

ATLANTIC HIGHLANDS HARBOR COMMISSION
MAY 14, 2013

This meeting was called to order at 7:00 PM at the Atlantic Highlands Borough Hall meeting room with the following roll call:

Commission Chair Frotton announced that this Meeting of the Atlantic Highlands Harbor Commission is called pursuant the provisions of the Open Public Meetings Law. Adequate Notice has been provided by transmitting a Public Notice to the Asbury Park Press and The Two River Times. The Notice is also posted on the bulletin boards in the Harbor Office and Borough Hall reserved for such announcements. The Notice is also complete to the extent known and formal action will be taken.

PRESENT: Commissioner Hoffmann, Commissioner Thompson, Commissioner McDonald, Commission Chair Frotton, Commissioner Curry, Commissioner Marchetti, Commissioner Archibald

ABSENT: None

Also present: Steve Corodemus, Commission Attorney; John Amici, Harbor Manager; Adam Hubeny, Borough Administrator; Rich White, Harbor OEM; Eric Nathanson, T&M and members of the Public.

CORRESPONDENCE:

Chairperson Frotton reported that the Atlantic Highlands Lions Club has written to request the use of the Senior Building for June 2, 2013 and September 15, 2013 for a Pancake Breakfast Fundraiser.

Commissioner Curry offered a motion approving the use of the Senior Building for the Lion's Club Pancake Breakfast on June 2nd and September 15, 2013, seconded by Commissioner Hoffmann and approved by the following roll call vote:

AYES: Commissioner Hoffmann, Commissioner Thompson, Commissioner McDonald, Commission Chair Frotton, Commissioner Curry, Commissioner Marchetti, Commissioner Archibald

NAYS: None

ABSTAIN: None

Chairperson Frotton noted that there was a letter from the Atlantic Highlands Yacht Club regarding the hoist rental. Commissioner Archibald said that the hoist area space is being taken up and that it has been agreed that the letter is ok. Chairperson Frotton then spoke of a memo from Peter Doyle, on behalf of the American Legion, requesting permission to give out Poppies at the Harbor from May 22 to May 27, 2013.

Commissioner Hoffmann offered a motion approving the use of the Harbor to distribute Poppies for the American Legion, seconded by Commissioner Marchetti and approved by the following roll call vote:

AYES: Commissioner Hoffmann, Commissioner Thompson, Commissioner McDonald,
Commission Chair Frotton, Commissioner Curry, Commissioner Marchetti,
Commissioner Archibald

NAYS: None

ABSTAIN: None

ADMINISTRATION:

Commissioner Archibald offered a motion approving the Payment of Bills, seconded by Commissioner Thompson and approved by the following roll call vote:

AYES: Commissioner Hoffmann, Commissioner Thompson, Commissioner McDonald,
Commission Chair Frotton, Commissioner Curry, Commissioner Marchetti,
Commissioner Archibald

NAYS: None

ABSTAIN: None

Commissioner Marchetti offered a motion approving the Minutes from the Regular Meeting of April 9, 2013, seconded by Commissioner Hoffmann and approved by the following roll call vote:

AYES: Commissioner Hoffmann, Commissioner Thompson, Commissioner McDonald,
Commission Chair Frotton, Commissioner Curry, Commissioner Marchetti,
Commissioner Archibald

NAYS: None

ABSTAIN: None

Chairperson Frotton asked Mr. Nathanson of T&M Associates to give a status report on the progress of the Harbor Reconstruction. Mr. Nathanson said that he would like to start his report from the far west end of harbor. Decking is complete at Frank's Pier out to the end of the gap. He said that T&M and J.H. Reid were instructed to leave a 40 foot gap towards the end of the pier to accommodate some modifications for Sea Streak. Sea Streak Island will be decked by May 19th, give or take a day or two. Handrails are being installed on both sides of the ramp, they will be extended about a foot on each side to accommodate any future ADA access. Power pedestals and electrical panels are currently being installed on both sides, both 50 and 100 amp, and this is going according to schedule. Framing and iron work will extend the one finger pier over toward the Hesse property. He said that they were asked to extend the original design length, which was 30 feet, by forty feet, which took it to 70 feet and then they were further directed to add another 40 feet, bringing the total to 110 feet. An additional 12 piles are now needed and this work is underway. The 24 foot whalers are finally getting delivered to the site and the anticipated completion for Frank's Pier is two and a half weeks. J.H. Reid has a schedule of delivery beginning the third week of May for Piers 1 through 5, which are the

