



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF OCTOBER 12, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on October 12, 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: Councilman Archibald, Councilman Dellosso, Councilman Doyle, Councilman Fligor, Councilman Hoffman and Mayor Rast. Administrator Adam Hubeny, Municipal Clerk Dwayne Harris, Engineer David Marks and Borough Attorney Bernard Reilly were also present.

Municipal Clerk 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 in the office of the Municipal Clerk of Atlantic Highlands, on 1/04/2011. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

APPROVAL OF PREVIOUS MEETING MINUTES:

Regular Meeting – September 28, 2011

A motion, to approve these minutes, was offered by Councilman J Hoffmann 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, and Councilman J Hoffmann (5)
Nays:	None (0)
Abstain:	None (0)
Absent:	Councilman R Sutton (1)

SPECIAL PRESENTATION

On August 26, 2011 there was a serious motor vehicle crash on Avenue D at about 4:40 PM. The driver had been trapped in his car after impacting the two parked vehicles causing it to ignite. The driver did not have the seatbelt on and was trapped inside the vehicle. Gary Franklin, Daniel White, and Daniel Low pulled the victim from the vehicle. The driver was med-one evaced to Jersey Shore trauma center and has since recovered from his injuries. Chief Vasto recognized Gary Franklin Daniel White and Michael Hodgkins for their heroism in saving this young man's life.

Councilman Sutton arrived at 7:04pm

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER

Councilman Archibald reported on the police activity for the month of September. There were over 133 traffic stops totaling 1368, for the year to date. He also mentioned that soccer was in full swing and recreation will be meeting for the Halloween parade on Saturday.

Councilman Hoffmann reported that the fire department entered into a field day competition in Sea Bright and for the third year in a row came in first place. He invited everyone to attend the Blue Mass on October 19 at 7:30 sponsored by Saint Angus Roman Catholic Church. He reported that SeaStreak is entertaining putting in a barge at the end of pier one. They are working out the details but it will serve as a waiting area for their customers. He reported that the assistant harbor master has been vigorously trying to get rid of some dredge spoils. If this works out it will be a really great deal for the harbor.

Councilman Doyle reported that on November 11, the American Legion will be having a Veterans Day Ceremony at Veterans Park, across from Borough Hall. As the commander of the American Legion, he is inviting everyone who attends, to lunch after the ceremony. The ceremony will begin at 11:00 AM.

Councilman Dellosso reported that the walls were up on the new side of the building and they have begun painting. They are still on track for December completion. He reported on the dissolution of the sewer authority. There are two proposals on the table totaling \$24,000. We [the Borough] will be responsible for half of that equaling \$12,000 and Highlands would be responsible for the other half. We have already passed on to the auditors, audit reports from the sewer authority so he can start looking at that and moving it for. There was a meeting last week with the DEP regarding the wells. His first question was "what was going on with the wells?" After speaking with Robert Dougherty who showed him the resolutions we passed, he stated he would see us in about a year. Finally the Lantern Tour is on October 28 and 29th in support of the Atlantic Highlands Historical Society.

Councilman Sutton reported the flows for the month of September were high due to hurricane Irene. We were over 50% for the first time in a long while. Later on we will be having the public hearing and possible adoption on the \$30 surcharge for the sewer infrastructure repairs.

Councilman Fligor reported on New Jersey Natural Gas monitoring the wells on the south side of Highway 36. He and Tom Merenda will be having a discussion tomorrow regarding the results. He had suggested an idea to Adam regarding our obligation to COAH and he will be looking into the possibility of utilizing bank foreclosed homes as a part of our: obligation.

Mayor Rast commented on the ordinance for the water surcharge that is being considered for adoption tonight. He has been doing a lot of research on this and he knows 100% that it is necessary for us to move forward tonight and it is his feeling Council should approve it. He also wants to make it clear that he will call for an auditing of several locations in town starting in, the business community, because he's become aware that there are some iniquities. Ultimately, if we can correct the inequities and straighten things out, maybe there will be a situation where we can go back and rescind or modified downward the surcharge in the near future. There are a lot of differences in the number of units being charged to commercial locations some being overcharged and others are ridiculously low. He has already asked people to begin that audit.

