



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF JULY 15, 2009

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on July 15, 2009 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: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton and Mayor Rast. Council member Sutton was not present. Administrator Hubeny, Borough Attorney Reilly, Municipal Clerk Harris were also present.

Mr. 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 with the Municipal Clerk of Atlantic Highlands, on 1/05/2009. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

APPROVAL OF MINUTES

Regular Meeting - June 10, 2009

A motion to approve these minutes was made by council member Fligor. It was seconded by council member Dellosso. The motion carried by the following roll call vote:

AYES: Council members Dellosso, Doyle, Fligor and Hoffmann

NAYS: None

ABSTAIN: Councilman Archibald

ABSENT: Councilman Sutton

WORKSHOP ITEMS DISCUSSED:

Christopher Rooney - Atlantic Highlands Elementary School - Solar Power Project

Made a presentation to the Mayor and Council about a Solar Project they will be going out to referendum for on September 29, 2009. They have been looking to do this project since 2006 but because of regulations from the BPU [Board of Public Utilities], it was not possible for them, as a non-profit, at that time. Since the BPU regulations have changed and new funding has been made available. The Board has State approval for the referendum, which if approved; they will get 40% back on construction and 40% back on debt servicing. Projections from the Phoenix Group puts this project as cash flow positive after year one, which has been reconfirmed. Since the fall of 2005, the school has been using the exact same amount of electricity, yet their rates have tripled. This will essential freeze the rates and makes all of the economical sense to do this. They had investigated if they could cover the entire roof with panels so the Borough could offset some of their electrical expense, but they did not say that it could be done. SRECS

[Renewable Energy Resource Credits] would generate \$25,000 in revenue, beginning in 2010 and is projected to increase to over \$40,000 by the year 2020. This revenue would generate a decrease in taxes, the first years is projected to be a penny.

Marc Fragale - Emediation/Meraki - WiFi

Made a presentation with Jim Greenfield, to the Governing body on a way that wireless internet access would help promote tourism in Atlantic Highlands. They are suggesting that local business or building owners offer internet access, either free or fee based, to people traveling into Atlantic Highlands. Providing free internet would take the users to a splash page that would basically get messages to users that benefit the businesses or activities in Atlantic Highlands before and during the surf on the internet. It is also a way to get people into the businesses by offering free internet with an opportunity to get “faster” internet, by getting upgrade cards from local businesses. There is also an opportunity for people to pay a fixed amount after a period of free internet service. The idea of the program is to draw the people from the harbor into town to sit and eat and utilize the internet. The cost to the business is the hardware cost, which is about \$199.00 and the installation or connection. The business should not try to make a ton of money utilizing this application. It is just a tool to attract and draw new business into their store.

Assembly Bill A3128 / Senate Bill S155 - Jessica Lunsford Act

Mayor Rast explained that recently there has been a change by the Supreme Court making it unlawful for towns to supplement Megan’s Law. This bill advocates a uniform approach to district restrictions and residency limitations to sex offenders and also imposes penalties on those who illegally harbor them. The bill additionally calls for stronger penalties for certain crimes against minors. The governing body agreed to compose a resolution for future adoption, in support of these bills.

Mayor Rast updated the governing body on his meeting with Congressman Frank Pallone, who expressed his 100 % support of the Borough’s efforts to develop a terminal for SeaStreet and the multi level garage. He would like to see the garage filled with solar panels as a way to promote green energy. This is a twofold project, one supporting the other and needs to be developed in tandem. Congressman Pallone will back us in trying to get the money as well as getting us designated as a Seaport. That would open us to additional monies available from Homeland Security and other Federal programs.

PUBLIC COMMENT SESSION

Jim Krauss - 77 Bayside Dr. - commented on the new website and the solar project from the school should be included on it. He also recommended sending out a z-mail to encourage people to get out and vote.

Councilmember Archibald congratulated Jane Frotton on the outstanding fireworks.

Council member Hoffmann thanked the members of the town who came out and helped the Fire Dept.

Mayor Rast announced the Art's Council Film One Festival and encourages everyone to come out.

Joseph Hawley - 25 Ocean Blvd. asked about the tree removing in the front of Borough Hall and the guidelines put down by Green Acres as a condition of the removal of those trees in front of Borough Hall.

Jane Frotton - Memorial Pkwy asked if local residents were planting trees if that could be included as part of the 282 trees that need to be planted.

Ed Cetron - Auditorium Dr. asked if the Borough might consider doing a 50/50 split with the residents like we do with the sidewalk program.

Being no further comments, Mayor Rast closed the public comment session.

UNFINISHED BUSINESS:

ORDINANCE 12-2009 - AMENDING BOND ORDINANCE 08-2008

A motion to open the Public Hearing was made by Council member Archibald and it was seconded by Council member Fligor and was unanimously approved.

No one came forth from the public to comment.

A Motion to close the Public Hearing was made by Council member Archibald; it was seconded by Council member Fligor and was unanimously approved.

