



# MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF MARCH 27, 2013

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on March 27, 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:

## **Roll Call:**

**Present:** Councilman John Archibald Jr., Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton, and Mayor Frederick J. Rast III

**Absent/Excused:** Councilman Roy Dellosso.

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

### **March 13, 2013, Regular Meeting**

**Motion** Approve Minutes, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Robert Sutton.

Motion passed unanimously.

## **WORKSHOP DISCUSSION:**

**Christopher Rooney** – School Budget Presented the Budgets for both the Atlantic Highlands Elementary School and the Henry Hudson Regional School. For the second year consecutively, Atlantic Highlands Elementary came in at a zero percent tax increase. Assessed Value is also a zero increase even with a 9% increase in home values over the last year. Henry Hudson will also see a zero increase in taxes for the 2013/2014 school year.

**Michael Grady** – Business Interruption Insurance – Mr. Archibald explained that Mr. Grady has been engaged by the Harbor and Borough to prepare and submit our Business Interruption claim to the insurance company. It is a very complicated and complex execution and

is more involved than any of our Governing Body members and/or staff can tackle. Mr. Grady stated that it is good that the Borough had obtained the Business Interruption Policy and the broker that had obtained this policy for the Borough has done the Borough well. He hopes to have an initial offer from the insurance carrier to help defray some of the costs incurred to date, by the end of April. He stated the period of interruption runs until the period of restoration is complete. There are a lot of unknowns and a bit premature trying to answer some questions but at this point, it is anticipated to take two to three months to get a pretty comprehensive, initial offer from the carrier. He believes that the bulk of the policy benefits [the pool of money = \$50 million on damage not inclusive of Business Interruption as well as covering some of Mr. Grady's fees] and sub costs will be available to Atlantic Highlands based on the number of participants in the policy that are actually revenue generating entities.

**Presentation** – Chief Vasto – Hurricane Sandy Recognition Plaque and Safety Award – read an award and presented it to Mayor Rast acknowledging the work employees did during Hurricane Sandy.

**Police Department Staffing** – Mayor Rast - The Police Committee met with the Police Chief and recommends that the Chief be authorized to identify the 15<sup>th</sup> man and hire them to restore the Department to its ideal numbers. Currently the department is running at a level of 11 men considering time out due to illness, injury, vacation etc. This means 1-2 officers are not available every week and that with the contractual agreements of two men on a shift, make it hard to get the job done. Hiring the 15<sup>th</sup> man will bring the department up to the proper staffing based on the table of Organization. The Police Committee is going to ask the Council to vote to give authority for the Chief to go and hire the 15<sup>th</sup> individual. Once that person is identified, a Resolution would be required to hire that individual.

Councilman Sutton feels it is important to have the right staffing to keep this a top rate department and to prevent issues some other towns are facing in regards to drugs and gangs.

Councilman Archibald agrees that we should look at this issue but does not feel a vote tonight would be appropriate. He feels this should have gone to the Finance and Personnel Committee first for review and discussion. If this is going forward tonight, he recommends an equal cut be proposed as well.

Councilmember Sutton and Fligor were in agreement with giving authorization to the Chief. Councilmember Doyle, Hoffmann and Archibald did not agree with moving forward.

Councilman Doyle stated that although the Borough is facing one of the largest tax increases in Borough history with all of the other anticipated expenses and costs, the Finance Committee will still review the proposal and see if the Mayor's request is feasible.

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

Councilman Sutton – No report

Councilman Fligor reported the Sewer Authority is having a Special Meeting tomorrow at 3:00pm. It is a Pre-Construction meeting which has been opened to the public and will be followed by the Authorities regular meeting.

Councilman Doyle commented salaries would be discussed in Executive Session.

