



# MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF April 13, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on April 13, 2011 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, Councilman 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 Municipal Clerk D Harris.

Mr. 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 with the Municipal Clerk of Atlantic Highlands, on 1/03/2011. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

## APPROVAL OF MINUTES:

March 23, 2011 – Regular Meeting Minutes

A motion to approve these minutes was offered by Councilman R Sutton and 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)

## WORKSHOP DISCUSSION:

### HABITAT FOR HUMANITY –

Habitat for Humanity works in partnership with low to moderate-income families of the Jersey Shore to give them an opportunity to own a decent, affordable home of their own, which they pay for and maintain. Partner families invest hundreds of "sweat equity" hours building their homes and the homes of others. Houses are sold at no profit and with no interest charged. Mortgage payments are then used to finance additional houses. They are looking for the

Borough to possibly sell them at a reasonable rate, or donate some land so they can develop a project here in Atlantic Highlands. Volunteers provide the labor, and individual, church, and corporate sponsors provide the money and materials to build Habitat houses..

Frank Bridge – Construction coordinator commented the owners must have adequate income to carry the house.

### **TRAP, NEUTER, RELEASE PROGRAM – PROPOSED ORDINANCE**

Councilman Fligor commented that he had gone through the Eatontown Ordinance and made some changes, in conjunction with our Ordinance 15-2008. He designated the Municipal Clerk as the keeper of records and removed the Police as an enforcement agent and replaced them with Code Enforcement. The Mayor would like to add some teeth to deal with neighbors who allow their cats to come on to the neighbor's property. He also addressed the size of the colonies, which was not mentioned in either ordinance. The Mayor and Council feel that the Ordinance should be tougher.

Jane Frotton – Memorial Pkwy commented that when she was on the Council, when an ordinance was proposed to have cats on a leash, which was never approved.

William Phillips – Memorial Pkwy agrees but questions if one person feeds it [cat], one time or perpetual times, do they become the owner?

Shelley Kennedy - 104 E. Highland Ave asked what is a feral cat colony. She commented that she has a compost pile in her yard, would she be guilty of feeding a cat if they come into her compost pile.

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

Councilman Dellosso – reported that library was still under town control until May. This past month they circulated an average of 136 items per day. He thanked Mrs. Frotton, who was instrumental in reinstating the Summer Band Concerts in the Harbor. Attorney Reilly mentioned they [the Harbor Commission] would get a license to handle any copyright issues. Councilman Dellosso further reported that Highlands passed their resolution on the Sewer Authority Dissolution. He then encouraged anyone who wanted to walk through the new portion of the Borough Hall construction to do so. He also did mention that they are still working on the budget which is under a 3% increase. He mentioned that the Finance Committee was considering suspending the Open Space Tax for three years and was asking for the Council's consideration. He reported April 29<sup>th</sup> was Helen Marchetti's, Crab Apple Tree planting in the Harbor.

Councilman Sutton reported that the sewer flows for March are up over last month, to 47% and Highlands was 53%. The Water Sewer Committee had met prior to this meeting to discuss some things the water department needs to have done in the near future. There is close to a million dollars worth of projects that need to be completed which includes the drilling of new wells. The committee will meet again to work on the financing. He reported there was a sewer line break today on Rt. 36, close to where the last break was.

Councilman Fligor reported that there was a force main break sometime this morning, along Rt. 36. It basically created a 2x3 hole in the top of the pipe. There was also evidence that the pipe was further deteriorating in other place and they clamped the weak spots as a preventative measure.

Engineer Marks commented that the pipe is having a chemical reaction with something in the soils around the pipe, which is ultimately eating the pipe from the outside in.

Councilman Fligor stated he has no final repair figures, but both towns will share that cost. He then reported that the project on the Sodden property by NJNG was going well. The Fireman's Field had a pipe disconnect which was repaired by the fireman. Basically the contractor who installed the under drain missed a 7 feet section of pipe. He also reported Envirosapes did their spring maintenance, dumping dirt and soils in the areas that the NJNG had done clean ups in along Leonard Ave. They have an obligation to do this for a period of five years, to make sure the [tree] plantings live and fulfill the requirements of the wetlands mitigation.

Councilman Doyle - No report

Councilman Hoffmann reported that there was some activity in the Harbor since we had a couple of days of nice weather. He reported the Fireworks would be July 1<sup>st</sup> with the rain date of July 2<sup>nd</sup>. He mentioned Jane Frotton has been actively soliciting donations for the Buy a Rocket program which subsidized the \$10,000 investment by the Harbor. The Community Events Committee will donate \$5,000 and Mrs. Frotton hopes to get an additional \$10,000. He reported the Fire Dept will be selling chances for the Grand Raffle.

