



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF FEBRUARY 25, 2009

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on February 25, 2009 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: Council members Archibald, Dellosso, Fligor, Hoffmann and Sutton. Council member Doyle was not present. Administrator Hubeny, Borough Attorney Reilly, Borough Engineer David Marks of T & M Associates and Municipal Clerk Harris were also present.

Mr. Harris stated that notice of this meeting has been transmitted to the Asbury Park Press and the Courier, continuously posted in the Borough Hall on a bulletin board reserved for such announcements, and filed with the Municipal Clerk of Atlantic Highlands, on 1/05/2009. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

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- Contract Negotiations - The Goldstein Partnership

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 are excluded from this meeting.

Attorney Reilly read this resolution in full. It was offered and moved for adoption by Council member Sutton at 7:01 PM, seconded by Council member Archibald and adopted by the following vote.

AYES: Council members Archibald, Dellosso, Fligor, Hoffmann and Sutton

NAYS:

RECONVENE - At 7:43 PM the meeting was resumed.

Councilman Doyle arrived during the Executive Session at 7:12pm.

Clerk Harris read the following Proclamation on behalf of Mayor Rast:

P R O C L A M A T I O N

Of the Borough of Atlantic Highlands
IN RECOGNITION OF

ARC AWARENESS MONTH

WHEREAS intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families;

AND WHEREAS public awareness and education enhance a community understands of the issues affecting people with intellectual and developmental disabilities;

AND WHEREAS people with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us;

AND WHEREAS the month of March has been designated Arc Awareness Month by the state of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives;

AND WHEREAS The Arc of Monmouth serves over 1200 individuals with intellectual disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families;

AND WHEREAS The Arc of Monmouth is celebrating 60 years of service to families and individuals throughout Monmouth County;

THEREFORE I, Frederick J. Rast III, Mayor of the Borough of Atlantic Highlands does hereby Proclaim March, 2009 as ARC AWARENESS MONTH in the Borough of Atlantic Highlands, New Jersey and urge that the citizens of Atlantic Highlands give full support to efforts towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.

REPORTS - COUNCIL MEMBER, COMMITTEE, PROFESSIONAL

Council member Delloso reported the Lion's Club is sponsoring a Spaghetti Dinner this Saturday to benefit the library. The cost is \$8.00 per person and will be held at the Masonic Lodge on Garfield Ave. The library circulation last year was close to 39,000 items. On February 19 we had over 200 items circulated, a 150 people visited and they collected over 20 bags of clothing to be distributed to the needy. He reported that the elementary school will be reevaluating the potential for the school to install solar panels on the school. It could have a negative impact of 2.52 on the tax dollars for home evaluated at \$100,000.00 After preliminary work on their budget they are looking at about one penny and after further scrubbing, they should be flat or even at a negative.

Council member Sutton reported the Water Filter Plan-Media Replacement project is completed. Next week the contractor will be replacing the valves associated with that project. The flows to TOMSA are continued in the low 40s, Highlands is in the mid 50s. The Water and sewer Committee met with the Regional Sewer Authority and member of the Water Sewer Department to discuss the problem with leaking sewer laterals in town. The Authority is asking that we investigate this problem. It was agreed that we would investigate after we have completed 7th Ave under drain, which would eliminate a lot of flow into the sewer system. The water sewer dept has begun to review the tapes but it would take about three months for him to complete, and the finances would need to be addressed as well.

Council member Fligor reported that he, Mr. Hoffmann and Mr. Dellosso had met with NJNG and discussed their schedule. They are still going by their current three year schedule. He reported South Avenue Park would be completed by March 21. They are also working with a particular property known as 6A. He reported that the Earth Day will be Saturday April 25 at the Harbor. There will be a Trail Maintenance Day on April 26th. He commented that the Environmental Commission would like to open the Bayshore Trail at Hilton Station. It would cost about \$15,000 to open up, but would provide emergency access to the trail in an area that is pretty accessible. It is also about mid-point on the trail. He reported that the council has been invited to the Highland's St. Patrick's Day Parade on March 21. If anyone wants to go, they need to let him know.

Council member Archibald reported on the Recreation Committee meeting. An Easter Egg Hunt will be held on the Saturday before Palm Sunday. He also commented that John Good did complete his Eagle project in the Lenape Woods, so we now have a second trail in Lenape Woods East.

Council member Fligor also commented on the Environmental Commissions desire to put an Osprey nest at Wagner Creek, where the mitigation is taking place.

