



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF OCTOBER 26, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on October 26, 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, Councilman Sutton 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 – October 12, 2011

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:

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| 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) |

SPECIAL PRESENTATION:

Kim Spatola, of the Community Events Committee made a presentation, to the Atlantic Highlands Arts Council, of the proceeds generated from the Mayor's Ball in the amount of \$20,000.

WORKSHOP DISCUSSION:

Hunter Technologies – Ivo Allen of Hunter Technologies made a presentation to the governing body regarding the proposed phone system that the Borough is looking for as a replacement to its current system. The current phone system is 20 years old and Hunter is proposing the installation of a digital system which will bridge the Borough and all of its facilities into one system. Along with some changes in the carrier the new system will ultimately end up saving the Borough about \$15,000 per year in telephone expenses.

Ed Cetron – of the Atlantic Highlands First Aid wanted to be sure that the system would be compatible with their particular set up, which is inclusive of cable and internet services.

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER

Councilman Archibald – reported that recreation met about two weeks ago and the Halloween parade will be this Saturday beginning at two o'clock in the harbor. He asked if anyone was interested in volunteering to please come down to the harbor at two o'clock. Recreation also had a presentation by USA Sports and they're going to try to do some additional clinics which should be coming up, including possibly a soccer clinic during spring break. Recreation is also looking for volunteers; if you know anyone who might be interested please submit the name. Recreation also has some suggestions they would like to see the fire department implement regarding trash removal at the field.

Mayor Rast mentioned that Golf Analytical has also offered to give golf lessons during the wintertime.

Councilman Hoffmann – reported that Peter Crosta has vacated the premises. He also mentioned some of the slip contracts have gone out and the harbor personnel is working six days a week preparing for winter storage. He reported that the lumber bid has been returned and sewer borings have been done. He reported the fire department is making preparations for the Halloween parade this weekend.

Councilman Doyle – reminded everyone that Veterans Day is November 11 and is being hosted by the American Legion at 11 AM at Veteran's Park. After the ceremony the Legion will provide lunch at On the Deck for anyone who will attend. He mentioned that at the next meeting, the Lions Club would like to present a check to the police department.

Councilman Dellosso – reported that the building construction is still moving along and is on target for completion and occupation on December 6. We did receive the new proposal from Fallon and Associates regarding the sewer authority dissolution. We have a meeting tomorrow to discuss an engineer who will possibly be coming on board to assist in this process. He mentioned that the haunted lantern tour, sponsored by the Atlantic Highlands historical society, is on Friday and Saturday. The price this year is the same as last year, which is five dollars and they could use some volunteers if anyone is free.

Councilman Sutton – Had no report

Councilman Fligor – reported that he had attended The Arts Builds Community meeting set up by Mr. O’Conner with Rutgers University where a professor from the Edward Bloustein School of Government Service was present coaching them on Planning and Public Policy for our Borough. The next meeting is November 16 at 4:00 PM in the old Indigo Moon restaurant on Garfield Avenue. They are basically coaching us on how to work with all of the different entities in town to determine what the most important areas of concern are. Developing a central project that everyone can focus on and they will coach them through the planning and decision-making process.

Administrator Hubeny – reported that Teresa Radigan our construction technical assistant and Debbie Hough our utility collector have started auditing the water meters that are in the different businesses and residences throughout the borough. To date, they have found possibly 20 discrepancies, so they continued their search for the number of units against the number of meters and then within the next couple of weeks we will send our Road Department out to do some investigating. Last week, at the meeting, there was a general question regarding the Borough’s bonding capacity. We have approximately \$8 million that we could utilize to bond. Our net debt is \$21,556,000. He reported that he has received a response from Peter Avakian regarding the Center Ave., Park. There are some suggestions that are being putting together and some contractors to take a look at the park. We have been meeting with FEMA on a weekly basis. We have eight hazardous mitigation grant applications in, which were hoping to get an answer from FEMA on November 1. He has been in touch with all affected residents on Ocean Boulevard regarding this matter. In response to Councilman Doyle's question, he reported that we are owed some money from the Christmas blizzard which FEMA is not willing to cover some of the damage we suffered. He has appealed this because our insurance company only covers the deductible. His feeling is that if it wasn't snowing and it was not a declared disaster, the trucks wouldn't have been on the road and would not have been damaged, however FEMA has a different way of looking at things. We are still owed approximately \$80,000 from the March storm.

Clerk Harris – reported that the final edition of the borough newsletters is getting ready to be prepared and asked each of the governing body members, to speak to their organizations to prepare something to wrap up 2011 and move us into 2012.

