



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF NOVEMBER 16, 2009

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on November 16, 2009 in the public meeting room of Borough Hall, 100 First Avenue Atlantic Highlands NJ.

Council President Lou Fligor 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, Doyle, Fligor, Hoffmann, and Sutton. Administrator Hubeny, Borough Attorney Reilly, Borough Engineer David Marks, and Deputy Municipal Clerk Merkel were also present. Mayor Rast was not present.

Council President Fligor 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.

APPROVAL OF MINUTES:

Regular Meeting-October 14, 2009

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

This motion passed by the following vote.

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

NAYS:

ABSTAIN:

ABSENT:

Regular Meeting-October 28, 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, Sutton

NAYS:

ABSTAIN:

ABSENT:

WORKSHOP ITEMS TO BE DISCUSSED:

Tom Veth-98 Ocean Blvd-Is here tonight to ask for a monument to be erected in Veteran's Park in front of the flag where the current stone is for the 14 members that have passed away in the past wars. Mr. Veth passed out a drawing of the stone and described it to the Council and residents present at this meeting. Mr. Veth was told an electrical permit is the only thing he would need and asked if the fee for this permit could be waived, if not they will pay for it. He described how the lights would be placed around the monument. Mr. Hubeny asked if there would be any disturbance of the brick pavers and Mr. Veth indicated they would not be touched. Mr. Hubeny asked about the junipers and he would have to look into that question. Mr. Fligor asked the Council to waive the fee for the electrical permit fee. Mr. Dellosso made the motion to waive the fee and seconded by Mr. Archibald, all in favor. Mr. Reilly stated he would put together a Resolution to make it official.

Mr. Veth also mentioned that on December 5, 2009 from 6-7 is the cocktail hour and 7pm is dinner at the Shore Casino the American Legion Christmas Party. He invited all the Council and spouses to attend.

Mr. Veth also mentioned about the ceremony for the retired American Flags on November 28 at 11am.

REPORTS-COUNCIL MEMBER, COMMITTEE, PROFESSIONAL

Council member Dellosso reported that the library looks great. The borough workers did a great job with the painting and cleaning. It really looks great.

Council member Sutton had nothing to report.

Council member Archibald reported that Recreation had there meeting on Thursday the 12th and he indicated that the Halloween parade was a success. Judging is always a tricky part of the parade in front of the movies. Soccer has finished up and basketball sign ups are underway. The 2010 calendar is being put together and will be out soon. Mr. Archibald had nothing to report on the environmental commission because their meeting is on Tuesday.

Council member Hoffmann reported that the winter storage in the Harbor is finishing up. The Fire Department has a new slate that they will be voting on and he will let everyone know who they are at the next meeting and Jerry Pandolfo who is on the First Aid his is the Number #1 volunteer in the State. Mr. Archibald asked about the boats getting loose and what happened to the shackles? Mr. Hoffmann discussed this with the Council. Mr. Archibald mentioned that there is a hole on the dock going out to the ferry. Mr. Hubeny will check into this for him.

Council member Doyle reported that several members met at the Tidelands Commission in Trenton. He reported that Mr. Hubeny, Mrs. Frotton, Bill Bate, Bill Eaton, Mr. Doyle, and Mr. Corodemus were present for this meeting. He reported that they presented their case in regards to getting renewal of the mooring field for another five years and why the fees should not be capped and why we only pay the state \$60.00 for each buoy. The Tidelands Commission supported the argument and for the next five years we do have control of the mooring fields and we do need to maintain our costs.

