



# MAYOR AND COUNCIL MEETING

## JANUARY 13, 2010

This Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice has been provided by transmitting the Resolution of Annual Meetings to the Asbury Park Press and the Two River Times, by posting it in the Borough Hall on a bulletin board reserved for such announcements, and by filing it with the Municipal Clerk on 1/04/2010. This agenda is complete to the extent known and formal action will be taken.

1. Silent prayer
2. Pledge of allegiance
3. Roll call
4. Approval of previous meeting minutes:
  - Regular Meeting - December 23, 2009
  - Reorganization Meeting - January 01, 2010
5. Reports - Council, Administration, Professional, Other
6. Public Comments
7. Unfinished Business:
  - None
8. New Business
  - a. Resolution 017-2010, Award Contract - Burgis Associates
  - b. Resolution 018-2010, Rejecting Bids/ Authorizing Contract Negotiation - 7th Avenue Underdrain
  - c. Resolution 019-2010, Overpayment of Taxes
  - d. Resolution 020-2010, Payment of Bills
9. Public Comment
10. Adjourn





## MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF JANUARY 13, 2010

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, is being held on January 13, 2010 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 of Atlantic Highlands Governing Body:

Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Council L Fligor,  
Councilman J Hoffmann and Councilman R. Sutton

ABSENT: NONE

OTHERS PRESENT: Borough Administrator A Hubeny, Borough Engineer D Marks, Mayor F Rast, Borough Attorney B Reilly and Deputy Clerk E. 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 with the Municipal Clerk of Atlantic Highlands, on 1/05/2010. She read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

### APPROVAL OF PREVIOUS MEETING MINUTES:

#### Regular Meeting - December 23, 2009-

A motion offered by Councilman R Dellosso, was duly seconded by Councilman L Fligor

This motion was passed by the following vote:

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)  
**Nays:** None (0)  
**Abstain:** None (0)  
**Absent:** None (0)

#### Reorganization Meeting – January 01, 2010

A motion offered by Councilman R Sutton, was duly seconded by Councilman J Archibald

This motion was passed by the following vote:

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)  
**Nays:** None (0)  
**Abstain:** None (0)  
**Absent:** None (0)

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

Councilman Hoffmann discussed the Lorraine Sea, as of February 8<sup>th</sup> will no longer transmit. The fishing alliance for the Madison Stevenson Act will have a bus ride Feb 24<sup>th</sup> for \$32 dollars a piece going out of the Municipal Harbor. Mr. Hoffmann discussed what this Act involves. Starting June the boats on land will no longer be able to be washed while dry docked. Sewer lift pump replacement has been awarded and work is underway. The skate park is in and it just needs water. There are also some Helix problems in the Harbor. There are 170 helix's that need to be repaired. Mr. Hoffmann gave a brief description on how the helix's work. The manufacturer is

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being contacted to discuss these issues. Mr. Hubeny reported that Dosil's did an inspection and that is how it was found that there were issues. Mr. Hoffmann indicated that 52 slips are not rented as of this date. He explained how the slip and the waiting list will work.

Councilman Fligor indicated that the gas company had a complaint from the residents on West Highland Avenue and that the gas company will take care of it. A letter was received on the No Further Action Notice from the DEP for properties on South Ave, Avenue B and W. Highland Ave. The residents are satisfied that they received the have received these letters.

Councilman Dellosso reported that the library board had there meeting and are coming up with figures on how much they can put towards the patio add-on for the construction of the library.