floating docks. The extra bulk head and dinghy docks will be received towards the end of June. Mr. Hubeny told the Commissioners that Jim Osborne was going to Canada with Mike Corsi from JH Reid to look at the docks to make sure we will be getting what we ordered, and to see firsthand just how they are put together. He said that this will be done at J.H. Reid's expense. Mr. Nathanson continued. He said that the fuel pier is essentially complete. The finger piers on the east side are complete, stringers and headers are in, and decking will begin soon. Finger piers on the west side will be installed after the east side is done, so that the contractor can do pier 5 ½ at the same time. Decking, ladders and timber curbs will be installed over the next week or so. Mr. Nathanson said that the utilities are being extended on the fuel pier at this time. He said that at this morning's construction meeting it was decided that the priority's should be Frank's Pier as well as the ability to start selling fuel. He said that it was determined that everything that needs to be completed at the fuel pier should be complete and they will be able to begin selling fuel one month from today. Fixed Launch Pier, Pier 7, was included in the project after the bid was received and T&M was asked to provide design plans. This was done some time ago and J.H. Reid has since removed Pier 7 and cleaned up the debris. The piles are in, stringers will be set shortly and they feel that the entire launch ramp pier will be done by May 22nd. Mr. Nathanson said that this is a critical portion of the project, because once Pier 7 is done and decked so that it can be walked on, a gangplank can be laid and they can then begin putting the Sullivan Floating Docks together. A larger crane is being brought in to drive the 70 foot steel pipe piles for the Sullivan Docks. Mr. Nathanson said that the Sea Streak had asked T&M and the Harbor Commission to dredge an additional 500 cubic yards for an additional Ferry slip. Mr. Nathanson said that all dredging is complete and the CDF looks fine. Mr. Hubeny said that the CDF worked out very well with the repair from Caruso, they did a great job. Mr. Nathanson agreed. He said the CDF and outfall repair work was beautifully done, and that the water that comes from that pit is crystal clear. He then said that the electrical work and fuel system installation is going very well, Sodon's Electric is doing a great job. All utilities are in at Frank's Pier and are currently being put in at the Fuel Pier. T&M has completed the plans to provide pricing and plans for additional lighting along the pier, so that if the Harbor loses power they could bring a generator in and hook up to a plug at the Harbor Masters building, and still have the ability to sell fuel. They will have lighting in the Harbor and the Harbor Master's Building will still be able to function. The contractor will provide the cost to T&M by this coming Tuesday. T&M was also asked to provide design plans to replace the timber sheeting adjacent to the Harbor Master Building, alongside the Boat Ramp. He said they have inspected it and made recommendations. A Geo-tech investigation has been scheduled to determine what kind of foundation is under the Harbor Master Building. He said that this work will be done after the season is complete. Mr. Hubeny said that FEMA has authorized this section of bulkhead to go from a timber wall to steel sheeting. Mr. Nathanson said that it will match the steel sheeting that runs along the water front. Mr. Nathanson said that he would like to discuss the change orders to the schedule. He said that the initial milestone completion dates were April 1st, April 15th and June 1st. They have already authorized one change order for the schedule which pushed the dates back to April 14th, April 28th and June 14th. April 14th, Franks Pier, Pier 6, 7 and 8 were to be completed. April 28th was the Fishing Pier and all remaining work would be June 14th. J.H. Reid is seeking an additional 48 days due to the difficulties they encountered installing the piles. This would raise the milestone completion dates to June 1st for Frank's Pier, Pier 6, 7 and 8, June 15th for the Fishing Pier and August 1st for all remaining work. The additional 48 days consists of the following; 7 days for the exploratory spud project; 21 days to spud the shorter piles and 20 days to spud the piles closer to shore, bringing the total to 48 days. Mr. Nathanson said he could

