



# MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF SEPTEMBER 28, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on September 28, 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.

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.

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

Roll call: Councilman Archibald, Councilman Dellosso, Councilman Doyle, Councilman Fligor, Councilman Hoffman, Councilman Sutton and Mayor Rast. Thomas Neff, was present on behalf of Engineer David Marks and Richard Leahy, was present representing Attorney Reilly.

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

Regular Meeting - September 14, 2011

Special Meeting – September 20, 2011

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:

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

**WORKSHOP DISCUSSION:** None

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

Councilmember Archibald-had no report.

Councilmember Hoffmann -had no report.

Councilmember Doyle -had no report.

Councilmember Delloso -reported that the building was coming along. He also reported that the sewer authority Attorney has sent a letter moving forward with the TOMSA settlement.

Councilmember Sutton -reported that at the next meeting will be having the public hearing regarding the \$30 per quarter water surcharge.

Councilmember Fligor -reported that he obtained the as-built from New Jersey Natural Gas regarding the Sodon property. He has the water monitoring reports from ERM although he has not had a chance to look at them. The Sewer Authority voted at the last meeting to start the engineering for the new sewer line from Highlands to TOMSA separating the sewer line that is bad from Atlantic Highlands.

Mayor Rast-thanked everyone on the Council for their support of the Mayor's Ball, It was a great success. His wife and Mrs. Fligor are still working on calculating how much money was raised.

Administrator Hubeny-reported that JADS had been in and was completing some updates and corrections on the sidewalks. They still have some paving to do and he has expressed his disappointment, with Mr. Marks, that JADS will not be back in to complete the paving until November. He further reported that Precise Construction, on Streetscape IV, still has four punch list items that need to be closed out yet; it has been difficult getting the contractor back here. He mentioned that he, Mr. Marks, Spence Wickham and some property owners met regarding the bikeway program. The Borough was awarded \$150,000 for the bikeway program and a temporary share the road was being placed on Center Avenue. We are trying to change the route and are working on some ideas hopefully that will be underway shortly. The Borough also received a \$200,000 grant to a pave W. Ave from Highland Avenue to Highway 36. We are not sure what is going to happen with the property at the old car wash so we are kind of on hold until we see what happens there. The application for Streetscape Phase IV A has been submitted and there is a resolution on the agenda for tonight supporting that application. He finally reported that there were eight homes that have some hillside erosion from hurricane Irene. He, the Mayor and our engineer have met with several residents on Ocean Boulevard and once. FEMA has assigned a Public Assistance Coordinator we will be able to move forward helping those residents.

Chief Vasto – reported that he had sent out an update regarding a burglary on Highland Avenue near the Central Avenue area. They do have a suspect and commented that we are very lucky because the surrounding towns are getting hit really hard with burglaries and car thefts.

Jane Frotton - reported that there would be a press conference tomorrow with Congressman Pallone who is supporting the fishing industry. She reported on the lease for the bait and tackle shop that the governing body will be voting on later in the meeting. She feels it is a good thing because they will be selling things other than ice, like fishing poles and doing repairs. They will

also be refurbishing the building. They will be taking over the lease as of October first but will probably not be moving in until a later date.

James Krauss of the Environmental Commission reported that Lenape Woods East cleanup would be from 1 – 4 PM on Sunday, October 9. Clean Ocean lies beach sweep is Saturday, October 22 at 9 AM and everyone will meet in the harbor parking lot.

Mayor Rast and reminded everyone that the Chili Fest is Saturday at the Strauss house.

**PUBLIC COMMENTS**

No Comments were made.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**RESOLUTION 132-2011, RENEWAL OF LIQUOR LICENSE – BOBOS RESTAURANT GROUP**

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

**RESOLUTION 133-2011, REFUND OVERPAYMENT OF TAXES**

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 Councilman R Sutton (6)  
**Nays:** None (0)  
**Abstain:** None (0)  
**Absent:** None (0)

**RESOLUTION 134-2011, APPROVING GRANT APPLICATION – STREETSCAPE PHASE IV**

A motion to approve this resolution 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)

**RESOLUTION 135-2011, AWARD CONTRACT – T&M - WATER WELL #1 DESIGN**

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

**RESOLUTION 136-2011, AUTHORIZING HARBOR LUMBER BID**

A motion to approve this resolution was offered by Councilman L Fligor 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)

**RESOLUTION 137-2011, CHANGE ORDER #47 – SANTORINI CONSTRUCTION**

A motion to approve this resolution 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)

**RESOLUTION 138-2011, AUTHORIZING LEASE – BAIT & TACKLE SHOP**

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

**RESOLUTION 139-2011, PAYMENT OF BILLS - \$1,140,368.55**

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

**PUBLIC COMMENT SESSION –**

Jerry Vasto, 4 Wesley Ave – asked about the time line associated with the Sewer Authority dissolution. He also asked about the idea, presented at the Meet & Greet, about including water and sewer charges into the tax bill.

Paul Cavise, W. Washington Ave –thanked Councilman Doyle for his sage advice and questioned what the timeframe was for getting the money to pay for this project.

William Phillips, Memorial Pkwy –thanked the Mayor and Council for the Meet & Greet held at the Shore Casino and on September 20. He feels many things were discussed that were factual and cleared up a lot of issues.

Robert Dougherty, Water Dept Supervisor - thanked the Mayor for keeping a campaign promise from four years ago, regarding the well replacement. He feels it is real prudent to do this and this will insure the water company for another 25 years. Once the sewer authority is dissolved and they [the Water Dept.] are running it as they used to, the water company will begin to turn a profit.

### **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** – Potential Litigation- Verizon
2. **Item** – Contract Negotiations – PBA/MSA/MEA
3. **Item** – Litigation – Iler
4. **Item** – Litigation - Ritter
5. **Item** – Contract Negotiation – Santorini
6. **Item** – Contract Negotiation - Habitat for Humanity

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.

At 8:38pm the Regular Meeting was resumed.

**ADJOURN [8:39pm]** - There being no further business before the Mayor and Council, Council member Fligor made a motion to adjourn. It was seconded by Councilman Dellosso and passed by unanimous consent.

September 28, 2011

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:

<b>Ayes:</b>	Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
<b>Nays:</b>	None (0)
<b>Abstain:</b>	None (0)
<b>Absent:</b>	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 October 12, 2011.



Dwayne M. Harris, RMC, CMR  
Municipal Clerk