



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF SEPTEMBER 14, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on September 14, 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.

ABSENT: Councilman R Sutton

OTHERS PRESENT: Borough Administrator, A Hubeny, Municipal Clerk D Harris, Borough
Attorney B Reilly and Engineer T Neff [representing David Marks],

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 – July 27, 2011

A motion, to approve these minutes, was offered by Councilman J Hoffmann and was duly seconded by Councilman P Doyle.

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 (5)
Nays: None (0)
Abstain: None (0)
Absent: Councilman R Sutton (1)

REGULAR MEETING – AUGUST 17, 2011

A motion, to approve these minutes, 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 (5)
Nays: None (0)

Abstain: None (0)
Absent: Councilman R Sutton (1)

WORKSHOP DISCUSSION:

Councilman Dellosso commented on Center Ave., Park, the borough spent a great deal of money getting the park set up and going, and after the last couple of days of rain it is a swap. He would like to use the open space money to repair the field utilizing the same process the firemen used at the firemen's field. They obtained two quotes the lowest being \$25,000.

Councilman Doyle feels that this might be a design flaw and since the money obtained, was gotten from Middletown feels that we might consider going after the responsible party for our expenses.

Administrator Hubeny commented on a proposed ordinance, which he left on the dais for everyone, regarding political signs. Political season is coming up and every year the police department gets thrown into the mix of signs being put up where they're not supposed to be and how long can they be up, and when are they supposed to be up and dealing with signs being stolen. If the governing body is so inclined to do so, he suggests that they read the proposed ordinance and introduce it at the next meeting, if they feel it is called for.

Mayor Rast and reminded everyone of the general meeting to be held at the Shore Casino on September 20 at 7:00 PM.

Administrator Hubeny commented on the mosquito situation in the borough. He assured everyone that Dawn Brown from the Monmouth County Mosquito Commission has been in the borough investigating the problem. In the past they have stated that they would not aerial spray for mosquitoes but they are now considering it. They have determined that this problem is originating from Spermaceti Cove at Sandy Hook, but because it is a national reserve, they are not permitted to do any type of spraying over there.

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER

Councilman Archibald reported that he attended the environmental commission meeting a couple of days ago and they had a pretty light agenda. He reported that an Eagle Scout is working on a project at the Fligor Bridge located in the Lenape Woods. He also mentioned that they did speak on some of these long blocking issues and how many straighter Hubeny reported at this time on 14 different homes that had been affected by hurricane Irene there are eight homes on Ocean Boulevard with erosion damage. There is one home in particular in a very dangerous position. FEMA has been and still is in town. Councilmember Archibald continued with his report by outlining lease activity for the month of August.

Councilman Hoffman gave a complement to the harbor personnel on a job well done boring during hurricane Irene. He mentioned that the harbor instituted a reverse 911 notifying the slip owners prior to the storm. The harbor removed over 60 boats before the storm began. He also reported that the fire department did a fantastic job as well and mentioned that the aerial truck

had been sent out for repair, which has ultimately drained the fire department budget for this year.

Councilman Doyle thanked everyone for nationals and volunteers for their efforts prior, during and after the storm. He gave praise to administrator Hubeny and the other OEM officials for the seriousness that they gave to the storm. He finally reported the Lions Club breakfast will be held on Sunday from 8:00 AM till 12 noon and invited everyone to come and get pancakes galore.

Councilman Dellosso reported that the Harbor Commission accepted a lease for the bait and tackle shop in the Marina. The proposal came from the same owner as On the Deck, but they will operate as a different Corp. He also reported that the harbor rates will remain the same as they were last year. He reported that recreation has been talking about starting a running club and also discussed the Christmas tree lighting being held in December. He reported on the Borough Hall renovation project, noting that it is still on target for completion before December 31 of this year. He finally reported that they will have to proposals from auditors and what they would charge to do the work involved with the dissolution of the Sewerage Authority.