not refute the extra work which has been done, they have experienced some very tough conditions. He said that T&M is doing the best they can to help ensure that a fair deal is struck between all parties. Commissioner McDonald asked if J.H. Reid had received a geo tech report. Mr. Nathanson said that there were some borings included in the spec but they didn't have the time to have a full blown geo technical investigation being this was an emergency response situation. Nobody knew how extensive this situation would be, he said it has been an unfortunate turn of events. Commissioner McDonald asked if this meant that all parties would share in the cost. Mr. Hubeny said that it was under consideration, all cards were on the table. Mr. Nathanson said that they have been recording how many piles the contractor can get in per day so they can then tie numbers to dollars. Chairperson Frotton asked how many piling were spud. Mr. Nathanson said that they were all done this way. Mr. Hubeny said it is approximately 462 piles. Commissioner McDonald asked if the Fishing Pier was being raised to FEMA guidelines. Mr. Hubeny said yes, the fishing pier will be raised to the base flood elevation.

COMMITTEE REPORTS:

CLEAN MARINA:

Commissioner Marchetti had no report this evening but did say that the workers in the Harbor are doing a fabulous job.

FINANCE:

Commissioner Archibald reported that next week the Borough will sell the balance of the nine million Bond Anticipation Notes to finance the rest of the Harbor. The Borough got an interest rate of .75 in March and is hoping for something similar next week. A FEMA check was received by the Borough and Harbor in the amount of approximately 7.7 million dollars. Year to date revenues for the Harbor are 1.1 million, which is down 6 million from last year. This is roughly a 30% decrease. Fuel revenues are down and berth rentals are down from last year. Mr. Archibald said that the Commission appreciates everyone's patience. He said that he and Mr. Thompson have come up with a refund policy and wanted to take a minute to explain what their thoughts were, and would like input as to whether this sounds fair and reasonable. He said that he will break the policy down between moorings and slips. Beginning with the moorings, he said that he and Mr. Amici believe that the mooring field will be open tomorrow. So May 15th is the day for the Mooring Field. He said the Yacht Club has access to the launch and there will be a spot for dinghy's to access the boats. There will be a refund given, if you're on a mooring, from May 15th back to April 1st. As for slip owners, there will be three categories of refunds. If you have paid your slip in full, you will be prorated to the date that your assigned slip or a temporary slip is available for your size boat. If you've paid only 50%, your slip will be prorated until the availability of your slip or a temporary slip is determined. In this case, if you paid 50%, the Harbor may be cutting a check to you or may be paying a prorated amount to the Harbor. For those who have not paid or put any deposit down, they would pay from the date they go in, through the end of the season, prorated at the new effective rate. This would be the same rate as for a new customer. Commissioner Curry said that he felt this was a starting point. Chairperson Frotton said that Mr. Amici needs direction to answer the questions for the customers and she feels that this is a fair policy. Commissioner Archibald said that another thing to mention here is that Winter Storage ends as of May 15th. He said that there will be boats on Harbor property that

the Harbor would be entitled to charge storage for, but they will not make any attempt to charge for that storage.

**Commissioner Archibald offered a motion to eliminate the Land Storage Fees for this year, beginning May 15, 2013 seconded by Commissioner Hoffmann and approved by the following roll call vote:

AYES: Commissioner Hoffmann, Commissioner Thompson, Commissioner McDonald, Commission Chair Frotton, Commissioner Curry, Commissioner Marchetti, Commissioner Archibald