Administrator Hubeny gave an update on the happenings at the Conifer Ball Fields. There is a small committee working on that and they will be meeting again on March 4th.

The Mayor reported that the ice rink has been dismantled. They will be looking into something a little more permanent for next year. He also mentioned that the wood that they used is now be utilized for planking on the piers.

Council member Hoffmann reported that the Harbor received one of the permits for the 24 slips and they are trying to obtain another permit that goes out past the fishing pier extension, out into the State water. He reported that the dates for the Fireman's fair are June 30, July 2, 3, and 4 with the fireworks being on July 2nd with the rain date on the 3rd.

Council member Doyle reported that the budget is being worked on. He and Mr. Hoffmann had worked on the Harbor budget and the Fireman's budget.

Mayor Rast reported that on March 23, there will be a First Ave, business and building owner summit at the Shore Casino. The purpose is to generate input and ideas to spur the business atmosphere on First Ave, to correct some of the aesthetic shortcomings as well as try to spur business to keep those there, solvent during the economical down turn. He did mention having some form of festival in the Harbor to generate activity in the Borough.

Administrator Hubeny reported on new businesses opening on First Ave. He also reported that the Borough has seen a \$2,000 monthly decrease in our sewer rates being paid to the Sewer Authority which equates to about \$15,000 per year. The Borough recently had a Storm water management and collection system inspection by the DEP and there were no comments, which is a great thing. Tomorrow JCP&L will be on the highway trying to fix the lights. He reported that he will be delivering the Waterfront Development permit application to Trenton tomorrow. The CDBG for the ADA for the Borough Hall came out today. Mr. Rooney and Dr. Fedina will be coming in March or April to do a school budget presentation at the request of Mr. Doyle. He finally reported that the Borough came in third place in the Joint Insurance Fund Safety Award for 2008. It is based on points and we were #3 out of 32. We received a \$750.00 dividend check and the JIF will be buying lunch for the employees.

Clerk Harris reported that the 1st quarter newsletter was complete and will be in the mail. He reported that the first stages have been put in place that will allow residents to begin utilizing the Borough website to make electronic payment for dog licenses, food handler certificates and soon tax and water payments. He also reported that he will be meeting with Zumu to redesign the Borough's web site.

David Marks of T&M reported that the 7th Ave under drain is ready to go pending review by Mr. Hubeny and Mr. Dougherty.

Chief Vasto just affirmed that everyone received his reports and commented that he had met with Councilman Archibald.

APPROVAL OF MINUTES

Regular Meeting – February 11, 2009

This motion was offered and moved for passage by Council member Archibald. Council member Dellosso seconded it.

This motion passed by the following vote.

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton

NAYS:

ABSTAIN:

PUBLIC COMMENT SESSION

Frank Austin - 1 Harbor View Drive thanked the Mayor, Council and Mr. Hubeny for making him aware of the situation with his home being in a flood zone, that he was unaware of. Because of the meeting and communications from the Borough, he

discovered that he was not in the new flood zone saving him \$696.00 by having a meeting and spending some time.

Pat Murray - Asbury Ave asked a question of what Mr. Palamara's salary was on the Sewer Authority.

Jim Krauss - Bayside Drive suggested the Mayor talk to the business people about the 400 anniversary of Henry Hudson landing in Atlantic Highlands and thought that maybe the Half Moon could be brought into Atlantic Highlands.

Joe Hawley - 25 Ocean Blvd asked Mr. Doyle if the Shade Tree omission could get additional monies in their budget. He also asked Mr. Archibald about renaming the East Ave Park after ex-chief Sam Guzzi. He commented that he was disturbed by the amount of money paid for the month of January to the Administrator, \$6,600.00 before taxes. He also mentioned that the commissioners get paid \$900.00 a quarter. He will get a petition to put this on the ballot to get the Sewer Authority dissolved once and for all. He also mentioned that there is no office to go to obtain information about the Sewer Authority. There should be a public office to go and obtain information.

Donna King - Ocean Blvd asked about the progress of the Bike Trail.

Joseph Hawley - Ocean Blvd asked if the item on the agenda regarding the Mosquito Commission was about spraying during the spring.

Kathleen Wigginton - commented that there was going to be a forum at the County about mosquito spraying. She asked about resolution 045-2009 and wondered if it were a new lease for the Catamaran Club. She wanted to know if they were allowed to camp overnight.

John White - Center Ave asked about what was happening with the renovation of Borough Hall. He was confused regarding the amounts of money and asked if there were any decisions made.