Councilman Fligor reported that New Jersey natural gas once to have an open house in January of 2012. He reported that the flows from August were 47.6% after Atlantic Highlands saw 16.51 inches of rain during the month. He also mentioned that the Mayors Ball will be held on September 23 at 8:00 PM. Proceeds will be donated to the Atlantic Highlands arts Council. He finally mentioned that the Haunted Mansion tour will be held on October 28 and 29th.

Administrator Hubeny personally thanked Chief Vasto, Robert Dougherty, Mayor Rast and Marty Hawley. He had to leave after the storms to take his two children to college. These individuals were right there stepped up to take care of things in the town. The borough did take a little criticism and there were some lessons to learn but we can always get better at what we do. He sang Highlands and the Monmouth County for lending us generators which were instrumental in keeping the water flowing in the borough. The whole situation was very well under control. We weren't perfect, but we were pretty close to it. He noted that there were employees who are on vacation that had canceled their vacation to come in and work. The work crew does and did a fantastic job. He put on the dais A copy that the chief received, of all of the radio equipment that is proposed. He reported JADs is back in town starting today working on upper E. Highland Ave. working on a problem where they have a tort claim notice from a resident who has suffered some damage there. He finally chance, thank the chief and his crew for the work they performed transitioning the old Police Department into the new section of Borough Hall.

Chief Vasto elaborated on items outlined in his report. He mentioned that members of his department had also canceled vacations and he is proud of the work they did during this period. He mentioned three patrol vehicles had broken down during the storm and the firemen were instrumental in obtaining ice and water from Jersey Central Power & Light, and distributing it to the residence along with cleaning kits after the storm.

Tom Neff, acting Borough Engineer, commented that the Borough will submit a grant for work along Sutton Walk.

James Krauss from the Environmental Commission commented that the fall trail maintenance will be held on October 9.

Joseph Hawley from the Shade Tree Commission reported that the commission and Mr. Hubeny met with residents on Avenue C and Second Avenue regarding the trees that are going to be planted along those streets.

Bill Iler, 11 Hillside Rd, commented about a proposal where the Arts Council is seeking donation of a structure that would allow it to have a greater presence in town. They have looked at a number of different sites that were suggested to them, including the catamaran lot. He met with Jake Hoffmann and Lou Fligor and talk with them about locations. He is here today asking for the mayor and council's approval to negotiate for that its particular location on Hennessy Boulevard, behind the Hesse building. They are applying for a couple of grants that require them to be in a firm footing for a location, by November. The developer's contract is also contingent upon them reaching an agreement with the borough. He would like the Council to form a lease committee to discuss and negotiate the terms of the lease that could be agreed upon.

PUBLIC COMMENTS

William Phillips, Memorial Parkway is amazed at how much of our town through education, including the police department has advanced lifesaving training. He commented on a motor vehicle accident that occurred on Avenue D and how fantastic it was to see the police on their knees working to save the life of an accident victim.

Paul Cavise 26 E. Washington Ave. asked about the RFP for the bait shop in the harbor. He has asked if it was true that the RFP restricted the use of that location to a gift shop. He questioned if it was the best use of that location to obtain the maximum rent for that location. He feels that location is might serve well as a gift shop.

Robert Dougherty 16 Simpson Ave, commented that the borough workers did a great job during hurricane Irene. He commented that there was a 65-year-old gas pump on Observatory Place that failed. It would have had disastrous effects. The town needs a generator to keep those pumps going in case of a future situation that recently occurred.

James Krauss , 77 Bayside Dr., commented how impressed he was to see the employees come and clean the streets at eight o'clock in the morning on Sunday, and thanked them for keeping the water going.

Kathleen Ligon of the arts Council thanked the governing body for considering this building project. They are very excited about it. There is a lot of community support and they thanked the governing body for their support for this effort.

Robert O'Connor, 21 Grand Ave. trustee of the arts Council, thanked the governing body for considering this building project. He is a strong advocate for this project and he believes this historic building will honor the history of the town, and be a marker and really draw the people here. As a business owner, He is interested in anything that will do that and urges them to consider their request.

