



# MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF January 25, 2012

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on January 25, 2012 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 Archibald, Councilman Dellosso, Councilman Doyle, Councilman Fligor, Councilman Hoffman and Mayor Rast; Administrator Adam Hubeny, Municipal Clerk Dwayne Harris, Engineer David Marks and Borough Attorney Bernard Reilly were also present.

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.

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

**Reorganization Meeting – January 01, 2012**

**Regular Meeting – January 11, 2012**

Motion: Approve, Moved by Sutton ROBERT, Seconded by Fligor LOU.

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

Yes: Archibald Jr. John, Doyle Peter T., Fligor Lou, Hoffmann Jacob, Sutton Robert.

Abstain: Dellosso Roy

### **WORKSHOP DISCUSSION:**

**Moving of School Board Elections** – Christopher Rooney gave a briefing to the Governing Body about legislation signed by Governor Christie regarding School Boards moving their elections from April to November. School Boards have to make a determination as to whether or not they are going to change dates. If a Board does not move, things will continue at status quo and the school districts will foot the expenses of funding the elections, divided throughout the districts in the county. Provisions are in place to extend expiring terms until December 31, 2012 and newly elected members will take office on January 1. The Atlantic Highlands School Board and Henry Hudson Regional School Board will begin to make the motions, at their respective meetings, to move the Elections to November.

**Rent Control Ordinance** - Administrator Hubeny commented on the need to determine whether the Borough would continue with the current Rent Control Ordinance and Rent Control Board which has not been effectively used in the Borough for many years. Clerk Harris explained how the current Ordinance expired in 2008 so essentially the Borough has been functioning without one. He did not outline any benefits to the Borough for the continuance of the Ordinance but did outline some benefits to the residents that live in units that would qualify under the Ordinance.

**RESOLUTION 028-2012, SUPPORTING AH GREEN MIXED INCOME DEVELOPMENT**

Motion: Approve, Moved by Hoffmann Jacob, Seconded by Fligor Lou

Administrator Hubeny explained that this Resolution supports an application put in to the Monmouth County Community Block Program for “Home Funding” for a little less than \$300,000. Atlantic Highlands has been successful in getting grants from Community Block and Sharon Rafter has brought this application to the point where the application requires support from the Governing Body.

Benson Chiles commented that his company will be providing COAH and non-COAH housing units under the Workforce Community Housing program. If the County comes through, this will be a great project and the County wants to know that the town is in support of it. That is why he thought it would be appropriate for the Council to approve this resolution. They have gotten verbal approval for funding from the State and there seems to be a good shot for them to get funds from the Community Block Program.

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

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

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

**Councilman Archibald** reported that he had missed the last Recreation Committee Meeting. He reported on the Police activity for the month of December and the 2011 Annual Report. He deferred to Chief Vasto who elaborated on items within the department report.

Chief Vasto mentioned that the Department is still working out scheduling with the County for the LPRs [License Plate Readers]. He also reported that he anticipated delivery on the Police vehicles by the end of March. He also reported that some of the new dispatch equipment has begun to come in and hopefully that will be completed earlier than anticipated.

**Councilman Hoffmann** reported possibly next year the skating rink, which has been established in the grassy park section of the Harbor, can be moved to the black top to keep the surface level and consistent. The Harbor is moving full swing with maintenance. He reported the Fire Department is reorganizing their field management team. If anyone has problems scheduling or getting on the Fireman’s Field he would like to know.

**Councilman Doyle** had no report.

**Councilman Dellosso** commented that Recreation is beginning Soccer sign ups and Basketball signups. They have also decided to move their meetings from monthly to quarterly. He reported that the boat house issue [Art's Council trying to relocate an old boat house from West Long Branch to the Marina] is dead. He reported the TOMSA lawsuit is over so the dissolution of the Regional Sewer Authority can begin to move forward a little more vigorously. He reported the Harbor will be appointing John Amici as the new Harbor Manager and they should see a savings of about \$69,000.00 in salary and benefits, due to the retirement of the former Harbor Master.

**Councilman Sutton** reported on the sewer flows for the month of December. He reported that the Water/Sewer Committee met to discuss the items to be replaced with the 1.2 million dollar bond that is being approved through Ordinance 02-2012. He reported the \$800,000 estimate, from T&M to have the job completed is down to about \$700,000 now.

**Councilman Fligor** reported the Sewerage Authority has settled with TOMSA and paid them \$641,000, in back fees, which was less than originally proposed. They will no longer be giving us a surcharge on flows above 1.3 million gallons, which is a benefit to the Borough. He reported T&M is doing the drawings for the new sewer line to be run down Buttermilk Valley. The Regional Sewer Authority will also get back \$18,000 from The Bank of America as part of a Class Action Suit. Councilman Doyle asked when the original lawsuit commenced and what the original amount was. Councilman Fligor reported that it was about 10 years ago and the Authority has been holding back the portion of the fees payable, that they believed they were being overcharged. Councilman Archibald questioned if the Sewerage Authority was paying for the line coming down Buttermilk Valley and if they thought about how they are going to pay for it?

**Administrator Hubeny** reported on some building issues. He mentioned about the cleaning of the building and maybe moving someone in from the Street Department and possibly bidding lawn services for the Borough. He mentioned that Colt's Neck is interested in buying our old court recorder. He reported on the recent snow storm and the good job done by the road guys.