After a Public Hearing and Second Reading, Council member Fligor moved for Final Adoption of this Ordinance. It was seconded by Council member Archibald and adopted by the following vote:

AYES: Council members Archibald Delloso, Doyle, Fligor and Hoffmann

NAYS: None

ABSTAIN: None

ABSENT: Council member Sutton

NEW BUSINESS:

ORDINANCE 13-2009 - FLOOD DAMAGE PREVENTION

Council member Archibald introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Delloso and approved by the following vote.

AYES: Council members Archibald, Delloso, Doyle, Fligor and Hoffmann

NAYS: NONE
ABSTAIN: NONE
ABSENT: Council member Sutton

The Second Reading, Public Hearing and possible adoption is scheduled for July 29, 2009.

RESOLUTION 116-2009, REGIONAL FEASIBILITY STUDY GRANT - SANITATION COLLECTION

This Resolution was offered and moved by Council member Archibald, seconded by Council member Hoffmann and adopted on July 15, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor and Hoffmann
NAYS:
ABSTAIN:

RESOLUTION 117-2009, APPOINT NEW POLICE DISPATCHER

This Resolution was offered and moved by Council member Archibald, seconded by Council member Hoffmann and adopted on July 15, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor and Hoffmann
NAYS:
ABSTAIN:

RESOLUTION 118-2009, AUTHORIZING BID - FIREMAN'S FILED HOUSE ROOF REPAIR

This Resolution was offered and moved by Council member Fligor, seconded by Council member Dellosso and adopted on July 15, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor and Hoffmann
NAYS:
ABSTAIN:

RESOLUTION 119-2009, PAYMENT OF BILLS

This Resolution was offered and moved by Council member Archibald, seconded by Council member Dellosso and adopted on July 15, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor and Hoffmann
NAYS:
ABSTAIN:

RESOLUTION 120-2009, APPROVAL OF RAFFLE LICENSE #2047- CHRISTIAN BROS. ACADEMY. - ON PREMISE 50/50, 10/25/09

This Resolution was offered and moved by Council member Archibald, seconded by Council member Hoffmann and adopted on July 15, 2009 as follows:

AYES: Council members Archibald, Dellosso, Doyle, Fligor and Hoffmann

NAYS:

ABSTAIN:

PUBLIC COMMENT SESSION

Jim Krauss - 77 Bayside Dr. commented on the gabion drains not working very well on Hillside Drive during the very heavy rain experienced over the last few days.

Chief Vasto gave a brief report on the Fireworks night and the amount of activity the police had to deal with. He did commend his department on their ability to handle it and still keep things flowing.

Administrator Hubeny commented on the fundraiser planned for the Kavoojan Field renovation project.

James Zoccoli - 282 First Ave commented on an issue that came up at the Harbor Commission meeting last night and was hoping the Council would help him resolve it, since he did not feel the Harbor Commission was very helpful. He submitted the following letter to be entered in the record:

HARBOR COMMISSION MEETING

JULY 14, 2009 - A meeting with the Harbor Commission failed to reach a firm conclusion on my request for relief from an accidental bill that was the result of a miscommunication. The Commission did not take a vote on this matter. The chairwoman suggested that I give the Harbor \$510 and that later, if the Commission determined this amount to be an overcharge, then a portion of my payment might be refunded. MY

RESPONSE: It is highly unlikely I can afford to give the Harbor half of my monthly Federal Disability check when I did not anticipate this charge. This bloated charge was the result of the harbor's error in mailing the contract and bill to the wrong person, and it is also the result of not calling me back this spring after I initiated contact in May 2009; at that point there was no money owed. I was not informed in a timely manner of the possibility of a pending charge - I did not learn that the marina mailings were being sent to the wrong party till the end of June or beginning of July.

I submit that it is improper and unethical for the Harbor Commission to seek to financially profit from its own mailing error.

JAMES ZOCCOLI

218 First Avenue

Atlantic Highlands, NJ 07716

973-930-0966

Administrator Hubeny - commented on Shade Tree Commission who had a certified arborist look at Red Rock Bridge. The Shade Tree is in support of trimming that since the county will not do it unless it becomes a safety hazard. They also approved the trimming of the trees across from the former Hofbrauhaus.

Michelle Rast - 49 Eighth Ave commented on a tree cutting incident on Prospect Circle and was upset that the tree fell and hit a fence. Her concern was that the tree company did not have proper traffic controls in place since the activity was happening along a blind curve and people and vehicles could have been hurt if they happened to be there when that tree fell.

Ed Cetron - Auditorium Dr. commented that the reason a permitting process was put in to prevent fly by night vendors from coming into the Borough. He feels that we should consider pulling the permits from the vendors who do not abide by the rules and regulations set forth by this Council.

ADJOURN - There being no further business before the Mayor and Council, Council member Archibald moved to adjourn the meeting at 9:05 PM; the motion was seconded by Council member Hoffmann and was unanimously approved.

A motion was made by council member Sutton to approve these minutes. It was seconded by council member Archibald. The motion carried by the following roll call vote:

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton

NAYS: None

ABSTAIN: None

ABSENT: None

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 a true copy of the action of the Governing Body at its meeting held August 12, 2009.

Dwayne M. Harris, RMC, CMR
Municipal Clerk