Councilman Archibald asked about the change orders on the contractors for the building. Mr. Reilly indicated that this will be discussed in Executive Session. Police report was read aloud by Mr. Archibald. Shade tree had their Re-Organization meeting on January 12<sup>th</sup> and asked Mr. Archibald to give the report to the Council. Mr. Archibald read aloud the members of the Shade Tree Commission. The shade tree had two special plantings in 2009 one for Marvin Barrett and one for Sam Guzzi. The tree trimming and tree removal program will continue in 2010. The road department has attended advanced tree trimming seminars. Tree planting for Arbor Day is April 30, 2010 and will be in of the George and Alma Wuesthoff. The Harbor commission report was given by Mr. Archibald. He read aloud the year end totals. He reported that the mooring rentals are way down and so are the berth rentals. There are still contracts to come back. Boaters should come down and get on the waiting list because boaters on the list now will be called for open slips. Fuel sales are down for 2009. Projects to be started in the Harbor will be boardwalk decking replacement, launching ramp overhaul, there is dredge work to be done, and new docks. There is new software installed at the harbor for the fuel dock and point of sales for the Harbor utilities. A fence will be put around the dredge pit this year.

Councilman Sutton asked about something he read where a canapé is going to be put up in the harbor? Mr. Hoffmann indicated that Sea Streak is putting that up out beyond their gate. They are putting it up for the commuters. Sea Streak is paying for it. The Sea Streak lease is being looked into and will be discussed.

Mayor Rast indicated that the Council reports should be on the agenda for both Workshop meetings and Regular meetings.

Councilman Doyle had nothing to report.

Councilman Sutton will be having a Water & Sewer meeting.

Administrator Hubeny reported Streetscape III punch list is being reviewed and put together by Mr. Marks. We were awarded \$417,000 for the Centers of Place Grant phase IV. We were not funded for the transportation enhancement for the highway. Borough hall is moving along, next meeting you will have a proposal from Torcon. There are some issues with sub-contractors that will be discussed in Executive Session. There is an Elected Officials seminar on March 18<sup>th</sup> for council members. Middletown received 250,000 Open Space grant for the Conifer ball fields. The 2009 road program which T & M is currently designing, we have one more area that has not been awarded and that is the Woodland Park area. Mr. Marks recommended that we keep the projects and contracts separately. He discussed the purpose for this in brief detail for the Council.

Mr. Archibald indicated that the bonding for Borough Hall is set to sell later this month. Mr. Hubeny did an unfunded mandate memo to everyone. It gets updated and comments are added as they come in. As you know, this deals with COAH, the DEP, the mandating for a recycling coordinator, the training for CFO, QPA (Qualifying Purchasing Agent), the cap levy and storm water mandates. Mr. Hubeny also spoke of a new format for the Beacon newsletter. There is a cost increase for a color newsletter but if sponsors take an ad it will decrease the borough's cost. The change has been requested by several people. Mayor Rast spoke of how he would like to see the newsletter with the calendar on the back so people can access it more easily and know the different events that will be coming up in future months. Mrs. Frotton responded in regards to

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the newsletter layout. She also spoke of the all the work that Dwayne does to get articles in the Beacon. Discussion continued with all members of the Council.

Mr. Cetron-Auditorium Drive is concerned about sponsorship that groups do on a regular basis. Are we going to overload the groups that support the various functions that go on in town such as the PBA journal, the Mayor's Ball and the Fireworks. Brief discussion continued.

Mr. Hawley-Ocean Blvd-asked if there will be any payment to Muriel for her printing of the newsletter.

Mrs. Frotton, Memorial Pkwy, did indicate that there may be a small fee, and she needs to look at the contract.

Chief Vasto asked why not send the newsletter out by e-mail. There was mixed responses regarding this matter. Mr. Hubeny will scan the proposal presented by Muriel and all will take a look at it.

Mr. Harris had nothing to report.

Chief Vasto reported that information is coming in to them about banks being robbed, so be careful out there.

#### **PUBLIC COMMENTS**

Joe Hawley-Ocean Blvd-Just wanted to clarify that Mrs. Donohue was given a grant to apply for, and it requires a council representative to give a monthly report of the Shade Tree to the Council. A volunteer needs to be appointed and at this time it will be Mr. Archibald.

Bill Phillips-Memorial Parkway-He asked about the helix at the harbor and who was the installer of these Helix. Mr. Hubeny explained the process for installation and who actually installed them. Mr. Phillips also asked about the Sewerage Authority and potential increases to the salaries for this group. He is not happy with the sewerage authority and the money they are getting.

