



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF JANUARY 23, 2013

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on January 23, 2013 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.

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 1/02/2013. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

After a silent prayer and the Pledge of Allegiance, the following roll call was taken:

Present: Councilman John Archibald Jr., Councilman Roy Delloso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton, and Mayor Frederick J. Rast III.

Attorney Richard Leahy was present on behalf of Attorney Bernard Reilly and Engineer Thomas Neff was in for David Marks.

APPROVAL OF PREVIOUS MEETING MINUTES: REGULAR MEETING, JANUARY 09, 2013

Motion: Approve Minutes 01/09/2013, **Moved by** Councilman Robert Sutton, **Seconded by** Councilman Roy Delloso

Motion passed by unanimous consent.

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER:

Councilman Delloso reported that recreation is in desperate need of new members, so if anyone is aware of anyone that wants to be on recreation please submit their names. They need someone to run the soccer program this year and basketball is up and running. He reported that the seniors are doing well. He and Councilman Hoffman went to a meeting with Senator Beck, O'Scanlon and Freeholder Arnett. The borough is so far ahead of the curve and what they are looking to do regarding the repairs after super storm, Sandy. It is phenomenal, where Atlantic Highlands is in comparison to neighboring towns.

Councilman Sutton had no report.

Councilman Fligor spoke to New Jersey Natural Gas about the drainage problem at Avenue C and Leonard Avenue, which was brought to our attention by resident Frank Grecco. New Jersey Natural Gas will be looking into installing a drain at that location, which runs into our storm water system. They did clear the Creek and the debris is ready for the borough to come and pick up. They will also be looking at replacing some trees that had fallen over in the wetland area. He reported as-builts were in and requested T&M review them for accuracy and to be sure everything is back as it should be. He mentioned a water main break on Leonard Ave that was caused by an indentation in the road created after the street was completed and during curb installation during a Community Development improvement.

Councilman Doyle reported the Finance Committee met last week and he will relay the findings after further discussions.

Councilman Hoffmann had no report.

Councilman Archibald asked for support on a couple of resolutions related to the harbor, which are on the agenda for tonight. The first being the bid for the walk-in cooler/freezer and the second being the \$7 million bond anticipation note. He further explained how a bond anticipation note works and the financial breakdown of how the funds will be utilized as anticipated by the harbor. He did mention that any money received from FEMA can be put against this bond anticipation note.

Administrator Hubeny reported that budget preparation was ongoing. There are still a few more departments to meet with after which the budget will be put together. He reported that he and Mrs. Merkel had met with some insurance benefit providers about healthcare costs and he will be speaking with the budget and finance committee about that. He noted that the Sissy's in the harbor will be opening this Friday, On the Deck has been opened, Seastreak is in full operation, the Shore Casino is ready to open. Mister Sweeney has a lot of parties scheduled, the first one being February 9; and the Yacht Club is in operation. He noted that the harbor personnel is doing an excellent job as well as completing most of the work. He reported that we have received some advances in the amount of about \$65,000 from our flood insurance providers. Anything not covered by insurance. FEMA will cover with a 75%/25% match. The governor is looking to get from the president a 90%/10% reimbursement.

Clerk Harris reported that he had met with the Monmouth County Board of Elections regarding the inability to utilize the Senior Center for the upcoming elections in June. The Firemen's Field House will be utilized as the polling location for the Borough and potentially keep that as the permanent location, if there is no major objection from the governing body. He also noted that the Borough is in the process of going through a potential redistricting. He reported that there are about 70 out of 120 businesses registered in response to the change in the ordinance.

Attorney Leahy reserved any comments for Executive Session.

Borough Engineer reported that outside of all of the issues in the harbor, they [T&M] are working on getting the Well Number One construction completed, which should be wrapped up by the summer. Eric Nathanson, Project Manager for the Harbor Reconstruction project was on hand to give an overview of the Harbor Reconstruction project which will be discussed in the Workshop portion of the meeting.

Chief Vasto – had no report.

Jane Frotton – Harbor Commission commented that she thanked the Harbor Manager for a job well done. Things are coming along nicely and we should be back in business soon.

James Krauss – Environmental Commission reported that they had a lively discussion about the Harbor Reconstruction about the best ways to complete that. They are in agreement that it is being done in the best possible way, environmentally, having a less possible chance of negative future impact on the environment. He reported that he has been appointed to the Monmouth County Environmental Council, which should be beneficial to the Borough.

WORKSHOP DISCUSSION:

HARBOR RECONSTRUCTION PROJECT - Eric Nathanson from T&M Associates gave a presentation to the Governing Body on the Harbor Reconstruction Project.

Robert Sherman – 20 Harbor View Drive, questioned why not rebuild Frank’s Pier as a fixed pier.

Kate Wigginton – 62 Avenue D, asked if there was negative feedback from the boat owners regarding floating docks. She also asked if the small floating docks we currently own were going to be replaced. She also asked if it would all remain public access.

Cindy Bruntz – 25 Harbor View Drive, asked about the cost of the slips increasing.

FENCE PLACEMENT–315 OCEAN BLVD – There was a discussion regarding Mr. Lewinson’s property on Ocean Blvd that has two frontages. The Planning Board approved a fence with the condition; Mr. Lewinson would need to get permission from the Governing Body to attach the proposed wood fence to a metal fence that has been located on E. Highland Ave for a number of years. The metal fence is in the Borough Right-of –Way and would require a resolution from the Council and potentially require a Hold-Harmless from Mr. Lewinson to the Borough.

Ed Cetron – Auditorium Dr. gave additional insight on the position of the Planning Board regarding the improvement and their [Planning Board] inability to grant permission to attach the fence on the Borough Right-of –Way, on behalf of the Borough.