Councilman Hoffmann reported on activities regarding the new Well and the Water Dept. He announced the Fire Dept. will have Fireworks this year, costing the Borough \$10,000.00. They will be soliciting donations. The Fair will begin Tuesday July, 2<sup>nd</sup> and end on Saturday July 6<sup>th</sup>. The fireworks will be on the 5<sup>th</sup>. He reported that Sea Streak has asked for permission to board off of the peninsula and if Homeland Security gives the okay, it would relieve a host of problems in the harbor, which include parking issues. The charter boats and party boats will also be able to return next week and the fuel docks will also be up and running. In the interest of safety, it has been decided to not open the launch ramp until April 1<sup>st</sup>. Things are being evaluated and addressed on a week by week basis.

Councilman Archibald echoed some of the same things Mr. Hoffmann reported on and mentioned that there is a just lot going on in the Harbor and they are making great progress down there. He further reported on the rabies shot for dogs and requested looking into issuing a three year dog license. He asked if we could look into putting wire plant holders that circulate around the pole and beautify the street. We have a ton of lights along First Avenue and feels that might look good along First Avenue.

Administrator Hubeny reported that there was mosquito and tick information that will be put on the Borough website. The mosquito commission has applied to the DEP for work on the creek and that is what is holding up the process. The Borough is aware of the flooding occurring along the creek. The Mosquito Commission will de-snap all of the trees and debris that is in the creeks. The road project along West Ave is going along well and we were able to do additional work because the State came and did the U-Turn. He anticipates paving/milling will begin next week. He reported that Clerk Harris has been asked to sit on a Hurricane Sandy subcommittee for proposed legislation through the NJ League of Municipalities. He reported he hopes to have the Senior Building back in business by May 5<sup>th</sup>. He reported Michelle Deluca will be leaving the Building Dept. to go work in Red Bank, full time. He mentioned some hurdles the Borough will be looking at regarding part time employees and the number of hours they work because it all plays in the formulation that requires an offer for Health Care.

Clerk Harris – reported on the new process for filing Financial Disclosure statements.

Attorney Reilly – No report

Borough Engineer – No report

James Krauss – Environmental Commission, no report.

Chief Vasto reported on two serious crimes that happened in the Borough. One was an assault. The perpetrator is in jail and the bail is almost at 1 million. The town has also had 4 burglaries and the criminal has been apprehended and the stolen items have been recovered. There was also a shot gun suicide in the Borough. He mentioned the Prosecutors Office does not come out and do investigations any longer so the department is charged with completing them. The Borough does not have a detective's car and he would like to purchase a car from the ODE account. He asks that another poll be taken regarding that. He is hoping to see the light at the end of the tunnel in mid-April for one officer to return and May for the second.

**PUBLIC COMMENTS:**

Ed Cetron – Auditorium Dr. commented that he has been coming to this meeting for a long time and he has never seen the amount of petty politics and process and politicizing instead of looking at the good of the town. The last comment to the Chief just solidifies his disgust and the lack of decorum. To sit here and list to you bicker over process, when you are supposed to be working together, and to be rude on top of all of that is something he has not seen from the Council in a long time. He knows what the Chief's folks do and he knows what they are spending in overtime. If you are spending a lot in overtime, it could be cheaper to buy another person because you are not paying time and a half. His concern is someone is going to get hurt and then the question will be "Why did we not address this?"

Councilman Archibald and Mayor Rast responded to and rebutted some of Mr. Cetron's comments.

Frank Grecco-Leonard Ave commented on moving forward with the Police hire. He also mentioned that at 200 Ocean Blvd there is a large poured concrete retaining wall. There are two sections that look like they are going to crack and fall off or about to fall off. He is concerned that the wall may collapse and fall onto Ocean Blvd and questioned if it is being taken care of. He commented that the Water and Sewer Dept. is not set up to allow bills to go out to tenants, only the property owner. He would like and questioned if the billing could be able to be sent to the tenant. He commented to Councilman Archibald and mentioned that if you really want to beautify First Ave, start saving the money and put it toward removing the power lines along First Ave.

Chief Vasto commented on the amount of children that participated in the Easter Egg Hunt and it was good to see.

Kate Wigginton – Avenue D, asked if there was anything in the Health Care law that will allow someone to waive benefits if they can get it somewhere else.

Chief Vasto asked about a business going into the old ARJAY's called Dillon's Gallery.

Kate Wigginton, Ave D, asked about the vacant lot next to Mike's Deli.