#### **UNFINISHED BUSINESS:**

None

#### **NEW BUSINESS:**

#### **RESOLUTION 017-2010, AWARD CONTRACT - BURGIS ASSOCIATES**

A motion offered by Councilman J Archibald, was duly seconded by Councilman J Hoffmann

This motion was passed by the following vote:

<b>Ayes:</b>	Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
<b>Nays:</b>	None (0)
<b>Abstain:</b>	None (0)
<b>Absent:</b>	None (0)

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#### **RESOLUTION 018-2010, REJECTING BIDS/ AUTHORIZING CONTRACT NEGOTIATION - 7TH AVENUE UNDERDRAIN**

A motion offered by Councilman J Hoffmann, was duly seconded by Councilman J Archibald

Discussion:

Administrator Hubeny offered an explanation regarding the award of this bid. He explained the re-bidding of this project and he recommended that this re-bid for \$217,000 be rejected by the Council.

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This motion was passed by the following vote:

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)  
**Nays:** None (0)  
**Abstain:** None (0)  
**Absent:** None (0)

**RESOLUTION 019-2010, OVERPAYMENT OF TAXES**

A motion offered by Councilman J Archibald, was duly seconded by Councilman R Dellosso

This motion was passed by the following vote:

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)  
**Nays:** None (0)  
**Abstain:** None (0)  
**Absent:** None (0)

**RESOLUTION 020-2010, PAYMENT OF BILLS \$1,249,010.39**

A motion offered by Councilman J Archibald, was duly seconded by Councilman R Dellosso

This motion was passed by the following vote:

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)  
**Nays:** None (0)  
**Abstain:** None (0)  
**Absent:** None (0)

**RESOLUTION 021-2010, SUSTAINABLE ENERGY JOINT PURCHASE CONTRACT**

Mr. Hubeny gave a brief report as to what this resolution is in regards too, and indicated that the Council should vote to opt-out of this resolution.

Attorney Reilly did not feel a Resolution was necessary and he recommended a motion be put on the floor to opt out of the Sustainable Energy Joint Purchase Contract.

A motion offered by Councilman J Archibald, was duly seconded by Councilman R Dellosso

This motion carried by the following vote:

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)  
**Nays:** None (0)  
**Abstain:** None (0)  
**Absent:** None (0)

**PUBLIC COMMENT**

Mr. Cetron-Auditorium Dr-Indicated that NJNG bills went down and they are bottoming out.

**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,

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WHEREAS, the Governing Body wishes to discuss:

1. Item- Contract Negotiation - Santorini Construction

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.

A motion offered by Councilman J Archibald, was duly seconded by Councilman L Fligor.

This motion was passed by the following vote:

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

**Nays:** None (0)

**Abstain:** None (0)

**Absent:** None (0)

**RECONVENE**-At 9 PM THE MEETING WAS RESUMED

**ADJOURN**-There being no further business before the Mayor and Council, a motion to adjourn was offered by Councilman J Hoffmann, was duly seconded by Councilman P Doyle

At 9:05 pm, this motion was passed by the following vote:

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

**Nays:** None (0)

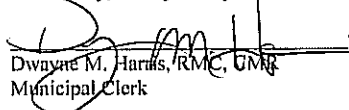
A motion to approve these Minutes was offered by Councilman J Archibald and was duly seconded by Councilman R Sutton

This motion was passed by the following vote:

**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

**Nays:** 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, 27 2010.

  
Dwayne M. Harris, RMC, GMR  
Municipal Clerk





## RESOLUTION 017-2010

### AUTHORIZING PROFESSIONAL SERVICES CONTRACT FOR THE CONTINUED PREPARATION OF THE ATLANTIC HIGHLANDS HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, Burgis Associates, Inc., Community Planning and Development Consultants has been working with the Borough in the preparation of the Borough's third round lower income housing obligations and the filing of the adopted Plan with COAH; and,

