



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF APRIL 24, 2013

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on April 24, 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 Roy Delloso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton, Mayor Frederick J. Rast III.

APPROVAL OF PREVIOUS MEETING MINUTES:

None

WORKSHOP DISCUSSION:

P R O C L A M A T I O N

of the Borough of Atlantic Highlands

ARBOR DAY

April 24, 2013

WHEREAS In 1854 in the area that is now the state of Nebraska there were virtually no trees; when J Sterling Morton and other pioneers desired to have them in their surroundings.

WHEREAS they also noticed that trees were needed to act as windbreaks, to stabilize the soil and to provide shade from the sun, fuel and building materials, Morton planted many trees around his own and wanted to encourage and enable others to do the same; and,

WHEREAS, At a Nebraska State Board of Agriculture meeting on January 4, 1872, he proposed a holiday to plant trees on April 10, of that same year. This holiday was called Arbor Day, which

was first observed with the planting of more than a million trees in Nebraska, and is now observed thorough out the nation and the world; and,

WHEREAS, in 1885, it became a legal holiday and was moved to April 22, which was Morton's birthday. In 1989 the Nebraska state holiday was moved to the last Friday in April. In 1970 Former President Richard Nixon proclaimed the last Friday in April as National Arbor Day and Arbor Day is now observed on the last Friday in April, throughout the Nation; and,

WHEREAS Atlantic Highlands has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting practices,

NOW, THEREFORE, I Frederick J. Rast III, Mayor of the Borough of Atlantic Highlands do hereby proclaim April 24, 2013 as Arbor Day in the Borough of Atlantic Highlands, and all citizens are encouraged to plant and care for trees.

Mayor Rast presented the Proclamation to Louise Donoghue, Chair of the Shade Tree Commission. She thanked the Governing Body for their continued support of trees in Atlantic Highlands.

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER:

Councilman Dellosso reported on the First Aid recognition ceremony for Beverly Glynn who was honored for 30 years of service and Walter Curry for 50 years of Service.

Councilman Sutton had no report

Councilman Fligor reported on the Sewer Authority's Force Main replacement project. Mount Construction has begun some of the work related to the running of the pipe under Route 36. Completion is expected by the first week in May. The construction under Sears Ave is expected to begin in the second week of May and be completed by the middle of August. A notice is being sent to the residents on that road.

Councilman Archibald deferred reports to Administrator Hubeny and Councilman Hoffman regarding any Harbor reports. He did make some remarks regarding the Borough's Business Interruption Insurance and the services provided by Mr. Grady. He also mentioned Mr. Fallon would serve as a consultant as needed.

Councilman Hoffmann reported on the progress made by the Fire Department regarding the fair. He also reported on the progress being made with the Well #1 construction, which is going along pretty well. He mentioned that they are soliciting donations for the Fireworks which will improve the quality of the shoot. This is being spearheaded by volunteer Donna King. He has reached out to her and answered any questions she had and invited her to the Fair Committee

meeting. He reported that there has been some slurry [waste from the drilling hole] going into the Many Mind Creek because it is not settling as fast as it should, Schulte will be bringing in two water tanks to help deal with the situation.

Councilman Doyle had no report.

Mayor Rast reported that one injured officer is returning to duty. He is really happy to report the Federal Government is reinstating the COPS program which would allow the Borough to hire a Police Officer and for the first three years, the Federal government would pay 75% of their salary. Capt Rossbach started under that program many years ago.

Administrator Hubeny is working on the Hazardous Mitigation Plan. This has not been updated since 2008. On May 22nd there will be a seminar at the Hazlet movie theater, where they will have ten professionals from the Bayshore Area, talking about the Hazardous Mitigation Plan. He reported that there is a vacant property at 44 First Ave. The Planning Board has allowed a building there and the Planning Board had set aside the required COAH utilization. The current owner would like to make a contribution in lieu of the housing construction and he wants to see how the Governing Body would feel about that. He expressed some ways that those funds could be utilized to further our COAH requirements. He put on the dais a rough draft of a Shared Services Agreement for the sharing of the court with Highlands. He reported the West Avenue project is almost done and there are a few minor punch list items. He reported the CDF project in the Harbor is almost done. The CDF today was almost full and Wickburg is now dredging. The head boats are now open for business and we are still working with the charter boats. He commented that overall the Harbor project is behind. He mentioned the launch ramp will be closed until Memorial Day. He also mentioned Sea Streak will be diverting their boarding location down along the Hesse Pier that would consist of a paved walkway that would be covered.

Clerk Harris reported on the Financial Disclosure Statements and their availability after next week. They are not due until the end of May and if anyone needs help filing online, he would make himself available.

Attorney Reilly had no report.

Borough Engineer had no report.

Chief reported one officer has returned full time and a second one had qualified today and [the officer] will be returning to his doctor tomorrow to be cleared [for duty] next week.

James Krauss of the Environmental Commission reported that they had their spring clean up in Lenape Woods on Sunday. It was a little rough because of the amount of trees down from Sandy. He reported on Monday, Mr. Gates brought the DEP into Henry Hudson and the AH Elementary School and made a presentation on Watershed. He reported at the last Commission meeting three issues had come up regarding the building of dunes along the beach at Harbor View Drive and Avenue A. Another issue was with a resident who had a problem with their neighbor

clearing wet lands on Leonard Avenue and finally there may be a proposal from some residents who want to enter into a public/private partnership to clean up some Green Acres property to remove some invasive species. The suggestion was to contact Green Acres to see if that was permissible.

