



# MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF DECEMBER 02, 2009

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on December 02, 2009 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: Council members Archibald, Delloso, Doyle, Fligor, Hoffmann and Sutton. Council member Sutton was not present. Administrator Hubeny, Borough Attorney Reilly, Borough Engineer David Marks of T & M Associates and Municipal Clerk Harris were also present.

Mr. 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 with the Municipal Clerk of Atlantic Highlands, on 1/05/2009. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

## **APPROVAL OF PREVIOUS MEETING MINUTES:**

Regular Meeting – November 16, 2009

A motion was made by council member Archibald to approve these minutes. It was seconded by council member Hoffmann. The motion carried by the following roll call vote:

AYES: Council members Archibald, Delloso, Doyle, Fligor, and Hoffmann  
NAYES: NONE

## **WORKSHOP ITEMS TO BE DISCUSSED:**

### **Beautification Committee Presentation:**

The Atlantic Highlands Community Events Committee presented a check to the Atlantic Highlands First Aid Squad in the amount of \$17,000.00, which were the proceeds raised at the 2<sup>nd</sup> Annual Mayor's Ball held on October 3<sup>rd</sup>. Mayor Rast remarked how fortunate the residents of Atlantic Highlands are to have such a professional squad with hard working, dedicated volunteers.

### **Borough Hall Bid Results:**

Administrator Hubeny supplied everyone with a chart outlining the bid results. There were 35 bid packets picked up with 22 actually being submitted. The average bid came in at 4.8 million with the lowest being \$3.4 million, second was \$4.2 million. Mr. Goldstein, Mr. reilly and myself have been reviewing these and conducting background information and we will be looking to award these at the December 23<sup>rd</sup> meeting. Attorney reilly commented that some of the bids had some legal issues that he will review during the Executive Session.

Administrator Hubeny reported that the IT Bids came in also and they range from \$67,000 up to \$296,000 which will be discussed by the attorney and the engineer. The bonding for this project will be done in January and we should be able to get permits in place and begin construction in February or March.

**RFP Responses:**

Administrator Hubeny commented that everyone has the RFPs and it is not up to the Governing Body to make their decision. He reviewed who the submittals were and mentioned that the Harbor has theirs as well. As soon as final decisions are made we can make the appropriate notifications.

**Citizen Leadership Forms**

Municipal clerk Harris explained the new law regarding "Citizen Service Act." The law requires any persons interested in serving on a municipal authority, board or commission to file a one-page 'Citizen Leadership Form' with the municipal clerk. It puts creates additional responsibility for municipal clerks requiring creation and maintenance of a directory of municipal entities, their membership and vacancies.

**REPORTS - COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER**

Council member Archibald commented on the Police Departments involvement with the big drug arrest, and feels they need to be commended. He also commented that Paul Boyd will be retiring from the Environmental Commission and a brief reception will be had for him after the next meeting and all are invited. There was some discussion on how Paul could be honored for his services and Mr. Archibald favors the idea of a donated fund in his honor, used for trail maintenance, and possibly a Resolution as well.

Council member Hoffmann announced the upcoming Santa Run schedule which will begin the week of December 7<sup>th</sup>.

Council member Doyle announced the Flag Retiring ceremony which will take place in the Harbor at 11:00am on Saturday, December 5<sup>th</sup> and the Holiday Tree lighting will take place at 4:00pm beginning in the Harbor.

Council member Delloso commented on how nice the temporary Library was set up and that the librarian was very happy there.

Council member Fligor reported that the DEP is working on getting the NFA [No Further Action] letters to the residents of South Ave, Avenue B and Highland Avenue. The residents have been asking for their letters and the DEP has made it a top priority. They have been working with Sodon and progress is being made. They will also be doing additional monitoring at Julian's. He believes remediation will begin in June or July 2010.

He reported that the Community Events Committee is selling wreaths swags and trees in the Veteran's Park nightly beginning at 6:00pm.

Mayor Rast thanked everyone for their concern during his recovery after back surgery.