Paul Barbado – 22 Lawrie Road complimented the Mayor and Council on the way they handled the Sandy Storm situation.

Frank Decarlo – 32 Center Ave commented there is a 230% increase for him to launch his boat since the resident discount has gone away. He is a senior citizen on a fixed income and that increase is huge.

Jim Krauss – 77 Bayside Dr. thinks it would be wise to look at a Senior Citizen discount. He also thinks beach towns would give discounts in off season months like January, for the purchase of badges.

Frank Grecco – Leonard Ave asked if the tax increase coming forth now is ten cents, If FEMA monies are taken in, what would that proposed figure be?

## **UNFINISHED BUSINESS:**

### **ORDINANCE 04-2013, AMENDING FLOOD DAMAGE PREVENTION ORDINANCE**

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

Motion passed by unanimous consent.

Administrator Hubeny explained the Ordinance as it pertains to the FEMA Flood maps. The Planning Board has recommended the Base Flood Elevations, required by the mapping, and it would require an additional 12 inches in height.

Jim Krauss – 77 Bayside Drive commented on Environmental issues associated with this ordinance, particularly debris and reconstruction. The Environmental Commission is in support of these ordinances.

Frank Grecco – Vice chairman of the Planning Board also commented on the proposed heights giving undue burdens on the homeowners.

**Motion:** Close Public Hearing, **Moved by** Councilman Robert Sutton, **Seconded by** Councilman John Archibald Jr.

Motion passed by unanimous consent.

**Motion:** Adopt Ordinance 04-2013, **Moved by** Councilman Lou Fligor, **Seconded by** Councilman Jacob Hoffmann.

**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 Dellosso

**NEW BUSINESS:**

**CONSENT AGENDA:**

These items were enacted by one motion. If detailed deliberation was desired on any item, Council may remove that item from the consent agenda and consider it separately.

1. Resolution 073-2013, Acknowledging Hurricane Sandy Recognition Plaque and Safety Award
2. Resolution 074-2013, Authorizing Reimbursement of Expenses for Improvements – Sissy’s
3. Resolution 075-2013, Refunding Tax Sale Premium
4. Resolution 076-2013, Award Contract – Garden State Fireworks
5. Resolution 077-2013, Resolution Pledging Collateral as Security for FEMA Loan
6. Resolution 078-2013, Awarding Contract – T&M-Harbor Construction Admin/Monitoring
7. Resolution 079-2013, Authorizing Re-Advertising Receipt of Bids – Harbor Canopy
8. Resolution 083-2013, Transfer of Liquor License 1304-44-005 – Atlantic Wine & Spirits
9. Resolution 084-2013, Awarding Contract – Trionic – Harbor dock Boxes

Councilman Sutton requested Resolutions 080, 081 and 082 be removed from the Consent Agenda, due to conflicts with his employment.

**Motion:** Approve Resolutions 80, 81 and 82, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Lou Fligor.

Resolution 080-2013, Change Order #1 – J.H.Reid Contract Extension – Harbor Reconstruction  
Resolution 081-2013, Change Order #2 –Final – J. H. Reid - Demolition /Debris Removal  
Resolution 082-2013, Payment of Bills \$1,639,941.02

**Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1).

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

**Abstain:** Councilman Robert Sutton.

**Motion:** Approve remainder of Consent Agenda, **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.

**PUBLIC COMMENT SESSION –**

No Comments

**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** – Personnel – Non-Union Employee 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.

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 [Executive] Session, **Moved by** Councilman Lou Fligor, **Seconded by** Councilman Jacob Hoffmann.

**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.

**ADJOURN [10:00pm]** - There being no further business before the Mayor and Council, Councilman Sutton made a motion to adjourn. It was seconded by Councilman Fligor, and passed by unanimous consent.

**Motion:** Approve Minutes of 03/27/2013, **Moved by** Councilman John Archibald Jr., **Seconded by** Councilman Lou Fligor

Motion passed by unanimous consent.

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 April 10, 2013.

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

Dwayne M. Harris, RMC  
Municipal Clerk