WHEREAS, the Borough of Atlantic Highlands needs to continue its contract with Burgis Associates Inc for the preparation of a housing element and fair share plan to address the Borough's third round housing obligation, in accordance with the revised third round rules adopted by COAH; as a non-fair and open contract pursuant to the provisions of N.J.S.A.19: 44A-20.2 et al; and,

WHEREAS, in 2007 Burgis Associates, Inc. has submitted a proposal for services based on an hourly fee schedule; and,

WHEREAS, the terms of this contract terminates on December 31, 2010; and,

WHEREAS, Burgis Associates, Inc has completed and submitted a Business Entity Disclosure Certification which certifies that Burgis Associates has not made any reportable contributions to a political or candidate committee in the Borough of Atlantic Highlands in the previous one year, and that the contract will prohibit Burgis Associates, Inc from making any reportable contributions through the term of the contract, and a completed Political Contribution Disclosure form required pursuant to N.J.S.A. 19:44A-20.26

WHEREAS, Lorraine P. Carafa, Chief Financial Officer for the Borough of Atlantic Highlands, has certified that funds are available for this contract in.

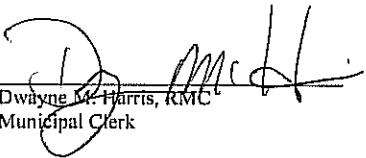
NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey that the Mayor and Borough Administrator are authorized to execute the agreement with Burgis Associates, Inc. for services as stated above and set forth in the agreement dated December 26, 2007.

A motion offered by Councilman J Archibald, was duly seconded by Councilman J Hoffmann

This motion was passed by the following vote:

<b>Ayes:</b>	Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
<b>Nays:</b>	None (0)
<b>Abstain:</b>	None (0)
<b>Absent:</b>	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 a true copy of the action of the Governing Body at its meeting held January 13, 2010. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 26th day of January 2010.

  
Dwayne M. Harris, M.C.  
Municipal Clerk



# RESOLUTION 018-2010

## REJECTING ALL BIDS RECEIVED FOR THE SEVENTH AVENUE UNDERDRAIN PROJECT AND AUTHORIZING THE NEGOTIATIONS OF A CONTRACT FOR THE SAME

WHEREAS, the Borough of Atlantic Highlands proposes to undertake construction of a public improvement within the Municipality commonly referred to as the 7<sup>th</sup> Avenue Under Drain Project; and,

WHEREAS, N.J.S.A. 40A:11-4 requires that every contract awarded by the contracting agent, for the provision of goods or services, the cost of which in the aggregate exceeds the bid threshold shall be awarded by resolution of the governing body of the contracting unit to the lowest responsible bidder after public advertising of bids and bidding therefore; and,

WHEREAS, bids were advertised and later opened on June 09, 2009 for the above referenced project; and were rejected because the purposes or provisions, or both of the Local Public Contracts Law were violated by the two lowest bidders who were unwilling to enter into contracts due to business difficulties and reductions in work force and the third bid received substantially exceeded the cost estimates for the project; and,

WHEREAS Resolution 176-2009 authorized the re-advertisement for receipt of bids, to undertake construction of a public improvement within the Municipality commonly referred to as the 7<sup>th</sup> Avenue Under Drain Project and sealed bids were received at the Borough Hall on December 08, 2009 at 10:00am; and,

WHEREAS, one bid was received from GSP Construction in the amount of \$217,787.80 which is being rejected because it substantially exceeds the cost estimates for the project, as provided in N.J.S.A. 40A:11-13.2; and,

WHEREAS N.J.S.A. 40A:11-5(3) provides that if on two (2) occasions, no bids were received; or on two (2) occasions it rejected bids because they were too high or not independently arrived at or a combination of one instance of each situation, the Governing Body, acting by two-thirds (2/3rds) vote of its full membership, may enter into a negotiated contract if the terms, conditions, restrictions and specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding and the contracting agent notify each responsible bidder submitting bids, on the second occasion, of its intention to negotiate, and shall afford each bidder a reasonable opportunity to negotiate; and,

WHEREAS the Governing Body shall not award a contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, and is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for such goods or services.