Frank Grecco – Vice Chair of the Planning Board questioned the future use of the Right-of-Way in regards to sidewalk requirements and asked what happens to the fence if the Borough needed to access that area in the future, to put in sidewalks.

PUBLIC COMMENTS:

Peter Hough – 27 Harbor View Drive asked to speak on the topic to be discussed during Executive Session. He distributed a statement and pictures to the Governing Body and read his comments for the record.

Kate Wigginton 62 Avenue D agrees with Mr. Hough. She stated this discussion had been had about a year ago and she was under the opinion that the proposal to vacate this property was unacceptable. She has complained about actions at this location on different occasions and had been told not to “worry about it”. She is concerned that the tranquility of the view will be lost for everyone. She would also like the opinion of the environmental commission about the proposed action.

Edward Cetron – Auditorium Dr. agrees with all of the previous comments. He understands, while in some cases a very small amount of controlled sale of borough property produces a win-win for everyone involved. But this transition of borough property completely over to a private person does not make any sense.

Jim Krauss – 77 Bayside Drive presented a position taken by the Environmental Commission. The environmental commission was not in support of selling the entire street links to Mister had a fee, but would support the sale of a small portion of encroachment by Mister Hannefy.

Bob Sherman – 20 Harbor View Drive commented that if the McConnell property gets built upon, there may not be access, any longer to this portion of the bay. He also questioned why this was being discussed in Executive Session.

Frank Grecco – Leonard Avenue, asked about the part of Avenue C where the pavement and it goes into a paper Street, he recommends if possible that either the curb be cut, so the water continues to flow into the firemen’s fields or the street be curbed and pitched so the water is direct to flow into the firemen’s field. He also asked if there has been a finalized adjusters report regarding insurance settlements in the harbor

UNFINISHED BUSINESS:

ORDINANCE 01-2013, ORDINANCE FIXING SALARY RANGES FOR 2013 - PUBLIC HEARING/POSSIBLE ADOPTION

Motion: Open Public Hearing, **Moved** by Councilman Roy Delloso, **Seconded** by Councilman John Archibald Jr.

Motion passed by unanimous consent.

Motion: Close Public Hearing, **Moved** by Councilman Lou Fligor, **Seconded** by Councilman Roy Delloso.

Motion passed by unanimous consent.

Motion: Adopt Ordinance 01-2013, **Moved** by Councilman Robert Sutton, **Seconded** by Councilman Lou Fligor.

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, Councilman Robert Sutton,

NEW BUSINESS:

ORDINANCE 02-2013 – AMENDING BOROUGH CODE – CHAPTER 168 – FEES

Motion: Introduce Ordinance 02-2013, **Moved by** Councilman Robert Sutton, **Seconded by** Councilman John Archibald Jr.

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, Councilman Robert Sutton.

Public Hearing and possible Adoption is scheduled for February 13, 2013.

ORDINANCE 03-2013 – \$7.5MILLION BOND ORDINANCE FOR HARBOR IMPROVEMENTS

Motion: Introduce Ordinance 03-2013 **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Robert Sutton

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, Councilman Robert Sutton.

Public Hearing and possible Adoption is scheduled for February 13, 2013.

CONSENT AGENDA: These items were enacted by one motion. If detailed deliberation was desired on any item, Council could have removed that item from the consent agenda and considered it separately:

1. Resolution 031-2013 – Refund of Tax Sale Premium
2. Resolution 032-2013 – Authorizing Bid – Two Walk in Refrigerated Boxes [Harbor].
3. Resolution 033-2013 – Authorizing Bid – Repair and Reconstruction of the AH Harbor
4. Resolution 034-2013 – Approving Planned Design for CDF Rehabilitation
5. Resolution 035-2013 – Authorizing Engineering Services – Harbor Maintenance
Dredging
6. Resolution 036-2013 – Award Contract – Professional Services – Michael Steib
7. Resolution 037-2013 – Payment of Bills
8. Resolution 038-2013 – Authorizing Contract - Atlantic Highlands Harbor Reconstruction Project

Motion: Approve Consent Agenda [Resolutions 031-038] , **Moved by** Councilman Jacob Hoffmann, **Seconded by** Councilman John Archibald Jr.

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, Councilman Robert Sutton.

PUBLIC COMMENT SESSION –

Jerry Vasto – 4 Wesley Ave, asked if the Borough has looked into the County to see if they would get involved in our dredging.

Kate Wigginton – 62 Avenue D, asked if we [The Borough] were concerned with what is leaching out of the dredge pit into the environment.

Frank Grecco – Leonard Ave, asked about the Harbor Buildings and if there has been discussion about elevating any of the buildings to prevent a future loss.

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 Negotiation – Hanafy
2. **Item** – Police Dept Activity [tactics and techniques]

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.

Motion: Enter Closed [Executive] Session, **Moved by** Councilman Roy Dellosso, **Seconded by** Councilman Lou Fligor.

Motion passed by unanimous consent.

Regular Meeting resumed at 9:40pm.

ADJOURN [9:40pm] - There being no further business before the Mayor and Council,

Motion: Adjourn, **Moved** by Councilman Lou Fligor, **Seconded** by Councilman John Archibald Jr.

Motion passed by unanimous consent.

Motion: Approve Minutes of 01/23/2013 **Moved by** Councilman Jacob Hoffmann, **Seconded by** Councilman Roy Delloso.

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 February 13, 2013.

/s/ Dwayne M. Harris, RMC,
Digital Signature

Dwayne M. Harris, RMC
Municipal Clerk