



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF JUNE 08, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on June 08, 2011 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 J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton

ABSENT: None.

OTHERS PRESENT: Borough Administrator A Hubeny, Borough Engineer D Marks, Mayor F Rast, Borough Attorney B Reilly and Municipal Clerk D Harris.

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 1/03/2011. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

APPROVAL OF MINUTES:

May 11, 2011 – Regular Meeting Minutes

A motion to approve these minutes was offered by Councilman J Archibald and was duly seconded by Councilman R Sutton

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

Nays: None (0)

Abstain: None (0)

Absent: None (0)

WORKSHOP DISCUSSION: PROPOSED BED AND BREAKFAST ORDINANCE

Councilman Fligor made a motion to open the floor to comments from the public regarding the proposed Ordinance. It was seconded by Councilman Dellosso and approved by unanimous consent.

Mary Wall – 10 Ocean Blvd commented that she is in favor of the Bed and Breakfast and feels this is the perfect town for it. We have the trail that goes out to Sandy Hook and we have Sea Streak and she was hoping that Martin Hawley was here because at the last meeting he said the State really mandates and regulates bed and breakfasts, and since the town does not have an ordinance, anyone

can come in and open one. With the requirements that need to be met, not everyone can do it so she is in favor of it because everyone will not be able to meet not only the requirements of our ordinance but of the State as well.

Jim Krauss – 77 Bayside Dr. commented that at the last meeting someone spoke on the sentiment of “not in my back yard” and he wanted to go on the record that one of the persons who wants to do this is in his back yard and he is not objecting to it. He thinks we are better off have a strict ordinance saying what the requirements are, so someone does not end up putting a bed and breakfast where it does not make sense.

Councilman Archibald thought that we were going to discuss, this week, what zone this would be in.

Jane Frotton – 12 Memorial Pkwy, commented that she does not have any concerns about having a bed and breakfast in town. She thinks it is a great idea. What bothers her is limiting it to a particular zone. There are houses along Center Ave that want to do this and there are homes in district 4 that wants to do this also. She questions how you zone for a bed and breakfast.

Joseph Hawley 25 Ocean Blvd commented that there are people renting out their homes know. He asked if the ordinance could be put together without including any zone.

Mary Wall 10 Ocean Blvd asked Councilman Archibald if someone wanted to know what specific concerns his constituents are talking to him about.

Jane Frotton 12 Memorial Pkwy asked if an analysis has been down in town to identify how many homes could qualify to become a bread and breakfast.

Thomas House 10 Ocean Blvd asked who will ascertain what property could become a bed and breakfast and if there would be any limitations on how many there could be. He also questioned what happens if the bed and breakfast doesn't fly, in a particular home and they come back and want to do something else, like setting up a rooming house or apartment building. He also asked if there was a committee that would ascertain how many homes could be bed and breakfasts, where they were and if there were any size requirements.

Mary Wall 10 Ocean Blvd feels it would be good for the town to have more than just one hotel. Some people don't care to stay in a hotel and prefer the quaintness of bed and breakfast and if all you offer is a hotel then maybe this won't become the “destination” town that could be.

Joe Frietas 323 Ocean Blvd asked how stringently will the DCA regulations be enforced to the letter, or how much wiggle room will someone with a little juice, be given through the planning board.

Jane Frotton 12 Memorial Pkwy asked if each individual person who owns a home would come to the planning board to have their home deemed a bed and breakfast.

Joseph Hawley 25 Ocean Blvd commented that Mr. Fligor, Mr. Cetron and his brother have worked very hard on this ordinance. Currently anyone could open a bed and breakfast. He suggest that the ordinance be established zone free and referenced a home on Center Ave would absolutely qualify as one.

Joseph Frietas 323 Ocean Blvd commented that he did not mean anyone in particular to enforcement. He commented that if we use this adoption of the DCA regulations this could possibly limit it to zero or maybe one.

Mary Wall 10 Ocean Blvd agrees with Mr. Hauser that some buildings on First are eyesores. You will never get people to agree with what they like and dislike however with the stringent DCA rules that you have to meet will limit it to one or two houses. Public comments sessions are for the residents to come and voice their opinions and allow the Council to do what is right.

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER

Councilman Archibald reported that the Environmental Commission met last night and there is a big concern that we have not done anything to address the adverse property issue and feels we should adopt a resolution that would protect the town from allowing other property owners from taking our property. He also reported that the Yacht Club has requested a ladder be put from the dock into the water.