Administrator Hubeny reported that Streetscape III was winding down; the holdup is the furniture came in with the wrong color. Duplex plugs under Phase I are being done installed. The old drain pipe in Phase I is also being replaced with partial funding from the State. Leaders were being fed off of four buildings into a 3" line. That line is being replaced with a 6" line. There are some minor snags in the 2009 Road Improvement program, they are being worked out. He hopes that on the 23rd the Council will be able to give T&M an additional contract that includes additional work in the Woodland Park section of the Borough. Second and Sixth Ave is being discussed for a realigning, moving tree to the back part of the sidewalk and possibly a brick paver closer to the curb. It would eliminate the whole problem with trees damaging the sidewalks. He reported that on the 8<sup>th</sup> we will be opening four bids on Tuesday the

8<sup>th</sup>. Finally he mentioned that we are working to improve the Mayor's idea for a skating rink in the Harbor. We are looking to remove it from the grass onto the parking lot.

Municipal Clerk Harris reported that the newsletter is in process and should be completed soon, so if anyone had a final submission, he would need it by the end of the week. He also reported that he had been elected President to the Central Jersey Registrar's Association, which comprises all of the registrars in Monmouth, Ocean and Middlesex counties.

Chief Vasto reported on the success of "Operation Medicine Cabinet" and mentioned that the Council had his full written report.

**PUBLIC COMMENT SESSION**

Bernard Frotton - 12 Memorial Pkwy commented that when he was on the Shade Tree, some time ago, they had passed a Resolution that all trees must be planted five feet from the curb. That should be a By-Law of the whole Shade Tree Commission.

Joseph Hawley - commented that there was a Resolution but they had changed the policy because of the new trees being bought. The roots of the tree grow straight down and not out, which is what caused the humping and cracking. There is also a waiver that if anyone wants a tree planted between the sidewalk and the curb; they have to sign a form accepting responsibility for the sidewalk.

Jane Frotton - 12 Memorial Pkwy expressed her concern with how much space is being taken up, because of the amount of boats being taken out and put in the parking lot. She is concerned that too many spots around the Casino are being taken.

Joseph Hawley - 25 Ocean Blvd thanked Councilman Hoffmann and the Fire Dept for the dinner that they hosted honoring his father Bart Hawley who passed away a few months earlier.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**RESOLUTION 182-2009, TRANSFER OF FUNDS**

This Resolution was offered and moved by Council member Archibald, was seconded by Council member Hofmann and adopted on December 02, 2009 as follows:

AYES: Council members Archibald, Delloso, Doyle, Fligor, and Hoffman

NAYS: NONE

ABSTAIN: NONE

**RESOLUTION 183-2009, PAYMENT OF BILLS**

This Resolution was offered and moved by Council member Archibald, was seconded by Council member Fligor and adopted on December 02, 2009 as follows:

AYES: Council members Archibald, Delloso, Doyle, Fligor, and Hoffman

NAYS: NONE

ABSTAIN: NONE

**RESOLUTION 184-2009, APPROVING CHANGE ORDER- STREETScape PHASE III**

This Resolution was offered and moved by Council member Fligor, was seconded by Council member Archibald and adopted on December 02, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, and Hoffman

NAYS: NONE

ABSTAIN: NONE

**PUBLIC COMMENT SESSION:**

No one came forward to speak.

**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 - Personnel - Contract Negotiations [MEA/MSA/PBA]
2. Potential Litigation - NJNG
3. Contract Negotiations - Borough Hall Bid
4. Personnel - Grievance - PBA

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.

Attorney Reilly read this resolution in full. It was offered and moved for adoption by Council member Hoffmann at 7:52 PM, seconded by Council member Fligor and adopted by the following vote.

AYES: Council members Archibald, Dellosso, Doyle, Fligor and Hoffmann

NAYS:

**RECONVENE** - At 9:29 PM the meeting was resumed.

**ADJOURN** - There being no further business before the Mayor and Council, Council member Fligor moved to adjourn the meeting at 9:30 PM; the motion was seconded by Council member Dellosso and was unanimously approved.