Engineer Marks – reported that First Avenue Streetscape Phase IV punch list has one or two little things left to finish and he anticipates them being completed within the next two weeks. JADS Construction will be coming back around November 7 to finish up the supplemental work, some additional paving and some concrete work. They should complete this within a two-week period. Water Well #1 replacement has begun the planning process at T&M and he [Marks] will reach out to Bobby Dougherty and the DEP to make them aware that the project is moving forward. He did mention there would be about a 60 to 90 day review for the permit and feels that the actual construction will not begin until the spring

Michelle Rast [Chamber of Commerce] – reported the chamber is working hard with the businesses trying to promote the town. They are still waiting on the entrance to be started. The steel and the peanut stone are still waiting to be delivered and they're hoping construction will begin next week. So he reported that she has a problem with the gas company regarding those regulators that they installed on First Avenue. That has been months and months and months ago and they have still not resolved or removed those regulators. The pavers are terrible and the Streetscape I is in dire need of repair work. She also questioned the status of the cell phone towers that were supposed to be constructed in the borough. She still feels the lack of cell phone service along the water portion of town and parts of Ocean Boulevard is a hazard.

Kimberly Spatola [Beautification Committee] – reported that the community events committee will be sponsoring a Christmas tree sale at Veterans Park from Thanksgiving until they run out.

PUBLIC COMMENTS

William Phillips – Memorial Pkwy reported that they have a compaction issue on the Fireman's Field and they are noticing other issues as well. He reported that the fire department is getting an aerator and they are willing to let the Borough use it on the Center Ave., Park, if there was some way they could get there trailer registered so they can get it transported there.

Shelley Kennedy – E. Highland Ave, was interested in knowing more about the planning and coordination meeting attended by councilmember Fligor. She is disturbed that the Art's Council is paying for the Councilman to attend a seminar who is also on the body, making the decision regarding the Art's Councils request to place the boathouse on borough property. See asked if the Bloustein School made any reference to stakeholders in the conversation. She is concerned that this is a tool to implement certain portions of a sustainable development agenda. She would like to get on the agenda to make a presentation on the dangers of language utilized and terms that they [the council] may hear which are not necessarily defined in the way that the participants would expect..

David Shembry – 10 Second Ave, has concerns about parking along Second Avenue with the development of additional apartments on First Avenue. He was wondering if the governing body could assign parking or restrict parking along Second Avenue.

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

ORDINANCE 19-2011, CONVEYING BOROUGH PROPERTY TO HABITAT FOR HUMANITY

A motion to approve 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 P Doyle
Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays: None (0)
Abstain: None (0)
Absent: None (0)

Public Hearing and possible adoption is scheduled for November 09, 2011.

RESOLUTION 147-2011, EMERGENCY RESOLUTION – HARBOR UTILITY GAS

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)

RESOLUTION 150-2011, AWARD CONTRACT – HARBOR LUMBER BID

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

CONSENT AGENDA-

Councilman Archibald made a motion to remove resolution 151-2001 from the consent agenda for separate consideration. The motion was seconded by Councilman Dellosso and the item was removed. The following items were enacted by one motion:

- Resolution 144-2011, Establishing Halloween Curfew
- Resolution 145-2011, Approving Change Order #49 – Santorini Construction
- Resolution 146-2011, Approving Change Order #50 – Santorini Construction
- Resolution 148-2011, Refund of Tax Sale Premium
- Resolution 149-2011, Authorizing RFP for 2012 Professionals
- Resolution 152-2011, Authorizing Purchases on State Contract

Resolution 153-2011, Approving Change Order #51 – Santorini Construction
Resolution 154-2011, Approving Change Order #52 – Santorini Construction

A motion to approve these resolutions was offered by Councilman R Sutton 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 151-2011, PAYMENT OF BILLS

A motion to approve this resolution was offered by Councilman J Archibald and was duly seconded by Councilman J Hoffmann.

This motion was passed by the following vote:

Ayes: Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor,
Councilman J Hoffmann and Councilman R Sutton (5)

Nays: None (0)

Abstain: J Archibald (1)

Absent: None (0)

PUBLIC COMMENT SESSION –

Shelley Kennedy - E. Highland Ave, asked if the Halloween curfew applied to children under 18 years of age across the board. She questioned how do you establish if someone is trick-or-treating and maybe suggested language in it[the Resolution] that stipulates trick-or-treating ends at 8:00 PM.

William Phillips – Memorial Pkwy, asked for an update on the progress of the request by the Art’s Council to relocate the building into the Marina. He commented that he read quite a substantial article in the Asbury Park Press, regarding these buildings and it raises a red flag.

Ed Cetron – Auditorium Dr, feels that it does not make any sense [these boathouse buildings] because the article states that these three buildings have historical significance, and cannot be demolished. We were told that the reason the contractor wants to move this one is because of it has historical significance. If it didn't have a historical significance, he would just bulldoze it. So that tells him that one of the building has historical significance, and will probably be protected. So he is now concerned that the only building that anyone would want to spend the

money to transport and not demolish, is because he is stuck, and has to protect it and cannot demolish it. Therefore, we would be getting the white elephant. This scares him.

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

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.

At 8:58pm a motion to enter into Executive Session was offered by Councilman R Sutton and was duly seconded by Councilman J Archibald and passed by unanimous consent.

9:45pm Regular Meeting resumed.


ADJOURN [9:45pm] - There being no further business before the Mayor and Council, Council member Fligor made a motion to adjourn which was seconded by councilman Hoffmann and passed by unanimous consent.

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

This motion was passed by the following vote:

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|-----------------|--|
| 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 November 09, 2011.



Dwayne M. Harris, RMC
Municipal Clerk