Councilman Archibald reported the he attended an Environmental Commission meeting and reported on the memorial service for Paul Boyd, which will be on Sunday April 17, at the Strauss House. He reported Sea Streak did a great job with parking and asked if we are getting more traffic on West Ave or in town in general. There were an additional 150 cars being parked. He reported the Recreation Committee had their Easter Egg Hunt over the weekend. There were approximately 400 participants. He reported the Police Dept had over 900 calls for service during the month of March. Finally he asked about an application that was going before the Planning Board and would like some enlightenment on what is going on, along that sensitive street [Harborview Drive].

Administrator Hubeny reported on some follow ups items previously enacted on or that are still outstanding. He reported that there were a few issues being worked through on the new building. We are about 56% complete and the project has been moved out until January 2012, but he hopes that will be brought back after additional crews come in and begin working. He also mentioned that Eli Goldstein is looking for an additional \$26,600.00 for the continued services he has been rendering due to the extension of the construction period. He mentioned that Mr. Neil Reilly, a resident on Bayside Drive, asked if he could sit in during the meetings. He has been giving him [Adam] good notes and suggestions.

Attorney Reilly reported that the Beskin sale should close and be finalized next week.

Engineer Marks reported that the contractor for the 2009/2010 Road Project is 3 weeks ahead of

schedule and under budget, although he does not have a figure yet. The Streetscape contractor is mobilizing and delivering materials tomorrow. He is noticeably behind schedule and we will begin to push him to get busy, before the Harbor gets busy.

Chief Vasto reported officer Phair has been certified in helping residents install child car seats.

Jane Frotton – Harbor Commissioner Chairperson – reported the Harbor will come up with funds necessary to reinstate the concerts down in the Harbor on Sunday evenings. She thinks the concerts are very well attended and felt it was important to continue them. She reported that they are putting in place a transition plan due to the retirement of William Bate. His position will be an advertised position.

James Krauss – Environmental Commission commented on the Beach Cleanup with Clean Ocean Action. He commented that he will be going through the 65 Borough owned properties to review them for the potential of having an adverse possession claim. In discussing the property on Harborview Drive, the commission had a discussion and feels the Borough should develop a prevailing set back ordinance.

## **PUBLIC COMMENTS**

Mary Wall – Ocean Blvd, reminded everyone of the Ladies Auxiliary Fundraiser on April 28<sup>th</sup> at the First Ave Playhouse. Tickets are \$25.00 and it starts at 8:00pm.

William Phillips – Memorial Pkwy commented that the Borough missed quite an event on Sunday at the field [Easter Egg Hunt]. He reported that there was well over 400 people there and Karen Moses did an outstanding job.

## **OLD BUSINESS:**

Ordinance 06-2011 – Exceeding Appropriations Limit and Establishing a CAP Bank Public Hearing/Adoption

A motion to open the public hearing, was offered by Councilman L Fligor and was duly seconded by Councilman R Dellosso

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)

No one came forward with comments.

A motion to close the public hearing was offered by Councilman L Fligor and 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)

A motion to adopt this ordinance was offered by Councilman J Archibald and 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)

#### **NEW BUSINESS:**

##### **RESOLUTION 058-2011, 2010 RECYCLING TONNAGE GRANT APPLICATION**

A motion to approve this resolution was offered by Councilman L Fligor and 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)

##### **RESOLUTION 059-2011, AUTHORIZING SEWER WATER BILL ADJUSTMENTS BY BOROUGH ADMINISTRATOR**

A motion to approve this resolution was offered by Councilman J Archibald and 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)

**RESOLUTION 060-PAYMENT OF BILLS**

A motion to approve this resolution was offered by Councilman R Dellosso and was duly seconded by Councilman J Hoffmann

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)

**PUBLIC COMMENT SESSION –**

William Phillips – Memorial Pkwy asked when the next Sewer Authority meeting was. He asked Mr. Fligor if he would find out the 24 hour pressure and gallons, prior to the force main break.

**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/Contracts
2. **Item**-Harmon Litigation

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 to approve this resolution was offered by Councilman R Dellosso and 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)

**ADJOURN** - There being no further business before the Mayor and Council, a motion to adjourn was offered by Councilman R Sutton and 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)

The meeting was concluded at 10:34pm.

A motion, to approve these minutes, was offered by Councilman R Dellosso and was duly seconded by Councilman J Hoffmann

This motion was passed by the following vote:

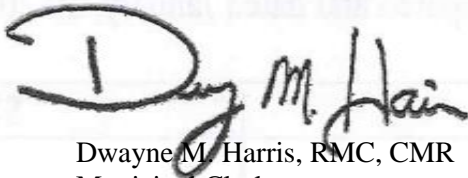
**Ayes:** Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

**Nays:** None (0)

**Abstain:** None (0)

**Absent:** None (0)

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 May 25, 2011.



Dwayne M. Harris, RMC, CMR  
Municipal Clerk