Administrator Hubeny reported that the road program punch list continues. Streetscape IV also continues with the punch list, and he hope to have all of those folks out by the end of the year. In the Seventh Avenue under drain there is a final payment on your bills list and that project is almost complete. We have been busy with FEMA. This week the assistant harbor master and a have attended a meeting with FEMA and we have 10 homes along Ocean Boulevard with some severe bluff stabilization problems. He has been assisting residents in putting in for Hazardous Mitigation Grants, which is a public and private partnership, which the borough has to be the sponsor of the program because it has to have a community effect component to it. Another issue that has arisen, which he handed out a map of last outlined in red of a basic diagram of the police department area downstairs. In an effort to save money and to spec this out so downstairs is comfortable for the police there were several walls that were left concrete block

walls. The outer walls were to be sheet rocked under the contract but the other three walls on the interior of the offices were not. On top of that, when the contractor took off the sheet rock, there were furring strips on the wall, which were nailed into the concrete and when they pulled that out the concrete were left with dimples. Our architect, Mr. Dellosso and Mr. Hoffmann and I walked downstairs, went through the offices and tried to figure out what offices should get an additional sheet rock, and it has been suggested that the offices outlined in red, to the tune of about \$20,000. It is \$4.50 a square foot for the install the paint and everything else. He thinks this is something that if we don't do, we think it will look more like a jail cell and a penitentiary, plus it also has repercussions on the heating and air-conditioning. He has not given the contractor the green light because he wanted to discuss it here, to make sure people were on board before he moved forward. We're at 1.9% in change orders on the total project 4.3 million, which is really amazing.

Clerk Harris reported that he and Mr. Hubeny had been meaning with phone vendors and because of our shopping around and the utilization of state vendors, the system will probably come in substantially less than what had been anticipated and budgeted for. The borough also can potentially save between \$6000 and \$12,000 a year on maintenance charges as well as substantially reduced expenses, in our phone services. We should have more information by the end of this month. He had also met with the street supervisor to prepare the brush, and leaf pickup schedule which should be out by next Friday. Information has also been supplied on the borough's website. He also reported that the borough should be receiving approximately \$1100 for the first six months of 2011 in postal bulk mailing rebates. He also informed the governing body that the municipality will be required to pass an ordinance outlining the number of taxis a municipality will allow and the licenses need to be distributed through a bidding process.

Chief Vasto reported that the Blue Mass would be on October 19. The department will also be doing the drug take back program, which is a program where you get the opportunity to clean out your medicine cabinet full expired prescriptions and dispose of them at headquarters. That will be on October 29 and will be announced through the reverse 911 system. He also commented that the governing body will need to make a decision soon regarding the radios for the department. There is a 10 week window between ordering and installation. He finally reported that the test drove a Dodge that came into town. They seem to be very nice and the biggest guy in the department had plenty of room in the vehicle.

James Krauss reported that on October 22 at 9:00 AM Clean Ocean Action would be performing the full beach sweep in the harbor. Later that afternoon at 1:00 PM, there will be a tree planting in memory of Paul Boyd. He also mentioned that Craig Pallock has recused himself from the Environmental Commission, until further notice, because of his involvement with the FEMA team. He did mention that this past Sunday was the Lenape Woods trail maintenance, which had a light turnout.

Jane Frotton commented that there will be at lease meeting on Friday, regarding the amount of money Sea Streak will be generating back to the harbor, regarding the barge. Hopefully the barge will relieve some of the problems and issues they have had with people waiting and being in the rain.

WORKSHOP DISCUSSION:

Art's Council - Robert O'Connor, 21 Grand Ave. spoke with the harbor commission last night to seek permission to cite the boathouse at the harbor next to the skate park. They asked him to come back to the governing body tonight to speak to you regarding their [arts Council] findings and search for a site. They have been looking for a site for the boathouse on town property for several weeks and they have come across a lot of limitations. The State Historic Preservation office would like the building cited in a

historically appropriate location, namely near the water. The only space they could consider is the parking lot west of First Avenue near the skate park. After looking at that space they pretty much narrowed it down to being right next to the skate park, where they [the Harbor] would only lose three parking spaces and an old sycamore tree. The site is pretty idealistically situated for them and there would be no cost for the harbor and all financial obligations and the rehabilitation of the building would be the responsibility of the Arts Council. They are confident that they have the expertise in financial support for the project. The Harbor Commission has asked that they come to the borough and ask permission to go back to The Harbor Commission to move forward with the project.

Jane Frotton of the Harbor Commission commented that there were a lot of unanswered questions regarding planning board approval and site plans. They say there is no cost to the harbor, but there is trash pickup snowplowing and other things that would relate to costs for the harbor. She also wants to know what happens if the project does not go forward; is the harbor left with a foundation.

