



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF JULY 13, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on July 13, 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 J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton

ABSENT: None.

OTHERS PRESENT: Borough Administrator A Hubeny, Borough Engineer D Marks, Mayor F Rast, Borough Attorney B Reilly and Municipal Clerk D Harris.

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 1/04/2011. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

APPROVAL OF PREVIOUS MEETING MINUTES:

June 08, 2011 – Regular Meeting Minutes

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

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)

WORKSHOP DISCUSSION:

Senator Michael J. Doherty – School Funding Plan – Made a presentation to the governing body on the lack of school funding going to suburban and rural communities in New Jersey. The goal of his presentation is to talk about our current system for funding our schools and how a fair school funding plan could increase the school aid here in Atlantic Highlands resulting in lower

property taxes. He asked for the Council to pass a resolution calling upon the Legislature of the State of New Jersey to fulfill its constitutionally assigned duty to distribute the state aid for education to the school districts in this state in a fair manner that is for the equal benefit of all the people of the state and not by means that are prejudiced by the actions of special interests that may have been presented before the Court or other venue

At 7:48pm Mayor Rast called for a 2 minute recess.
The Regular meeting reconvened at 8:00pm.

Habitat for Humanity – Highway 36 Property – Administrator Hubeny explained that Habitat for Humanity is looking to secure the Highway 36 property by Grand Avenue. It has been vacant for many years and I assessed at \$28,000 on our tax rolls. Since it owned by the Borough, we receive no revenue for it. Mr. Littleton is looking for us to either give them the property or sell it to them or do a payment in lieu of taxes program.

Vacating Ave D at Harbor View Dr. - Hanafy – Mr. Hanafy’s attorney could not be present so this item was deferred until the July 27 meeting.

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER

Councilman Archibald had no report.

Councilman Hoffmann thanked the Fireman’s Fair participants and the sponsors of the fireworks.

Councilman Doyle had no report.

Councilman Dellosso briefly reported on the Borough Hall renovation. He mentioned the girls softball team, from the Sandy Hook Little League won the District 4 Title and requested a resolution honoring them. He finally mentioned the passing of Tommy Murray.

Councilman Robert Sutton reported on the Sewer Authority flows for the month of June is at 46%. He mentioned the report from McDonald Stanton Associates affirms the reports that we have been receiving from the Sewer Authority. The flows are accurate and the Borough has a tight system. He reported on areas that need to be addressed in the water department. He mentioned the committee feels the Borough should go out for a Bond Anticipation Note for \$1.2 billion dollars and have a capital surcharge of \$30.00 per quarter, per user dedicated to pay back the money borrowed over a six year period.

Councilman Fligor reported on NJNG and the work they had done on First Ave with the regulators. He mentioned that a letter expressing our displeasure was sent and he had not received any response as of yet.

Administrator Hubeny reported the Borough will be receiving a \$5,000 recycling grant from Monmouth County that will be used to get some new dumpsters and recycling bins for the Harbor. He also mentioned that tax bills will not be out until after August 1st and will not be due until August 31. The budget has been passed but the State has not formalized their final numbers. Once that has been done, the County has to strike the rate and the bills can be prepared.

David Marks, Borough Engineer reported on the road program,. Most of the work has been completed and a punch list has been created. He will be meeting with Mr. Hubeny and the contractor tomorrow to go over some additional projects that need to get completed.

Jane Frotton Harbor Commission had no report.

Joseph Hawley – Shade Tree reported that they had begun the spring planting and the fall planting will be in honor of Paul Boyd.

Michelle Rast – Chamber of Commerce liaison reported the stone had been delivered for the entrance to the Borough. It has been paid for and it enough to do both sides and they are waiting for Pat Murray who will begin construction.

PUBLIC COMMENTS

Ed Cetron – Auditorium Dr commented that helping Habitat for Humanity is a great thing and he hopes we can find common ground. Also having worked for PSE&G he recommends not waiting for NJNG. CC the letter sent to them to the BPU. He also commented the Fireworks were excellent this year, even in this down time.

Mary Wall - Ocean Blvd commented the Bernie Sweeney had been honored at the Lion's Club dinner and asked if we [the Borough] could do a proclamation for him as well.

Joseph Hawley – Ocean Blvd was grateful that Senator Dougherty came and made a presentation but he asked that the resolution not be approved tonight until the numbers he presented are corrected and the information is completely provided.

Thomas Hauser – 10 Ocean Blvd asked about the design for the entrance to the town and he feels a rendering should be prepared so the town can see how it fits in with everything that is there.

William Iler – 11 Hillside Road commented that the entrance to the town is being done by volunteers who donated their own money for this project and does not feel additional funds are available.

Jane Frotton – Memorial Pkwy commented that the audience should realize that the Mayor’s Rast thought it was a good idea to raise money for organizations in town. The Mayor deserves credit for what he has done over the last few years and feels this project is a great idea.

Thomas Hauser – thinks that we are going to live with this for a long time and it will be money well spent to do a rendering to see how this will look. He also thinks it is foolish to begin one side without doing the other.

William Phillips-Memorial Pkwy commented that contractor is not only a great mason but he has a brilliant creative mind. If the model goes up and he does not like it, the next day it will come down.