Administrator Hubeny reported that the Code Enforcement job is being advertised. He mentioned where it is listed. The tax collection rate is going well at 96.07 percent up from last year which was 95.02 at this time last year. There are 16 companies picked up the IT bids and 34 have picked up the building bids. There were 22 companies that did a walk through out of the 34 companies that picked up bids. Bids are due the 24 of November. Mr. Hubeny reported that he appeared before the State House Commission in Trenton regarding the land swap .064 acres of property outside the library and switch to the front .084 acres and that was approved. Recycling grant for the tonnage grant we received \$9,430.74 up about \$3,000.00 from last year. Kathy Elliott from Birdsall Engineering is receiving the Society of Municipal Engineers Award for the Bayshore Trail. That is the second award on the project. There are several bids on the agenda for tonight and he read them aloud. We received a response from the FAA on the increase of air traffic in the area and they are mindful of that and will keep track of it. As the street signs in town disappear we are ordering replacements with the Borough logo on them in hopes that this will help stop whoever is stealing them. Mr. Archibald asked about the maintenance of the Trail, and Mr. Hubeny indicated that that was a borough employee. The plan has been to turn the maintenance of the Trail over to the County. A Resolution is being worked on and turning it over to the County. Some issues are being worked out with the County. He had a request from a resident on Fourth Avenue by the Harbor she wants to run her electric underground. It's about a six foot section where she has to go under Fourth Avenue. She would be required to get a street opening permit. Mr. Hubeny will need to discuss this with Mr. Reilly for the legal aspects of her doing this to Fourth Avenue. Mr. Hubeny announced that the Mayor is looking for volunteers for the various committees that we have in town.

Attorney Reilly indicated that his discussion will be in executive session.

David Marks reported that the work on First Avenue is progressing. The furniture and lights are being worked on and the contract is wrapping up quickly.

Deputy Clerk Merkel indicated that the Beacon deadline is November 30 and if there is anything that anybody wants to add please send an email to Dwayne Harris.

PUBLIC COMMENT SESSION

Bill Phillips- Memorial Parkway- Stated it's amazing we meet here on average two times a month all year long and we do a lot of business. The New York came with a boat load of Navy personnel and gave them a free meal at the Memphis Pig Out. Mr. Phillips indicated that he was concerned about the sewer pipe incident happening again. He asked if the Borough is putting any money out of our pocket. He also asked about the flooding issues on the sidewalk and who is at fault. Mr. Fligor responded to Mr. Phillips questions. He asked about 7th Avenue bid, and Mr. Hubeny responded in regards to the process of going back out to bid for this project. Mr. Phillips said the Bayshore Trail is beautiful.

Jeannie Niles-31 Second Ave-Question about Ordinance 16, 2009. Mr. Fligor indicated that this item was going to be brought up next for discussion.

Virginia Krick-75-Bayside Drive-Questioning Harbor access from the Bayshore Trail, are the gates going to be locked all winter. Mr. Hubeny responded that they gate will remain locked and the boardwalk will be open during the day. Security indicated to her that the gates were locked because they were hauling the boats.

Jane Frotton-Memorial Pkwy-Being a Harbor Commission member that anyone entering the Harbor who has a boat in the yard must show ID because of boats being stolen out of yards.

Mr. Delloso asked about the bump-out being taken out. The residents are concerned about the speeding traffic that comes down First Avenue. Mr. Archibald indicated that they are looking into this issue. Chief Vasto also discussed items that look like runway lights and they are looking into the cost.

UNFINISHED BUSINESS

ORDINANCE 16-2009, INCREASING PERMITTED BUILDING HEIGHT IN THE CBD AND LID

A motion to open the Public Hearing was made by Council member Delloso; it was seconded by Council member Archibald and was unanimously approved.

Jeannie Niles-31 Second Ave-She lives behind the flower shop and asked if the building height is going to be to all the buildings on First Avenue. Mr. Fligor indicated that this is going to happen to all the Central Business Districts and the Light Industrial Districts. She indicated her concern being that she lives behind a business and looks out her back window she will see the back of the building and that would not be a pretty view. Mr. Fligor responded that the Ordinance is in Attorney review. Mr. Reilly indicated that at tonight's meeting this Ordinance will be voted down due to changes to the Ordinance and will be brought up again at a later date.

Bernard Frotton-Memorial Pkwy-He asked about parking issues when these heights are put in place. Parking is difficult now. He is concerned mainly with parking if this is passed.

John White-Center Avenue-He asked what is it that we are trying to achieve with this Ordinance. Mr. Fligor indicated that it will help with COAH-Affordable Housing. It will help with upgrading the buildings in the light industrial area, such as the car wash property. Mr. Fligor briefly described these issues to the members of the public. Mr. Marks also discussed this issue to the public.

