



## MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF SEPTEMBER 26, 2012

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on September 26, 2012 in the public meeting room of Borough Hall, 100 First Avenue Atlantic Highlands NJ.

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 1/03/2012. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

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:

Present: Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, and Councilman Robert Sutton.

### RESOLUTION 137-2012, APPOINTMENT OF PATROLMAN – TRAVIS MORGAN

**Motion:** Approve Resolution, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Jacob Hoffmann.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, and Councilman Robert Sutton.

Mayor Rast administered the Oath of Office to Travis Morgan who was joined by his family, and the Police Chief of Sea Bright. Chief Vasto made a few comments regarding Travis and how nice it was to have a local resident hired onto the department.

### APPROVAL OF PREVIOUS MEETING MINUTES:

#### SEPTEMBER 12, 2012 – REGULAR MEETING

**Motion:** Approve Minutes, **Moved by** Councilman Roy Dellosso, **Seconded by** Councilman Lou Fligor.

**Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 2).

**Yes:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Lou Fligor, and Councilman Jacob Hoffmann.

**Abstain:** Councilman Peter T. Doyle and Councilman Robert Sutton.

### **SEPTEMBER 12, 2012 - EXECUTIVE SESSION**

**Motion:** Approve Minutes, **Moved by** Councilman Roy Dellosso, **Seconded by** Councilman Lou Fligor.

**Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 2).

**Yes:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Lou Fligor, and Councilman Jacob Hoffmann.

**Abstain:** Councilman Peter T. Doyle and Councilman Robert Sutton.

### **WORKSHOP DISCUSSION:**

#### **PLANNING BOARD - PROPOSED ORDINANCE FOR REVISION –**

Councilman Fligor explained that the Planning Board has been getting simple variance returns from people who have gotten their permits but have not started construction within the one year time frame. The current Ordinance would require them to return with a whole new application and pay the application fees again. This would allow the board to extend the permits without the need to complete a new application. He noted the Board was not unanimous in passing this. The issue was time frame whether it should be in perpetuity or set a definite time period, like twice in five years. The Planning Board is asking for the Council's opinion on this and is not requesting a vote tonight.

Councilman Archibald feels that there should be a time line included and five years is too long. Councilman Doyle feels two years is sufficient and if the applicants have not done anything during that time period, they should come and reapply.

Councilman Archibald commented that he feels no matter what we [the Council] do, the time periods they have for an extension should be clearly spelled out in the bottom of the resolution memorialized by the Planning Board. He also feels three years is not so bad.

Borough Attorney also recommended that after two additional years, a new notice should be sent to residents within 200' of the property.

Councilman Hoffmann feels the authority should lie within the Planning Board.

Mayor Rast agrees with the ability to come back to the Board for an extension, he thinks the second notice requirement is good also but is leery of the fees being imposed.

Attorney Reilly gave the Council some guidance regarding concerns about time passing and no one being aware of a prior approval and then there being shock and dismay about "where did this come from". He suggests approvals be granted in two year increments with a new notice requirement.

Councilman Hoffmann likes the idea but after two years, the applicant needs to return on a year to year basis.

Councilman Dellosso likes the attorney's idea of two, two year increments with the new notice.

Councilman Fligor suggests the Council think about it because there is no rush.

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

Councilman Archibald reported on Police activity for the month of August and noted the increased foot patrol along First Ave.

The Chief, at the request of Councilman Archibald, mentioned a Swift Reach message announcing operation “Medicine Cabinet” that will happen this weekend. He also mentioned the Pedestrian Safety Grant which will be utilized for educating residents on pedestrian safety. He appreciates the Council permitting the hiring of Travis Morgan and would like to meet with Mr. Archibald and Sutton to discuss some other issues within the department.

Councilman Archibald reported on the activities in recreation mentioning the Halloween Parade and a Zombie Walk. A new resident will be offering introductory guitar lessons at nominal fee and finally, Councilman Archibald mentioned he volunteered the Borough employees to help Recreation put up the soccer goals.

Councilman Hoffmann reported on the Fire Dept. inspection by the NJ PEOSHA. He mentioned the Harbor is reviewing the rates and will be finalizing them before they are presented to the Governing Body.

Councilman Doyle had no report

Councilman Dellosso mentioned the upcoming Mayor’s Ball and the Haunted House tour.

Councilman Sutton reported on the award of the Well #1 Replacement Project being awarded tonight. He also will be reviewing the savings on the replacement well and will see what other projects can be completed as well, utilizing the available funds. He did comment that he would need to abstain on the resolution to award the contract because AC Schultes does business with his firm outside of the Borough, and asked that it be removed from the Consent Agenda.

Councilman Fligor reported that the Sewer Authority is reporting the lowest flows from Atlantic Highlands ever. No one understands why because we have been getting a lot of rain. He reported the plant went on generator power over the weekend because JCP&L was pumping over 500 volts and a safety mechanism was activated. He mentioned that October 26<sup>th</sup> and 27<sup>th</sup> is the date for the Lantern Tour with the rain date being the 28<sup>th</sup>. They will be trying a new thing called a Zombie Walk down First Ave after the parade. He solicited adult volunteers.