Kate Wigginton – 55 Avenue D commented is a little shocked by the Hanafy issue. She understood that this was just in discussion and has a problem with him getting a heads up from his attorney by our attorney on what is discussed in Executive Session. She hopes Mr. Reilly does not bring any proposals from Executive Session to Mr. Hanafy.

UNFINISHED BUSINESS:

ORDINANCE 10-2011 - BED AND BREAKFAST ENABLING

A motion to approve this ordinance was offered by Councilman L Fligor and was duly seconded by Councilman R Sutton

Councilman Archibald expressed his disapproval with this ordinance. He is concerned that we are going to pass something that is automatically not what was intended. He feels the Planning Board may be very lenient in adhering to the requirements of the ordinance and may easily grant variances.

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:	Councilman J Archibald (1)
Abstain:	None (0)
Absent:	None (0)

Public Hearing and possible Adoption is scheduled for July 27, 2011.

ORDINANCE 11-2011 - BED AND BREAKFAST LICENSING

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 Delloso,
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 July 27, 2011.

NEW BUSINESS:

Consent Agenda - These items will be enacted by one motion. If detailed deliberation is desired on any item, Council could remove that item from the consent agenda and considered it separately

- Resolution 088-2011 – Change Order 36, Santorini Construction
- Resolution 089-2011 – Change Order 37, Santorini Construction
- Resolution 090-2011 – Change Order 38, Santorini Construction
- Resolution 101-2011 - Change Order 39, Santorini Construction
- Resolution 102-2011 - Change Order 40, Santorini Construction
- Resolution 091-2011 – Change Order 01, JADS Construction
- Resolution 092-2011 – Authorizing Miscellaneous Hardware Items Bid
- Resolution 093-2011 - Renewal of Liquor Licenses 2011/2012
- Resolution 094-2011 – Sale of Unneeded Police Equipment
- Resolution 095-2011 - Resolution on Feral Cats
- Resolution 096-2011 – Appointing Additional Alternate Prosecutors
- Resolution 097-2011 – Payment of Bills
- Resolution 098-2011 –Authorizing Execution Regarding MCIA Pooled Lease Revenue Bonds
- Resolution 099-2011 – Approving Sequence of Construction for Well #5
- Resolution 100-2011 – Fixing the Compensation of Certain Officials and Employees
- Resolution 103-2011 – Authorizing RFP for Municipal Marina Concession
- Resolution 104 –2011- Authorizing Engineering Contract – French & Parrello – Pier #4

A motion to approve the consent agenda was offered by Councilman R Delloso and was duly seconded by Councilman J Hoffmann

This motion was passed by the following vote:

Ayes: Councilman R Delloso, Councilman L Fligor, Councilman J
Hoffmann and Councilman R Sutton (4)

Nays: None (0)

Abstain: Councilman J Archibald, Councilman P Doyle, (2)

Absent: None (0)

ORDINANCE 12-2011 – AUTHORIZING LEASE OF CAPITAL EQUIPMENT – POLICE VEHICLES

A motion to approve this ordinance was offered by Councilman J Archibald and was duly seconded by Councilman R Sutton

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 July 27, 2011.

ORDINANCE 13-2011 – AUTHORIZING THE GUARANTY BY THE BOROUGH FOR MCIA REVENUE BONDS

A motion to approve this ordinance was offered by Councilman R Dellosso and was duly seconded by Councilman L Fligor

This motion was passed by the following vote:

Ayes: Councilman R Dellosso, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (4)
Nays: None (0)
Abstain: Councilman J Archibald, Councilman P Doyle, (2)
Absent: None (0)

Public Hearing and possible Adoption is scheduled for July 27, 2011.

ORDINANCE 14-2011 – ESTABLISHING DESIGNATION OF QUALIFIED PURCHASING AGENT

A motion to approve this ordinance was offered by Councilman J Archibald 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 Councilman R Sutton (6)
Nays: None (0)
Abstain: None (0)
Absent: None (0)

Public Hearing and possible Adoption is scheduled for July 27, 2011.

PUBLIC COMMENT SESSION –

William Phillips – Memorial Pkwy asked if the Police car is a strict lease or does it have a lease purchase option. He also asked about the unsuitable soils found in Borough Hall. He thought that was settled and wondered why we were paying them more money.

Michelle Keough – Center ave asked about the cat resolution [095-2011]. She is one of the residents that have a problem with cat feces on her property. This is an inherent problem and she is concerned that for it to be dealt with, she as the property owner is will be responsible for the costs. She understands that is difficult for everyone to enforce.

Ed Cetron – Auditorium Dr commented that if the resolution says they have to be licensed asked if cat owners could be required to chip them.

Joseph Hawley – commented that the former code enforcement officer went door to door notifying people that their cats are required to be licensed and that seemed to decrease the problem.

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-** Litigation – COAH

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 {10:51} - There being no further business before the Mayor and Council, Councilman Fligor made a motion to adjourn. It was seconded by Council member Doyle and was approved by unanimous consent.

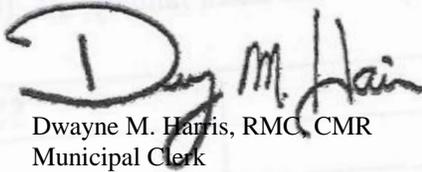
July 13, 2011

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

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)

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 August 17, 2011.



Dwayne M. Harris, RMC, CMR
Municipal Clerk