**Clerk Harris** reported that The Borough of Highlands is preparing for their St. Patrick's Day Parade on March 24<sup>th</sup> and he would submit the registration form if the Governing Body still desires to participate. The Friends of The Atlantic Highlands Library is celebrating the 85<sup>th</sup> year of the Atlantic Highlands Library by selling commemorative book plates, designed by Mike Scherfen. They have invited the Council to have their favorite book of their choice, dedicated in each of their honors, with a book plate. He announced that Hunter Technologies will begin installation of the new phone system on Monday and will start training on Tuesday. There was some discussion around the Council obtaining iPads or some other form of tablet computer for use by the Governing Body instead of continually using their personal and work computers, which could be vulnerable to OPRA actions. He also explained about Procurement Cards and the Borough's desire to implement them as a part of our purchasing ability.

**Engineer Marks** commented that the design for Well #1 is well under way. They have presented a progress print to the Water /Sewer Committee and Department for their comments. They are about 1 month behind schedule but should be in construction by late summer, early fall 2012. The road program is wrapped up expect one drainage issue that will be resolved with the contractor.

Streetscape IV is generally wrapped up. He reported has all of the traffic information regarding the three way Stop signs and needs to sit with Mr. Hubeny to draft that Ordinance.

Jane Frotton from the Harbor Commission had no report but did ask a question about the email retention and if it is something the Boards should be looking at.

**Mayor Rast** announced his appointment of Brian Smiga to the Environmental Commission, as an Alternate Member.

**PUBLIC COMMENTS:**

Kathleen Wigginton – Avenue D, reported that Shade Tree has been in the process of getting the plaques for the trees they have planted as dedications, over the past years, everyone will have a little plaque. They are also beginning their Arbor Day Poster Contest

**UNFINISHED BUSINESS:**

**ORDINANCE 01-2012 - 2012 SALARY ORDINANCE – PUBLIC HEARING/POSSIBLE ADOPTION**

Motion: Open Public hearing, Moved by Sutton ROBERT, Seconded by Dellosso ROY.  
Motion passed unanimously.

Kathleen Wigghinton commented that she has looked at the ordinance and noted that one particular area has not been increased over the past few years. The Mayor asked the Personnel Committee look at it to see if appropriate amendments should be made.

Motion: Close Public Hearing, Moved by Sutton Robert, Seconded by Dellosso Roy.  
Motion passed unanimously.

Motion: Approve Ordinance, Moved by Sutton Robert, Seconded by Fligor Lou.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).  
**Yes:** Archibald Jr. John, Dellosso Roy, Doyle Peter T., Fligor Lou, Hoffmann Jacob, Sutton Robert.

**NEW BUSINESS:**

**RESOLUTION 029-2012, AUTHORIZING AWARD OF CONTRACT – MICHAEL B. STEIB**

**Motion:** Approve, **Moved by** Fligor Lou, **Seconded by** Doyle Peter T.  
**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).**Yes:** Archibald Jr. John, Dellosso Roy, Doyle Peter T., Fligor Lou, Hoffmann Jacob, Sutton Robert.

**RESOLUTION 030-2012, AUTHORIZING AGREEMENT WITH THE ACTIVE NETWORK**

Motion: Approve, Moved by Doyle Peter T., Seconded by Dellosso Roy.

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

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

**RESOLUTION 031-2012, PAYMENT OF BILLS - \$275,529.49**

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

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

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

**RESOLUTION 032-2012, APPOINTING JOHN AMICI HARBOR MANAGER**

Motion: Approve, Moved by Hoffmann Jacob, Seconded by Sutton Robert

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

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

**ORDINANCE 02-2012 – \$1.2 MILLION BOND ORDINANCE FOR MUNICIPAL IMPROVEMENTS**

Motion: Approve, Moved by Hoffmann Jacob, Seconded by Fligor Lou.

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

**Yes:** Archibald Jr. John, Dellosso Roy, Fligor Lou, Hoffmann Jacob, Sutton Robert.

**No:** Doyle Peter T.

Public hearing and possible Adoption will occur on February 8, 2012.

**PUBLIC COMMENT SESSION –**

Frank Greco – Leonard Ave, suggested the Handi-Lift be listed on Ebay and sold. He asked about the request from the Police for an inclusion of a gym in the Borough Hall. He wanted to know if it was still being considered.

Chief Vasto asked if they [the Governing Body] would send a letter, in response to their request, to the requesting group.

**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** – MEA/MSA Contract Negotiations

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 Session, **Moved by** Fligor Lou , **Seconded by** Dellosso Roy .

Motion passed unanimously.

**ADJOURN [10:08pm]** - There being no further business before the Mayor and Council, Council member Sutton made a motion to adjourn. The motion was seconded by Council member Dellosso.

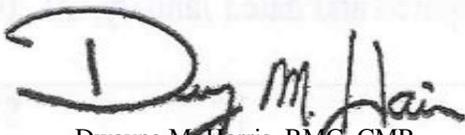
The Motion passed by unanimous acclamation.

A motion was offered by Councilman J Hoffmann to approve these minutes. It was duly seconded by Councilman R Dellosso

This motion was passed by the following vote:

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

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 08, 2012.



Dwayne M. Harris, RMC, CMR  
Municipal Clerk