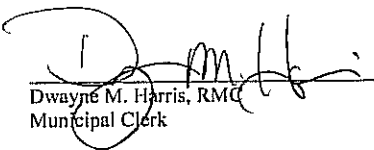
NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, that all bids received on December 08, 2009 to undertake construction of a public improvement within the Municipality commonly referred to as the 7<sup>th</sup> Avenue Under Drain Project, are hereby rejected and the Borough Administrator is authorized to negotiate a contract for the same, in accordance with N.J.S.A. 40A:11-5(3) (i) (ii) (iii).

A motion offered by Councilman J Hoffmann, was duly seconded by Councilman J Archibald  
Discussion:

This motion was passed by the following vote:

<b>Ayes:</b>	Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
<b>Nays:</b>	None (0)
<b>Abstain:</b>	None (0)
<b>Absent:</b>	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 a true copy of the action of the Governing Body at its meeting held January 13, 2010. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 26th day of January 2010.

  
Dwayne M. Harris, RMC  
Municipal Clerk



# RESOLUTION 019-2010

## REFUNDING OF OVERPAID TAXES

WHEREAS, property owners in the Borough of Atlantic Highlands, had submitted and filed a Property Tax Appeal for property located on:

Block	Lot	Owner	Amount	Payee
51	3	Weiss -23 Navesink Ave	\$699.85	Manasquan Savings Bank
96	16.02	Ripkin - 24 Second Ave	\$193.25	First American Real Estate Tax Service

; and,

WHEREAS, the Tax Court of New Jersey has stipulated that the assessment of the property be adjusted; and,

WHEREAS, the results of the judgment has caused an overpayment of November taxes for the year 2009,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey, that the Tax Collector is hereby authorized and directed to refund the overpayment of taxes in the amounts listed above to the payee of record.

A motion offered by Councilman J Archibald, was duly seconded by Councilman R Delloso

This motion was passed by the following vote:

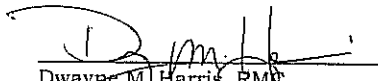
**Ayes:** Councilman J Archibald, Councilman R Delloso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

**Nays:** None (0)

**Abstain:** None (0)

**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 a true copy of the action of the Governing Body at its meeting held January 13, 2010. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 26th day of January 2010.

  
Dwayne M Harris, RMC  
Municipal Clerk



## RESOLUTION 020-2010

### PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated January 13, 2009 which totals as follows:

Current Fund	\$ 920,539.97
Capital Fund	\$ 51,878.29
Trust-Other	\$ 4,172.25
Water/Sewer Operating Fund	\$ 138,802.01
Water /Sewer Utility Capital	\$
Harbor Operating Fund	\$ 131,988.07
Harbor Utility Capital Fund	\$
Federal/State Grants	\$1,625.00
NJ Unemployment Trust Fund	\$
Animal	\$4.80
Salary	\$0
TOTAL	<u>\$1,249,010.39</u>

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, that these vouchers, totaling \$1,249,010.39 be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills submitted has been posted on the bulletin board and is also on file in the Municipal Clerk's office for reference.

A motion offered by Councilman J Archibald, was duly seconded by Councilman R Delosso

This motion was passed by the following vote:

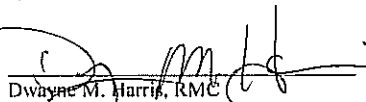
**Ayes:** Councilman J Archibald, Councilman R Delosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

**Nays:** None (0)

**Abstain:** None (0)

**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 a true copy of the action of the Governing Body at its meeting held January 13, 2010. WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 26th day of January 2010.

  
Dwayne M. Harris, RMC  
Municipal Clerk