is announcing the Fair which will run from Tuesday July 1st through the 6th with Fireworks on the 5th. The Harley Davidson raffle will be held on July 4th. The department is still looking for volunteers to help with the fair. The committee has transitioned their food concession to an outside vendor. He reported the Borough is still waiting for drawings from T&M for the raising of the Wells and the electric boards also. He reported that FEMA increased their percentage for disaster reimbursement from 75% to 90% which is great for the Borough. He commented that he feels the dates the Borough now has for the Harbor Reconstruction are hard dates, that will be met, and hopes they will be posted on the website. He mentioned that the boats are finally making it into the water and that is good.

Councilman Archibald reported on the Harbor revenues in comparison to last year. He mentioned tonight, we would hear from representatives from the Merlin Group regarding our Business Interruption Insurance. After Administrator Hubeny's report, Mr. Archibald did highlight some items mentioned at the Harbor Commission meeting last night. Particularly change orders that will be addressed by the Council at a future date.

Administrator Hubeny reported the Fire Department received \$246,400 with a Borough match of \$12,370.00 for personal equipment and breathing apparatus. They have one year to spend it on the specific equipment listed in the grant. He reported tomorrow starts movie night at the Harbor sponsored by recreation. He reported the Clean Shores Crew was in a week ago and they cleaned up one dumpsters worth of debris from Avenues A and D. He reported the Environmental Commission met with the DCA regarding a Planning Grant and he is working with T&M with this in regards to Avenue A.

Clerk Harris – Reminded everyone to review the 2012 Audit Report so they will be able to certify it at the next meeting. He also reported that the minutes online will now have an audio component which will allow residents to listen to the audio recording of the meetings.

Attorney Reilly had no report.

Borough Engineer made some comments on the projects in the Borough and the Well #1 Geotechnical survey. The goal is to design a suitable foundation to handle any long term settlement issues in that area. He also mentioned FEMA has lowered the flood elevation maps [ABFE] by about one foot and the Borough will now be able to design to those new maps. The West Ave Resurfacing contract is complete and we are waiting on closing paperwork from the contractor so we can get reimbursement from the DOT. He mentioned the issue with Pier 9, being about 20' short of the pre-storm condition and what was in the drawings. He mentioned the large number of change orders from JH Reid that are being reviewed and will be submitted to the Harbor Commission. [Councilman Archibald commented The Harbor Commission has approved the change order to rebuild the pier to the prior length but the Borough reserves the right to challenge the cost.] He reported the scheduling is a critical component and is discussed daily as a major concern. He reported that last week one of T&Ms employees was terminated

and that his duties will be back filled. The engineer working with the Sewer Authority will be stepping up to help maintain the level of services that the clients have been receiving.

Jane Frotton – Harbor Commission reported that she and Administrator Hubeny had lunch with T&M and expressed their disappointment with the services T&M has been providing to the Borough. The Borough and the Harbor Commission are not happy and feel Dave Marks and T&M now “get it” and will be paying the Harbor, the Borough and this project the attention they deserve. She reported that the piers are starting to “show up” and are looking good. The product is good and will make our Harbor one of the premier locations in the State.

Several members of the Governing body verbally expressed their dissatisfaction with T&M, its leadership and decision making and the attention being given to Atlantic Highlands during this critical time with the Harbor reconstruction.

James Krauss – Environmental Commission reported on two issues, one being Green Acres property on Hillside Ave and Ocean Blvd. Residents have offered to manage that property for the Borough and a proposal has been submitted to Green Acres to see if it is appropriate under their regulations. The second item deals with residents from Avenue A and Harbor View Drive have been experiencing flooding and would like to investigate the building of dune fields along the Avenue A beach. The Environmental Commission is not necessarily in favor of that proposal for various reasons. He though a development of a man made obstacle [bulk head or stone wall] that would raise the stockade to the bay higher and he also though someone might talk to Sea Streak to see what their intention is for that property and possibly have a mutual project with them.

PUBLIC COMMENTS:

Jane Austin – 1 Harbor View Drive expressed a lot of concerns because we [residents on Harbor View Dr] are in a vulnerable area and would like to see that Atlantic Highlands has a plan to deal with future, potential flood issues. We have issues that are not going to go away and will only get worse. We have a lot of people in our area that are suffering. You haven’t heard much from us as we are trying to solve our own problems, but we want to be heard.