UNFINISHED BUSINESS:

Ordinance 16-2011 – Amending Borough Code Chapter 139 – Vehicles and Traffic

Councilman Dellosso made a motion to open a public hearing. It was seconded by Councilman Archibald and was approved by unanimous consent.

Chief Vasto asked if it was possible during the winter months when the park was not being used to suspend the restrictions.

Councilman Doyle asked if there was a way that Sea Streak could cover their signs during the weekends, allowing customers of the restaurant to park there.

Councilman Fligor expressed his concern that sometimes during the summer months when the band concerts are there parking is over the two-hour limit.

Councilman Fligor made a motion to close a public hearing. It was seconded by Councilman Dellosso and was approved by unanimous consent.

After a second reading and public hearing, a motion to adopt this ordinance 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 (5)
Nays:	None (0)
Abstain:	None (0)
Absent:	Councilman R Sutton (1)

NEW BUSINESS:

Resolution 123-2011 - Renewing Three Year Membership in the CJHIF

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 (5)
Nays: None (0)
Abstain: None (0)
Absent: Councilman R Sutton (1)

Resolution 124-2011 – Approving Change Order #43 – Santorini Construction

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 (5)
Nays: None (0)
Abstain: None (0)
Absent: Councilman R Sutton (1)

Resolution 125-2011 – Approving Change Order #44 – Santorini Construction

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 (5)
Nays: None (0)
Abstain: None (0)
Absent: Councilman R Sutton (1)

Resolution 126-2011 - Approving Change Order #45 – Santorini Construction

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 (5)
Nays: None (0)
Abstain: None (0)
Absent: Councilman R Sutton (1)

Resolution 127–2011 - Approving Change Order #46 – Santorini Construction

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 (5)
Nays: None (0)
Abstain: None (0)
Absent: Councilman R Sutton (1)

Resolution 128-2011 – Award Contract for Sanitation Truck

A motion to approve this resolution was offered by Councilman R Dellosso and was duly seconded by Councilman P Doyle.

This motion was passed by the following vote:

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

Resolution 129-2011 – Payment of Bills

A motion to approve this resolution was offered by Councilman P Doyle and was duly seconded by Councilman L Fligor.

Ordinance 17-2011 – Amending Code Chapter 168-2 “Water Rates”

A motion to approve this ordinance 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 L Fligor, Councilman J Hoffmann (4)
Nays: Councilman P Doyle, (1)
Abstain: None (0)
Absent: Councilman R Sutton (1)

Public Hearing and possible adoption is scheduled for October 12, 2011.

Ordinance 18-2011 – Capital Spending Ordinance

A motion to approve this ordinance was offered by Councilman P Doyle 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 (5)
Nays: None (0)
Abstain: None (0)
Absent: Councilman R Sutton (1)

Public Hearing and possible adoption is scheduled for October 12, 2011.

PUBLIC COMMENT SESSION –

Administrator Hubeny announced that the Atlantic Highlands Elementary School will be holding a public hearing on sharing a superintendent of schools with Henry Hudson on September 20 at 7:00 PM.

Michelle Rast 49 8th Ave. commented on the upcoming Mayors Ball and asked everyone for their support.

Paul Cavise 26th E. Washington Ave. asked if the Council could spare one member to attend the public hearing at the elementary school.

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/ Lease Negotiation – AH Arts Council
3. **Item** – Potential Litigation – Verizon
4. **Item** – Contract Negotiation – Santorini Construction

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.

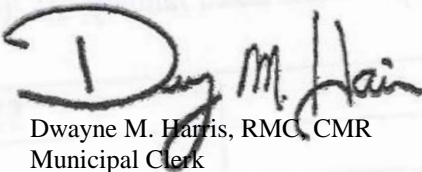
ADJOURN [10:37pm] - There being no further business before the Mayor and Council, Council member J Archibald made a motion to adjourn. The motion was seconded by J Hoffmann and was approved by unanimous consent.

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 (5)
Nays:	None (0)
Abstain:	Councilman R Sutton (1)
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 September 28, 2011.



Dwayne M. Harris, RMC, CMR
Municipal Clerk