Louise Donoghue – Shade Tree Commission thanked the Mayor and Council for their years of support. They will be planting a tree at the Elementary School in honor of Sunny Fortune. She had sent a letter regarding their accomplishments in 2012 and was asking for additional funds to deal with the result of Hurricanes Sandy and Irene. She commented that if the budget stays the way it is, Atlantic Highlands will no longer be a Tree City. The budget had been slashed by half and feels that is unacceptable. She explained that they spend about \$2.00 per capita on trees and their budget is about half of that. She estimates about five days of tree service and their budget would be spent. She mentioned an anonymous benefactor stated they would donate \$500.00 if the Borough would contribute a \$1,000.00 and asked for the Councils full consideration.

PUBLIC COMMENTS:

Marilyn Scherfen – 55 Avenue D confirmed what Louise Donoghue said and reminded the Council how many trees have come down over the last year. She asked the Council to keep in mind that their budget is moving backwards and not moving forward.

Kate Wigginton 52 Avenue D reinforced Mrs. Donoghue plea. She commented on a proposed cooperative that residents would order and pay for trees and then Street Dept. would plant them.

UNFINISHED BUSINESS:

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

- Public Hearing/Possible Adoption

Motion: Open Public Hearing Moved **by** Councilman Robert Sutton, **Seconded by:** Councilman Jack Archibald.

Public Comments: No Comments from the public.

Motion: Close Public Hearing Moved **by** Councilman Jack Archibald, **Seconded by:** Councilman Lou Fligor

Motion: Adopt Ordinance 06-2013 **Moved by** Councilman Robert Sutton, **Seconded by:** Councilman Jack Archibald.

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

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

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

Public Hearing/Possible Adoption

Motion: Open Public Hearing Moved **by** Councilman Jacob Hoffmann, **Seconded by:** Councilman Lou Fligor.

Public Comments: No Comments from the public

Motion: Close Public Hearing Moved **by** Councilman Lou Fligor, **Seconded by:** Councilman Jack Archibald

Motion: Adopt Ordinance 07-2013 **Moved by** Councilman Lou Fligor, **Seconded by:** Councilman Roy Delloso

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

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

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

Public Hearing/Possible Adoption

Motion: Open Public Hearing Moved **by** Councilman Robert Sutton, **Seconded by:** Councilman Jack Archibald.

Public Comments: No Comments from the public

Motion: Close Public Hearing Moved **by** Councilman Robert Sutton, **Seconded by:** Councilman Jacob Hoffmann

Motion: Adopt Ordinance 08-2013 **Moved by** Councilman Lou Fligor, **Seconded by:** Councilman Roy Delloso

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

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

NEW BUSINESS:

Ordinance 09-2013 - 2013 COLA Ordinance – Introduction

Motion: Introduce Ordinance 09-2013, **Moved by** Councilman Robert Sutton, **Seconded by** Councilman John Archibald, Jr.

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

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

PUBLIC HEARING AND POSSIBLE ADOPTION WILL BE HELD ON MAY 08, 2013 AT 7:00PM.

RESOLUTION 098-2013 – 2013 MUNICIPAL BUDGET INTRODUCTION

Motion: Approve 2013 Municipal Budget, **Moved by** Councilman Peter T. Doyle **Seconded by** Councilman John Archibald Jr.

Vote: Motion passed (**summary:** Yes = 6).

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

Absent: NONE

Public Hearing will be May 22, 2013 at 7:00pm.

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:

Councilman Sutton requested that Resolution 099-2013 be removed from the Consent Agenda and be considered separately.

1. Resolution 094-2013, Cancellation/Addition of Tax Billing
2. Resolution 095-2013, Authorizing Execution of Monmouth County CDBG Agreement
3. Resolution 096 -2013, Certification Prohibiting Excess Force and the Use of Federal Funds for Lobbying
4. Resolution 097-2013, Authorizing Re-Bid of Harbor Fencing
- ~~5. Resolution 099-2013, Payment of Bills~~
6. Resolution 100-2013, Emergency Temporary Appropriation
7. Resolution 101-2013, Rejecting and Re-bidding HVAC purchase and installation

Motion: Approve Consent Agenda, **Moved by** Councilman John Archibald Jr. **Seconded by** Councilman Peter Doyle

Vote: Motion passed (**summary:** Yes = 6.).

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

RESOLUTION 099-2013 – PAYMENT OF BILLS

Motion: Approve Resolution 099-2013, **Moved by** Councilman Lou Fligor **Seconded by** Councilman Roy Delloso

Vote: Motion passed (**summary:** Yes = 5, Abstain =1).

Yes: Councilman John Archibald Jr., Councilman Roy Delloso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann,

Abstain: Councilman Robert Sutton

PUBLIC COMMENT SESSION –

Christian Marston – Ocean Blvd commented on the budget and that six cents adds up. He commented that it sounds as if the council understands about the difficulty in tradeoffs and he appreciates the difficult choices they make.

Chief Vasto made a report that he had applied for a grant for a License Plate reader and it looks as though they will be successful. The PBA Ball is also one month away from today.

Mary Thompson 311 E. Highland Ave commented that she knows how difficult it is to make a budget work and she appreciates the time spent in deliberation trying to get the budget to work.

RESOLUTION TO ENTER EXECUTIVE SESSION 8:15pm

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** – Contract Negotiation – Sale of Real Property –Bollerman
2. **Item** – Contract Negotiation – Sale of Real Property - Krikorian

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 Executive Session, **Moved by** Councilman John Archibald Jr. **Seconded by** Councilman Peter Doyle

Vote: Motion passed by unanimous consent.

At 9:30pm, the regular session was resumed

ADJOURN [9:30pm] - There being no further business before the Mayor and Council,

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

Vote: Motion passed by unanimous consent.

Motion: Approve Minutes, **Moved by** Councilmember Peter Doyle, **Seconded by** Councilmember Lou Fligor.

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

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

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