



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF APRIL 10, 2013

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on April 10, 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 Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton, Mayor Frederick J. Rast III .

Absent/Excused: Councilman Roy Dellosso.

APPROVAL OF PREVIOUS MEETING MINUTES:

MARCH 27, 2013 – REGULAR MEETING

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

Motion passed unanimously.

MARCH 27, 2013 – EXECUTIVE SESSION

Motion: Executive Session Minutes, **Moved by** Councilman Robert Sutton, **Seconded by** Councilman John Archibald Jr.

Motion passed unanimously.

WORKSHOP DISCUSSION:

NONE:

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER:

Councilman Sutton – No report

Councilman Fligor NJNG will be doing testing on the Casrael Property around the 18th of April. He has received two ground water reports regarding the Borough Yard and will have them reviewed for the next meeting. There was some discussion regarding the NJNG property along Leonard Ave and the suggestion of having the area grassed over instead of creating a parking lot. He commented on the Introduction of the Ordinance 07-2013, amending Chapter 150 of the Borough Code, which allows the homeowner with an existing home to raise their home by 10% without having to come to the Planning Board for a variance. He reported the Sewer Authority had met with the contractor and they are ready to go.

Councilman Archibald reported the webcam is up and daily updated pictures are and will be posted daily on the Borough website. He reported the Harbor Meeting last night was relatively quick and civil with not too many questions. One resident did ask about the Senior Discount for the Launching Ramp and he asked the attorney to investigate the legality of that. He reported on the harbor revenue for the month of March which was up 16% over 2012, mostly due to the collection Berth rentals. Year to date we revenues are down \$300,000 over last year. From November of 2012 through March of this year, his calculations have the Harbor revenues down \$787,000.00. The other item regarding finances is we will be going out for Bond Anticipation Notes at some point in Mid-May.

Councilman Hoffmann reported the Fire Dept. is cranking up for the Fair and they have begun to solicit funds for the increased Fireworks. The Water Dept. started drilling the new well today. He reported that the Harbor Contractor is having difficulties obtaining materials and thus they are moving a little slower than desired. He did mention Sea Streak is moving forward with the Ferry slip at the end of their pier which would essentially segregate them from the rest of the Harbor operations.

Councilman Doyle reported that it was Military Month at Foodtown and for a donation you can write your name on a tag and the money will come to the Atlantic Highlands American Legion. The Borough will be looking to replace the Court Administrator when she retires. Hopefully the budget will be introduced at the next meeting. The Finance Committee has had a few meetings and has worked to get the proposed .12 and .13 cent increase down to an anticipated \$.065.

Administrator Hubeny reported the 2012 Tax Collection rate was 98.45% in 2012. He reported the Mosquito Commission will start their spraying program on the 15th. He also mentioned the request from NJNG to waive the fee for Street Opening permits at homes that were affected by the storm.

Councilman Hoffmann made a motion to waive the fees. It was seconded by Councilman Fligor and passed by unanimous consent. Mr. Hubeny reported on the Shared Services proposal with Highlands on the sharing of the Municipal Court; he is almost finished with the contracts. He

mentioned the shared services for mechanics, last year brought in \$43,200.00. He reported that the West Ave Road program is on punch listing right now and Defino did very nice job.

Clerk Harris – No report

Attorney Reilly – No report

Borough Engineer – No report

Jane Frotton – Harbor Commission has some issues that have been happening at the Commission meetings, which Councilman Hoffman addressed. The builder has given a pre-Memorial Day, drop dead date and she feels that the Harbor will be okay.

Jim Krauss – Environmental Commission reported the Lenape Woods Clean Up day is on Sunday April 21st, tentatively scheduled for 1:00pm.

Chief Vasto reported he has one of his officers will be back on the 15th. The Department will be participating on the Drug Disposal program again this year which will go out on reverse 911. He reported the PBA Ball is on May 22nd and tickets will sell out.

PUBLIC COMMENTS:

Jane Frotton – 12 Memorial Pkwy reported on a Fundraiser for the Atlantic Highlands Food Bank, sponsored by Bernie Sweeney from the Shore Casino. All proceeds will be donated back to the Food Bank.

Kate Wigginton – 62 Ave D commented that the Bayshore Pharmacy has offered to let the American Legion give poppies from their location. She asked what part of the Harbor reconstruction contract the contractor not got when he did bid. She will also continue to complain about the lot next to Mike's Deli. It is a disaster and she does not understand why we can't put grass there or something.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

ORDINANCE 06-2013 – HARBOR CAPITAL APPROPRIATION \$1,500,000 – INTRODUCTION

Motion: Introduce Ordinance, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Peter T. Doyle.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

Absent: Councilman Roy Delloso

Public Hearing and possible Adoption will be held on April 24, 2013.

ORDINANCE 07-2013 – AMENDING CHAPTER 150 OF THE BOROUGH CODE – DEVELOPMENT REGULATIONS – INTRODUCTION

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

Absent: Councilman Roy Delloso

Public Hearing and possible Adoption will be held on April 24, 2013.

ORDINANCE 08-2013 - AMENDING BOND ORDINANCE 11-2009 – INTRODUCTION

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

Absent: Councilman Roy Delloso

Public Hearing and possible Adoption will be held on April 24, 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:

Administrator Hubeny requested Resolution 091-2013, Salaries for 2013 be removed from the Consent Agenda as it will be discussed in Executive Session.

1. Resolution 085-2013, Awarding Non- Fair & Open Contract – Pat Murray Construction

2. Resolution 086-2013, Authorizing Execution of Monmouth County Commodity Resale Agreement
3. Resolution 087 -2013, Awarding Non- Fair & Open Contract – FMS Construction
1. Resolution 088-2013, Authorizing Monmouth County Mosquito Commission Aerial Spraying
4. Resolution 089 -2013, Approving Design for Concrete Patio – Sissy’s
5. Resolution 090-2013 – Payment of Bills
6. Resolution 092-2013 - Authorization to Bid – Harbor HVAC
7. Resolution 093-2013, Emergency Temporary Appropriations

Motion: Approve Consent Agenda, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Jacob Hoffmann.

Vote: Motion passed (**summary:** Yes = 5,).

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

Absent: Councilman Roy Dellosso.

PUBLIC COMMENT SESSION –
No comments from the public.

RESOLUTION TO ENTER EXECUTIVE SESSION [8:08pm]

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 - Salaries**

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. Attorney Reilly announced that Resolution 091-2013 will be acted upon after the Executive session, when the regular session resumes.

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 Executive Session, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Lou Fligor.

Motion passed unanimously

Regular Session resumed. 9:05pm

Resolution 091-2013 – 2013 Salary Resolution

Motion: Approve Resolution, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Peter T. Doyle.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

Absent: Councilman Roy Delloso.

ADJOURN [9:50pm] - There being no further business before the Mayor and Council

Motion: Adjourn, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Peter T. Doyle.

Motion passed unanimously.

Motion: Approve Minutes, **Moved by** Councilmember Robert Sutton, **Seconded by** Councilmember Lou Fligor.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1)

Yes: Councilmember Jacob Hoffmann, Councilmember John Archibald, Councilmember Lou Fligor, Councilmember Peter Doyle, Councilmember Robert Sutton, Mayor Frederick J. Rast, III.

Abstain: Councilmember Roy Delloso.

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 May 22, 2013.

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

Dwayne M. Harris, RMC
Municipal Clerk