Administrator Hubeny reported on a three hour meeting regarding Borough hall and it looks like all of the issues have been resolved. HE will be talking with Eli to finalize payments and get the Certificate of Occupancy. He also reported the Community Development Block Grant Program has awarded the Borough \$181,293.00 so we will move on with the proposed projects. He reported on the NJ PEOSHA report on the Fire Dept. The only thing is the fire alarm system, in the Emergency Services Building needs to be replaced. It has been broken for about 6 years now.

He reported hydrant flushing will begin on October 15th. There have been some dirty water reports around town and they discovered Stavola had tapped into our hydrants during their construction project along Memorial Parkway. He asked that if anyone sees people or contractors tying into the fire hydrant to please call the police. He also reported the Borough is helping three commercial properties with water flow testing, so it looks like the development of those properties are moving along and our assistance will help them save money.

Councilman Sutton asked for the Code Enforcement officer to drive through town because there is a lot of brush around town.

Clerk Harris report there is an update for the iPads and asked the Councilmen to update them as well download the app for Adobe Acrobat Reader 10. It is a free app but they will need their Apple Id to do so.

Attorney Reilly had no report

Borough Engineer reported on the contract for the West Avenue Resurfacing Project being awarded to DeFino Contracting. He mentioned the State is paving Highway 36 and he will coordinate their paving with our West Ave Paving Project. He may relocate 30 feet of paving off of Highway 36 down to the other end of West Ave.

James Krauss from the Environmental Commission reported that on October 4<sup>th</sup> Mr. Hubeny and Don Gates will be going to Trenton in regards to the application... He also mentioned that some residents would be putting together some ideas to improve the area at Hudson Springs in alignment with the work done by Max Weinberg on Bayside Drive.

## **PUBLIC COMMENTS**

James Krauss – 77 Bayside Dr commented that he was on Hillside Road this afternoon and commented the growth of the cave in around Mrs. Crick’s property. It has increased by 3.5 feet over the last two weeks and it is getting pretty serious.

## **UNFINISHED BUSINESS:**

### **ORDINANCE 10-2012 – CONVEYING EASEMENT FOR THE UNDERGROUND DRAINAGE PIPE**

Public Hearing/Possible Adoption

**Motion:** Open Public Hearing, **Moved by** Councilman Lou Fligor, **Seconded by** Councilman Roy Dellosso.

Motion passed unanimously.

Administrator Hubeny explained the details around the conveyance of this easement.

**Motion:** Close Public Hearing, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Lou Fligor.

Motion passed unanimously.

**Motion:** Adopt Ordinance 10-2012, **Moved by** Councilman Roy Delloso, **Seconded by** Councilman John Archibald Jr.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Councilman John Archibald Jr., Councilman Roy Delloso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, and Councilman Robert Sutton.

#### **NEW BUSINESS:**

**Consent Agenda:** These items were enacted by one motion. If detailed deliberation was desired on any item, Council could remove that item from the consent agenda and considered it separately:

At the request of Councilmember Sutton, Resolution 138 was removed from the Consent Agenda and as a result each item was considered separately.

#### **RESOLUTION 138 – 2012, AWARD CONTRACT – WELL #1 REPLACEMENT – AC SCHULTES**

**Motion:** Approve Resolution, **Moved by** Councilman Roy Delloso, **Seconded by** Councilman John Archibald Jr.

**Vote:** Motion passed (**summary:** Yes = 5, No = 0, Abstain = 1).

**Yes:** Councilman John Archibald Jr., Councilman Roy Delloso, Councilman Peter T. Doyle, Councilman Lou Fligor and Councilman Jacob Hoffmann.

**Abstain:** Councilman Robert Sutton.

#### **RESOLUTION 139-2012, PAYMENT OF BILLS - \$183,083.26**

**Motion:** Approve Resolution, **Moved by** Councilman Roy Delloso, **Seconded by** Councilman John Archibald Jr.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Councilman John Archibald Jr., Councilman Roy Delloso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, and Councilman Robert Sutton.

2. **ORDINANCE 11-2012, AMENDING BOROUGH CODE – FEES**

Introduction/First Reading

**Motion:** Introduce Ordinance 11-2012 Moved **by** Councilman John Archibald Jr.,  
**Seconded by** Councilman Roy Dellosso.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, and Councilman Robert Sutton.

Public Hearing and possible adoption will be considered on October 10, 2012.

**ADJOURN [8:30]** - There being no further business before the Mayor and Council:

**Motion:** Adjourn, **Moved by** Councilman Lou Fligor, **Seconded by** Councilman Roy Dellosso.

Motion passed unanimously.

**Motion:** Approve Minutes, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Robert Sutton.

Motion passed by unanimous consent.

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 10, 2012.



Dwayne M. Harris, RMC, CMR  
Municipal Clerk