Arthur Sorensen-98 First Avenue-Spoke of the parking lot behind his business and the parking issues that are going to arise with the Ordinance. He also spoke about the height of buildings may become unattractive to people coming into town.

Chief Vasto indicated that he thinks there is some type of law regarding the height of a building especially near the water.

John White-Center Avenue-Indicated that a few years back when K. Hovnanian wanted to put in tall buildings near the Harbor, he feels that this is not a good idea. Mr. Doyle clarified that the K. Hovnanian was not given to the governing body in this regard.

Jane Frotton-Memorial Pkwy-Asked if she owned a building on First Avenue in the past and had a height restriction back then could she now go and build up. Mr. Reilly indicated that yes this could be done along with other requirements.

Martin Devy-15 West Lincoln Ave-He likes the idea of mixed use due to so many properties being empty at this time.

A motion to close the Public Hearing was made by Council member Dellosso; it was seconded by Council member Archibald and was unanimously approved.

After the Public Hearing Council member Hoffmann moved for a roll call on Ordinance 16; it was seconded by Council member Dellosso. This Ordinance was defeated by the follow vote:

AYES: None

NAYS: Council member Archibald, Dellosso, Doyle, Fligor, Hoffmann, Sutton

ABSTAIN:

NEW BUSINESS:

RESOLUTION 175-2009, AUTHORIZING MULTIPLE BID ADVERTISEMENT

This resolution was offered and moved for adoption by Council member Hoffmann, seconded by Council member Sutton and adopted on November 16, 2009 as follows:

This resolution was adopted by the following vote:

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

NAYS:

ABSTAIN:

RESOLUTION 176-2009, AUTHORIZING 7TH AVENUE UNDERDRAIN RE-BID ADVERTISEMENT

This resolution was offered and moved for adoption by Council member Archibald, seconded by Council member Dellosso and adopted on November 16, 2009 as follows:

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

NAYS:

ABSTAIN:

RESOLUTION 177-2009, TRANSFER RESOLUTION

This Resolution was offered and moved for adoption by Council member Hoffmann, seconded by Council member Dellosso and adopted on November 16, 2009 as follows:

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

NAYS:

ABSTAIN:

RESOLUTION 178-2009, APPROVAL OF RAFFLE LICENSE-MOTHER TERESA REGIONAL SCHOOL

This Resolution was offered and moved for adoption by Council member Sutton, seconded by Council member Archibald and adopted on November 16, 2009 as follows:

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

NAYS:

ABSTAIN:

RESOLUTION 179-2009, PAYMENT OF BILLS

This Resolution was offered and moved for adoption by Council member Dellosso, seconded by Council member Doyle and adopted on November, 2009 as follows:

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

NAYS:

ABSTAIN: Council member Fligor

RESOLUTION 180-2009, AUTHORIZING CONTRACT-BOAT RAMP IMPROVEMENTS

This Resolution was offered and moved by Council member Hoffmann; seconded by Council member Archibald and adopted on November 16, 2009 as follows:

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

NAYS:

ABSTAIN:

RESOLUTION 181-2009, APPROVING GRANT APPLICATION-NJDOT MEMORIAL PKWY

This Resolution was offered and moved by Council member Hoffmann; seconded by Council member Dellosso and adopted on November 16, 2009 as follows:

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

NAYS:

ABSTAIN:

PUBLIC COMMENT SESSION

No one spoke at this time.

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-Personnel-Police Grievance
2. Item-Personnel-Contract Negotiations (MEA/MSA/PBA)

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 item(s) and the public is excluded from this meeting.

Attorney Reilly read this resolution in full. It was offered and moved for adoption by Council member Sutton at 8:11 PM, seconded by Council member Archibald and adopted by the following vote:

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

NAYS:

RECONVENE-At 9:35PM the meeting was resumed.

ADJOURN-There being no further business before the Mayor and Council, Council member Sutton moved to adjourn the meeting at 9:40 PM; the motion was seconded by Council member Dellosso and was unanimously approved.

A motion was made by council member Archibald to approve these minutes. It was seconded by council member Hoffmann. The motion carried by the following roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: Councilman Sutton

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 December 02, 2009.

Dwayne M. Harris

Dwayne M. Harris, RMC, CMR
Municipal Clerk