Valerie Marineli – 3 Harbor View Drive commented on the severity of the winds that were occurring during Super Storm Sandy. During the storm surge, the entire Giuliani property was flooded as was Harbor View Dr and the bay shore line was on her front lawn. The beach front [along Harborview Drive] was a lot wider when she moved in 23years ago and feels that if it is not built up, and some kind of berm installed there will be several houses on Harborview Drive flooded out.

Steve Zyskowski – 50 Center Ave – [rose to make comments but there was a brief flickering of the power and the recording was lost].

Bob Parsons – commented that they saw the surge from Hurricane Sandy and said it was scary because he did not know how much water would actually come. If this is going to happen again

and again something needs to be done. This town is about people and our children who deserve as much as we can give them.

Frank Grecco – Leonard Ave asked why the paving was bore tested on West Avenue. He also asked why that pavement is so incredibly smooth in comparison to paving on the highway and other areas.

Jim Krauss – 77 Bayside Drive commented that the floating dock looks great. He also commented on the e-mail newsletter which he felt was great. He recommended some changes like save the date and the Borough calendar.

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

Mayoral Appointments: Mayor Rast made the following appointments pursuant to N.J.S.A. 40:56A.

- Richard White – Planning Board – Class IV
- Richard Colangelo – Planning Board – Alternate No. 3

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 106-2013, Supporting SC&O Enterprises LLC – Mixed Use Development
- ~~b. Resolution 123-2013, Approving Lease Agreement with Atlantic Pier Co.~~
[WITHDRAWN]
- c. Resolution 124-2013, Accepting Memberships into the AH Fire Dept.
- d. Resolution 125-2013, Renewal of Liquor Licenses - 2013/2014 Term
- e. Resolution 127-2013, , Permitting Highlands to Place Stop Sign on Atlantic Highlands Property
- f. Resolution 128-2013, Cancellation and Change of Tax Billing

Motion: Approve Consent Agenda, **Moved by** Councilman Dellosso, Roy, **Seconded by** Councilman Doyle, Peter.

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

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

RESOLUTION 126-2013, PAYMENT OF BILLS \$1,742,601.94

Motion: Approve Resolution 126-2013, **Moved by** Councilman Archibald Jr., John, **Seconded**

by Councilman Dellosso, Roy.

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

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

Abstain: Councilman Sutton, Robert.

PUBLIC COMMENT SESSION –

Jane Frotton – Harbor Commission commented that Mr. Mullin has arrived and was available for questions if anyone had some.

Mr. Mullin of T&M Associates answered some questions by the governing body and received expressions from them regarding their disappointment of T&M and the way they released an employee that was a critical element of the Harbor reconstruction. Expressions were made that decisions made by T&M are pushing the Borough of Atlantic Highlands aside and taking its engineers with them. Mr Mullin expressed his understanding of the Council’s concerns and that T&M hears their message. He acknowledges errors made by T&M and admits to stumbling but assured his firms commitment to delivering the services expected by Atlantic Highlands.

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/Contract Negotiation - Bathgate/Merlin
2. **Item** – Harbor Contract/Insurance Claims and Potential Litigation – JH Reid

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: Enter Closed [Executive] Session, **Moved by** Councilman Fligor, Lou, **Seconded by** Councilman Archibald Jr., John.

Motion passed by unanimous consent.

Close session ended and the Regular meeting resumed at 9:50pm.

ADJOURN [9:50pm] - There being no further business before the Mayor and Council:

Motion: Adjourn, **Moved by** Councilman Sutton, Robert, **Seconded by** Councilman Dellosso, Roy.

Motion passed by unanimous consent

Motion: Approve Minutes - Regular Meeting – June 26, 2013

Moved by Councilman Sutton, Robert, **Seconded by** Councilman Dellosso, Roy

Motion passed by unanimous consent.

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 July 10, 2013.

/s/ Dwayne M. Harris, RMC,

Digital Signature

Dwayne M. Harris, RMC
Municipal Clerk