NAYS: None

ABSTAIN: None

ABSENT: None

There was discussion among the Commissioners regarding the Prorated Refund Schedule. Chairperson Frotton asked for comments from the Public. Mr. Bob Thomas, land storage customer, asked if the prorated refunds also applied to Land Storage. Commissioner Archibald said that the land storage would go until the date that the ramp is opened. Mr. Don Figone, Franks Pier, asked what the Harbor Policy regarding rental slips which are not available was. He said that he recommends that the rental price be prorated by month and by day. Commissioner Archibald and Chairperson Frotton said that that is what they have proposed. Mr. Joe Cassad, Edison, asked for the dollar amount that would be prorated per month. Commissioner Archibald said that that would depend on the size of the boat and the date that the slip is available. Mr. Figone felt this was fair. Blake Deacon, Ocean Boulevard said that the proposed policy is great and that he appreciates the Commission coming forth with it this evening. Richard Rusack, Princeton, New Jersey, asked if the refunds would be cash or credit. Commissioner Archibald said refunds would be given by check. Bob Harris, Asbury, New Jersey, said that he has been using the harbor facilities for about sixteen years now for dry storage and he said that one of the major concerns is getting the place which they were assigned because in the past they tend to get moved around often, sometimes up until July. Mr. Harris feels that once the launch ramp is open and he gets his boat on a trailer, there's nowhere to put the boat in dry storage and there's nowhere to put their vehicle and trailer because all the spots are taken with the commuters and party boat parking. Mr. Amici said that once 7, 8, 9 and 5 ½ are in the water, those ramps will be out of the parking lot and the boats that are against the south side will be moved to the front or back and temporary fencing will be put around that area to reserve for land storage people, until the back opens up. Chairperson Frotton said that they will try to be very fair to anyone who has a financial issue and she believes that they have worked out a fairly good policy. Mike Skippone, Pier 4, felt the policy makes perfect sense, but asked what the notice of availability would be. Commissioner Archibald said that Mr. Amici will keep a list of when people want to get in. Mr. Skippone said that it's more a question of lead time and wants to know the method of notification. Mr. Amici said he is working closely with J.H. Reid and the Engineer and as soon as the slips are going to be ready he will notify the boat owners either by e-mail or phone call. Mr. Amici encouraged the boat owners to sign up for Swift Reach 911 which will also be used for notifications. Chris Vasto, Lakeside Drive, Pier 3, asked when the refunds would be issued. Commissioner Archibald said that refunds will be issued with the first payment of bills following slip availability. Bob Harris, Asbury asked if it would be possible to elect not to take a refund and to put the amount due from the refund toward staying in dry storage for a longer time, there

was once a policy that allowed this to be done for \$50.00 per month. Chairperson Frotton said that this could be taken up with Mr. Amici.

Commissioner Curry offered a motion to approve the Prorated Refund Schedule Policy, seconded by Commissioner Thompson and approved by the following roll call vote:

AYES: Commissioner Hoffmann, Commissioner Thompson, Commissioner McDonald, Commission Chair Frotton, Commissioner Curry, Commissioner Marchetti, Commissioner Archibald

NAYS: None

ABSTAIN: None

ABSENT: None

Chairperson Frotton thanked the audience members for their comments. Mr. Thompson asked that the policy be posted to the website.

OPERATIONS:

Commissioner Hoffmann said that he has no report, everything has been covered.

LEASES:

Commissioner Curry suggested that Mr. Thompson make this report. Mr. Thompson reported that they are undergoing lease extensions for both Sissy's Place and On The Deck. He said that it looks as though the leases will be going forward without much change. There will be an Executive Session tonight to discuss the details of the lease renewals, and action will be taken. Mr. Curry said that there has also been a preliminary meeting with Sea Streak, regarding their lease extension.

CAPITAL IMPROVEMENTS & SPECIAL PROJECTS:

Commissioner McDonald had no report.

ADMINISTRATOR'S REPORT:

Mr. Hubeny reported that the employees are working very hard. He said the entire Commission has the Boat Tennant and Business Owners interest in mind, and are all trying their hardest. There are many State rules to be followed when running a Municipal Marina and they must comply with a large number of regulations. He said that because of the bidding process it can take a month and a half for a purchase to be made or a service to be contracted. Mr. Hubeny asked that the audience members go to the website and look at the budgets. He said that in this year's budget the appropriations are actually down, but yet we will see a tax increase as residents. Mr. Hubeny said that all the parties are working hard but he especially wanted to recognize Mr. Amici for all his hard work and dedication. He said that the Mayor and Council have authorized an employee luncheon, to be held at a local restaurant in recognition of all the hard work during and after the storm.