David Palamara - Sewer Authority Chairman - 33 Fourth Ave commented that everyone is free to come to Authority meetings and they can answer all of those details. He commented on some of the time spent on dealing with the TOMSA litigation.

Kathleen Wigginton - made some recommendations to bring sewer authority records to the new remodeled building.

UNFINISHED BUSINESS

NONE

NEW BUSINESS:

ORDINANCE 05-2009, SUNKEN VESSEL ORDINANCE

This Ordinance was read by title. A motion to introduce this ordinance was made by Council member Archibald seconded by Council member Sutton.

AYES: Council member Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton.

NAYS:

Ordinance 05 -2009 having been properly introduced will be considered for adoption on March 25, 2009 after publication and a second reading.

RESOLUTION 031-2009, EMERGENCY TEMPORARY APPROPRIATIONS

This resolution was offered and moved for adoption by Council member Archibald. Council member Dellosso seconded it.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton

NAYS:

RESOLUTION 041 -2009, SHARE SERVICE AGREEMENT WITH MONMOUTH COUNTY

This resolution was offered and moved for adoption by Council member Fligor. Council member Dellosso seconded it.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton

NAYS:

RESOLUTION 042 -2009, COMMODITY RESALE AGREEMENT WITH MONMOUTH COUNTY

This resolution was offered and moved for adoption by Council member Archibald. Council member Hoffmann seconded it.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton

NAYS:

**RESOLUTION 043 -2009, HENRY HUDSON TRAIL SHARED DEVELOPMENT/
MAINTENANCE AGREEMENT**

This resolution was offered and moved for adoption by Council member Fligor. Council member Dellosso seconded it.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton

NAYS:

**RESOLUTION 044 -2009, JOINT MEETING AGREEMENT WITH CENTRAL JERSEY
COUNCIL OF GOVERNMENT**

This resolution was offered and moved for adoption by Council member Archibald. Council member Dellosso seconded it.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton

NAYS:

**RESOLUTION 045 -2009, EXERCISE LEASE OPTION - SANDY HOOK CATAMARAN
CLUB**

This resolution was offered and moved for adoption by Council member Sutton. Council member Fligor seconded it.

This resolution was adopted by the following vote.

AYES: Council member Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton.

NAYS:

**RESOLUTION 046 -2009, NON-FAIR & OPEN CONTRACT - THE GOLDSTEIN
PARTNERSHIP**

This resolution was offered and moved for adoption by Council member Dellosso. Council member Archibald seconded it.

This resolution was adopted by the following vote.

AYES: Council member Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton.

NAYS:

CONSENT AGENDA: These items were enacted by one motion. If detailed deliberation were desired on any item, Council may have removed that item from the consent agenda and consider it separately:

- i. Resolution 047-2009, Hold Harmless Agreement - Mosquito Commission
- ii. Resolution 048-2009, Adopting OEM Hazard Mitigation Plan
- iii. Resolution 049-2009, Refunding of Taxes - Granting Full Exemption
- iv. Resolution 050-2009, Refunding of Taxes - Granting 50% Exemption
- v. Resolution 051-2009, Refunding Overpayment of Taxes
- vi. Resolution 052-2009, Refunding Overpayment of Taxes
- vii. Resolution 053-2009, Accepting Membership into A.H.F.D.
- viii. Resolution 054-2009, Payment of Bills

These resolutions were offered and moved for adoption by Council member Dellosso. Council member Archibald seconded them.

These resolutions were adopted by the following vote.

AYES: Council member Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton.

NAYS:

PUBLIC COMMENT SESSION

Jane Frotton - Memorial Pkwy asked about the joint meeting with the Council of Governments and how many towns were participating and which ones.

Mary Carhart - 39 Ocean Blvd - thanked the Council for taking the First step with the Borough Hall renovation and think it is a wise first step.

Marilyn Scherfen - 55 Ave D thanked the council as well for the actions taken to improve the library.

Joseph Hawley - 25 Ocean Blvd also thanked the Borough for their initiative and also for thanking Mr. Doyle for inviting the superintendents to come and explain the budgets. He also suggested that now is a good time to press to make Mr. Rooney the Superintendent of all three districts.

Jim Krauss - 77 Bayside Dr. Has been a resident for over a year and has been attending the meetings for 8 months and feels the residents of this town should be proud of the work that they have done. They show true care and concern for the residents, making this a great place to live and controlling costs.

ADJOURN - There being no further business before the Mayor and Council, Council member Sutton moved to adjourn the meeting at 9:14 PM, the motion was seconded by Council member Archibald and was unanimously approved.

February 25, 2009