William Iler, 11 Hillside Rd spoke with the Zoning Officer to find out what hurdles they face. Also the Harbor Commission wanted a bullet point outline of what they thought the usage would be, what impact on space would be, the kind of program they would have a end the kind of staffing they would need. They will present that bullet point outline to them within the next 24 hours. The hurdle they face tonight is the impression that the Harbor commission wants the borough to work with [the arts Council] them so that this project has a positive impact instead of a negative impact on its operations. Their sense is if the Council gives them approval since the Harbor Commission can take the bullet points and work out the details to make this a successful project or not. He is asking for the Council tonight to give them a nod of approval to work on that particular location because it seems that is the only one left.

PUBLIC COMMENTS

Paul Cavise – 26 E. Washington Ave suggested that a lot of problems would be solved by moving this project across the street.

William Phillips – Memorial Pkwy, asked who speaks to the authenticity of the dating of this building. He feels that there were a lot of vacant buildings on First Avenue already and there are a lot of people who would like rent from them , along with a couple of hundred thousand dollars.

Robert Waldron - 53 E. Lincoln Ave, thinks the project looks great on paper, it just seems a little premature that they don't have the money in place and on hand ready to go rather than moving it and not having enough money to finish it.

Shelley Kennedy – 104 E. Highland Ave. She sees a number of problems with the project right away, one being a lack of a selling plan, financing plan and plan on where this is going to be placed. She is concerned that this building will be put on property that is revenue-generating and who knows what will happen. Will the taxpayers be stuck with this property will they be stuck with anything of an unexpected nature regarding a historic building and the treatment of one? We really need to do a little bit of research up front because she is not willing as a taxpayer to give someone carte blanche to put a 50+ foot building into the harbor with no plan.

James Krauss – 77 Bayside Dr was at the meeting last night so he heard all of the concerns. Some of them are already in the process of being answered. He thinks this is a real opportunity to try to move things in the opposite direction on First Avenue. He thinks everyone should try to work to make this happen

Mayor Rast made a clarifying point that the executive session is not to confirm this but, to authorize

them going back to the harbor commission in an attempt to come to an agreement. There is no guarantee that this is going to happen.

Thomas Hauser - feels that every town has a center where people congregate. In his opinion, Atlantic Highlands lacks cohesiveness between First Avenue and the harbor. We don't have a commonplace to go forth the disbursement of information. He thinks that there are many ways for people to approach this building and find a plethora of information about Atlantic Highlands. Although it is difficult to put a numeric value on it he feels this building does have value and does have merit to Atlantic Highlands. Jerry Vasto -4 Wesley Ave thinks that a lot of people don't like the idea that this house is just going to sit there and see what happens. He recommends temporarily locating the house of Avenue A bond Hess property

Jane Frotton - asked if a structural engineer has been able to look at it.

William Phillips - Memorial Parkway, commented that there was a situation in Locust point where woman wanted to do something but couldn't because it was an historical site. He further commented that the Atlantic Highlands Fire Dept. as a nonpolitical organization. Say hi the present three political signs placed on their field. He wanted to know if there was along or not, regarding political signs on public property.

Terry Meusing - Center Avenue asked how many parking spots the skateboard park took.

Jane Frotton - 12 Memorial Pkwy, commented that she was on the board of Portland Point and wanted to know what the effect. The surcharge would have on Portland Point. She was concerned that the seniors would be assessed the same as everyone else.

Richard Liningberg - 71 Bay Ave asked how many summonses were given to people not yielding to pedestrians in the crosswalk. He and his wife are concerned about the number of people almost being hit by cars not yielding to pedestrians. He also asked since the borough has six wells, if it were possible to un-cap some of the previously capped wells.

Frank Grecco - Leonard Avenue also commented on people crossing the street in the center of the road along First Avenue. He would also like something put into the newsletter to remind people to cross in the crosswalks.

Shelly Kennedy – E Highland Ave asked if there would be a public comment period, regarding the pre-posed lifesaving station coming to the borough.

Mayor Rast commented that this item would not be discussed in executive session they took an unofficial poll of the governing body members, to refer this back to the harbor commission in order to work out the details with the Arts Council. He also asked that if it does move forward the first priority would be to make the outside look presentable while they work on the inside.

UNFINISHED BUSINESS:

ORDINANCE 17-2011 – AMENDING CODE CHAPTER 168-2 “WATER RATES”

Councilman Sutton made a motion to open the public hearing. It was seconded by Councilman Fligor and approved by unanimous consent.