ATTORNEY'S REPORT:

Mr. Corodemus reported that the notice from the Tidelands Management Bureau regarding the bulkhead replacement matter from many years ago and the fact that Tidelands claim we are now occupying tidelands and they were going to change the license they have for that area, from \$1,000 per year to over \$8,000 per year. There was never an agreement about the space being used so a survey was done, which showed that the Harbor occupies less than half what the Tidelands Management Bureau had said. Mr. Corodemus asked for the Commission's approval to go back to the Council, present them the survey and tell them what our calculations are. He would also like to expedite the grant application so that we are no longer on the yearly treadmill with the state. The Commissioners agreed. Mr. Corodemus then reported that he has received a letter from Borough Attorney Bernard Reilly, regarding a lawsuit which was filed against the Commission. A gentleman sued the Commission because he wanted to anchor his boat out in the transient mooring field, but wanted to use the Harbor facilities and was told that he needed to become a member of the Harbor. He sued and his case was dismissed by the superior court. He appealed to the Appellate Court, which was denied and he appealed to the Supreme Court which was also denied. Chairperson Frotton confirmed that this meant that he could not use the Harbor facilities, the Yacht Club Launch, and he can't put a dinghy in the harbor without a signed contract like the other mooring field customers. Mr. Corodemus agreed. Mr. Corodemus said that they would need to discuss some contract changes in Executive Session this evening, and that action may be taken.

HARBOR MANAGERS REPORT:

Mr. Amici reported that gutters and leaders have been replaced by the back kitchen door of the Shore Casino, and all work is now complete there. Sissy's is done. The patio looks good, and they are just waiting for the gate for the railings. The Harbor workshop is almost complete, heating system, compressors, generators, power tools and lawn maintenance equipment have all been replaced. The Head Boat area is in good shape and operational. There have been a few interruptions in the electrical service with the reconstruction work but they are doing business. The electrician needs to do a little more work in the Security Booth, and he hopes that that will be done by the end of the week. The fiberglass ramp needs to be replaced outside On The Deck, which is ongoing. Mr. Amici said that he is gathering quotes to have the exterior of the On The Deck complex painted. He said that it will come in somewhere around \$10,000. Public Bathrooms at the Senior building should be open by the weekend. Interior of the Senior Building should be done by the end of the month. Exterior work will begin sometime next month. Mr. Amici continued, saying that four boats have not paid Miller Towing and Salvage for being lifted after the storm, the cost of this work was \$8,900 which the Harbor will pay, as per contract, but will then collect from the boat owners through our Collections Attorney. There are also six former tenants who have outstanding bills for winter storage, hoist and re-block who have yet to pay for the services. The boats have been purchased by salvage or insurance companies, but the money is still owed to the Harbor. Letters have been sent stating that if payment is not made, legal action will follow. Mr. Amici said that Mrs. Kroeck is doing a great job keeping up with the salvage companies. To date there are 143 vacant slips and 27 vacant moorings. Mr. Amici said that the guys have been working very hard and are doing a great job, along with Carol and Vicky.

OLD BUSINESS:

There was no Old Business.

NEW BUSINESS:

There was no New Business.

PUBLIC COMMENTS:

Mike Scardigno, Mi Jo, Atlantic Highlands, first wanted to compliment Mr. Amici and Mr. White for helping him to get his business operational. He asked when he would be able to get on the dock in full operation. Mr. Amici said that they discussed that today. He said that Pier 6 may be done, and the finger piers will be done before Frank's Pier, so he may be able to get him on a finger pier on Pier 6 in 2 to 2 ½ weeks. Kathy Eisner, Pier 3, asked if they will be permitted in a temporary slip before the utilities are finished. Mr. Amici said that as long as it is safe they will be able to go in before the utilities are there. John Hymlin, Eastern Pennsylvania, Pier 6, said that it was great that Pier 6 would be opened in a couple of weeks but is concerned that there is nowhere to park because of the construction material all over. Chairperson Frotton said that the construction material and trailers will be gone. Mr. Hubeny added that most of the floats and wood to the east of the Casino will also be removed by the time Pier 6 is opened. Sean Bennett, Old Bridge, asked when Frank's Pier will be complete. Mr. Nathanson said two weeks. Jim Kline, Hazlet, Pier 5 1/2, said that he was a little confused on the timing for Pier 5 ½ to be ready. Mr. Nathanson said that they will expedite 5 ½ because of the work on Pier 6. He said they would be completed at the same time, approximately June 15, 2013. Mr. Kline asked if temporary slips would be made available before then. Chairperson Frotton said that there may be. Harold Smith, Tow Boat Sandy Hook, asked how the slips can be open while the Fishing Pier is being built. Mr. Nathanson said they will drive the timber piles for the Fishing Pier and while there, extend the crane over top of the Fishing Pier to drive the piles for the floats. Mr. Hubeny noted that there will be access to the floats while the cosmetic work is being completed on the Fishing Pier. Susan Hillers, Middletown, Yacht Club President, asked if the Yacht Club launch will be available tomorrow since the mooring field will be open. Chairperson Frotton said that the Yacht Club launch will not be available, the Hoist Launch will be used. Mr. Amici said that only the Sailboats that have moorings will be allowed in. Bob Harris asked if there will be finger docks on the floating ramps. Chairperson Frotton said that the issue is that FEMA will not replace finger piers that we didn't have and we would lose about eight to ten slips per pier. Don Saporino, asked why they are worrying about the Fishing Pier when all the docks need to be done. Mr. Hubeny told him that this is not only a Fishing Pier. He said that there is a business and there are boats on Pier 9. There is also a very protective wave screen on Pier 9 to catch some of the wind coming from the east. Hal Hageman, Party Boat, Atlantic Highlands, said that the Party Boats need additional handrails. Mr. Hubeny said that they are working on this. He said that the ADA ramp is going in and this will help the situation. Mr. Hageman said that parking is also an issue for the Party Boats. Mr. Hubeny said that the Sea Streak weekend runs will end tomorrow. Bob Keiser, 74 East Garfield, asked when the Commission will be assigning temporary slips. Mr. Amici said that they may have to move some of the other boats and they will narrow down the availability in a week or so. Bob Thomas asked if the launch ramp will be ready May 22nd. Chairperson Frotton said that they originally wanted to leave the launch ramp

open but they weren't able to do so with all that is going on down there. She said that the problem is that once you open it you can't close it, so they will re-evaluate the safety of opening each week. Mr. Thomas asked where to look to get notifications; he said that there has been no e-mail or 911 notifications since early February. Mr. Hubeny asked that Mr. Amici to put out a test notice at noon tomorrow. Mr. Amici told the audience members that he would put a test e-mail and 911 notices out Thursday and they should call him on Friday if they do not get anything. Susan Hillers asked if the travel lift is available. Mr. Amici said yes, by appointment. Ed Sals, Pier 6, asked what he would do to get his boat in the water if the pier is ready between June 1st and 15th, but the ramp is not. Mr. Hubeny said that they will get him in without additional cost. Mr. Amici asked that he call for appointment when he's ready to go in. Chairperson Frotton thanked the members of the public and closed the Public Comment portion of the meeting.

EXECUTIVE SESSION:

Mrs. Marchetti offered a motion to go into Executive Session at this time, 8:44 pm, seconded by Mr. Curry and approved unanimously by voice vote.

Mr. Thompson moved to come out of Executive Session and return to the Regular meeting at this time, 9:45 pm, seconded by Mr. McDonald and approved unanimously by voice vote.

There being no further business for the meeting, Commissioner Thompson offered a motion to adjourn, seconded by Commissioner Hoffmann and by voice vote was unanimously carried.

Meeting adjourned at 9:49 PM.

Michelle Clark, Recording Secretary