Councilman Sutton, commented that the water, sewer committee had met several times and the borough's treasurer, Jerry Gagliano came up with the idea to come up with a \$30 per quarter surcharge for six years, to finance these repairs instead of going out the bond. We will raise approximately \$1.5 million. The cost per unit at the \$30 surcharge would be \$660, the cost for a 20 year bond would be \$1080, or 1.5 million for the six years or 2.4 million over the 20 year bond.

Paul Cavise 26 E. Washington Ave -commented that right now money is cheap and we should take advantage of that. He asked if an analysis has been done on how much we would pay per quarter on the 20 year scenario. He suggests that it would be easier to the taxpayer to pay less over the extended period of time, although they would be paying more in the long run.

Ed Cetron Auditorium Dr - commented that if you plan on living more than 10 years in this town, the six-year plan is better in the long run. If you plan on dying within the next 10 years then the 20 year plan would be beneficial. He feels we should pay it on out up front and be done with it.

William Phillips – Memorial Pkwy, commented that we are into changing the words taxes and fees, taxes would be substantially more to home owners. He is willing to pay in one lump sum tonight

Councilman Fligor made a motion to close the public hearing, which was seconded by Councilman Sutton and was unanimous approved.

After a second reading and public hearing, a motion to adopt this ordinance was offered by Councilman L Fligor and was duly seconded by Councilman J Hoffmann.

This motion was passed by the following vote:

Ayes:	Councilman J Archibald, Councilman R Dellosso, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (5)
Nays:	Councilman P Doyle, (1)
Abstain:	None (0)
Absent:	None (0)

ORDINANCE 18-2011 – CAPITAL SPENDING ORDINANCE

Councilman Hoffman made a motion to open the public comment session. It was seconded by councilmember Dellosso and approved by unanimous consent.

There were no comments from the public.

Councilmember Sutton made a motion to close the public hearing it was seconded by Councilman Dellosso and approved by unanimous consent.

After a second reading and public hearing, a motion to adopt this ordinance 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 (1)
Abstain:	None (0)
Absent:	None (0)

NEW BUSINESS:

MAYORAL APPOINTMENTS – PLANNING BOARD

Mayor Rast made the following appointments:

CLASS IV MEMBERS – unexpired term ending 12/31/11

Edward Cetron

ALTERNATE #1- unexpired term ending 12/31/12

Sandra Hoffmann

ALTERNATE #3 – unexpired term ending 12/31/11

Brian Smiga

These appointments were made pursuant to N.J.S.A. 40:56A and are made at the Mayor's sole discretion. One certified copy of the appointment[s] shall be recorded in the official minutes of the Borough of Atlantic Highlands and one certified copy forwarded to each organization for recording in their records.

RESOLUTION 140-2011, AUTHORIZING SETTLEMENT OF CLAIM – SANTORINI

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)

RESOLUTION 141-2011, PAYMENT OF BILLS

A motion to approve this resolution was offered by Councilman J Hoffmann 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 142-2011, AWARDING CONTRACT –ACCOUNTING/AUDITING SERVICES

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 L Fligor, Councilman J Hoffmann and Councilman R Sutton (5)
Nays: None (0)
Abstain: Councilman P Doyle (1)
Absent: None (0)

RESOLUTION 143-2011, AWARDING CONTRACT – LEGAL COUNSEL

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

PUBLIC COMMENT SESSION –

Richard Liningberg - 71 Bay Ave, commented on the electric sign on First Avenue asking if it can be changed to notify drivers to yield to pedestrians.

William Phillips - Memorial Parkway, commented cars are parked so close to the cross walk it's difficult to see pedestrians trying to come out into the street.

Robert Dougherty - thanked everyone for their comments and, the governing body for making the tough decision.

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 – PBA/MSA/MEA
2. **Item** – Contract Negotiation - Hanafy [Ave D Vacation]

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.

After being read at 9:46pm by Attorney Reilly, a motion to approve this resolution 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)

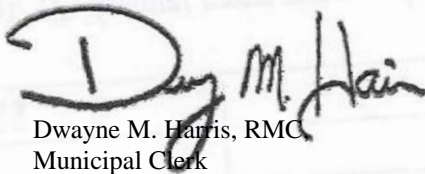
ADJOURN [10:35pm] - There being no further business before the Mayor and Council, Council member L Fligor made a motion to adjourn. It was duly seconded by Councilman R Dellosso and passed by unanimous consent.

A motion, to approve these minutes, was offered by Councilman J Hoffmann 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)

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 October 26, 2011.



Dwayne M. Harris, RMC
Municipal Clerk