Councilman Hoffmann reported a lot of the boats have been put into the water. The back parking lot has been cleared with the exception of one, which he understands has been sold. He is still concerned about people who are not going to put their boats in the water. There is a rule in place that a boat can only be out of the water for one season. If it is not put in after setting out for a season, it has to be removed from the Borough property. He reported that ex-Fire Chief Robert Paddock had passed away. He also commented that the Fireman's fair is coming up and things are coming together. The brochures have been mailed out and he invites anyone who will, come and help out as they have in past years.

Councilman Doyle thanked all of the people who helped out with the Parade on Memorial Day and thanked all of the people who came out and celebrated the veterans.

Councilman Fligor reported that he was looking at the Sodon's property and has some concerns that it has been raised higher than previously. NJNG says they are built to the correct height and he has requested an as-built survey from them when they are complete. He mentioned that the First Aid Cadets have requested to use the Harbor on June 19th for a car washing fundraiser.

Councilman Sutton reported the metering of the sewer plants has been completed and he will have a report at the next meeting.

Councilman Dellosso reported the building is moving along. The new entrance will be opened in three weeks. He reported that the audit has been completed and requests everyone read the Findings and Determinations, which will have to be certified at the next meeting.

Administrator Hubeny reported on the road program which is almost completed. We will be doing some extra patch work in small areas that have water and sewer trenches that are not in good shape. They are doing the punch list for the Streetscape program. He reported the Chief is going to be submitting a request to install a three-way stop sign at E. Washington and East Avenue. They have received comments from residents who are concerned with the amount of vehicle and speeding. He

commented that the Elementary School will be having their Solar Panel dedication on June 19th. He also reported that the Share the Road signs have been installed along Center Ave to the liking or disliking to some people. On July 14th at the Freeholders Meeting, the Borough will be recognized for the completion of the Bayshore Trail. He and the Mayor will be attending and invites anyone who is interested to attend. He also thanked clerk Harris for some upgrade that were made to the Borough website. He also congratulated the Mayor on having another grandchild.

Chief Vasto commented that the electronic sign board is located at the previously mentioned intersection stating that a three way stop will be coming soon.

Jane Frotton Harbor Commission Chair mentioned that boat owners will be issued ID cards that will allow them access to the back yard area and provide the ability to track who is coming in and out and when.

James Krauss reported on the activities of the Environmental Commission

Joe Hawley reported on the tree planting by the Shade Tree Commission next week.

OLD BUSINESS:

ORDINANCE 08-2011 – CAPITAL APPROPRIATION – WEST AVENUE BIKEWAY PROJECT

Councilman J Archibald made a motion to open the Public Hearing. It was duly seconded by Councilman R Sutton and was passed by unanimous consent.

PUBLIC HEARING

No Comments from the public.

Councilman J Archibald made a motion to close the Public Hearing. It was duly seconded by Councilman R Sutton and was passed by unanimous consent.

After a second reading and public hearing, a motion to adopt this ordinance was offered by Councilman R Sutton and was duly seconded by Councilman R Delloso.

This motion was passed by the following vote:

Ayes:	Councilman J Archibald, Councilman R Delloso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays:	None (0)
Abstain:	None (0)
Absent:	None (0)

ORDINANCE 09-2011 – CAPITAL APPROPRIATION – WEST AVENUE

Councilman L Fligor made a motion to open the Public Hearing. It was duly seconded by Councilman R Sutton and was passed by unanimous consent.

PUBLIC HEARING

No Comments from the public.

Councilman J Archibald made a motion to close the Public Hearing. It was duly seconded by Councilman R Sutton and was passed by unanimous consent.

After a second reading and public hearing, a motion to adopt this ordinance was offered by Councilman J Hoffmann and was duly seconded by Councilman J Archibald

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays: None (0)
Abstain: None (0)
Absent: None (0)

NEW BUSINESS:

RESOLUTION 075-2011- ADJUSTMENT TO WATER UTILITY BILL GEORGETOWN REALTY ASSOCIATES

A motion to adopt this resolution was offered by Councilman R Sutton and was duly seconded by Councilman L Fligor

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays: None (0)
Abstain: None (0)
Absent: None (0)

RESOLUTION 076-2011 – PAYMENT OF BILLS

A motion to adopt this resolution was offered by Councilman R Sutton and was duly seconded by Councilman J Hoffmann

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
Nays: None (0)
Abstain: None (0)

Absent: None (0)

RESOLUTION 077-2011 – OPPOSING SENATE BILL NO. 1351

A motion to adopt this resolution was offered by Councilman L Fligor and was duly seconded by Councilman P Doyle

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

Nays: None (0)

Abstain: None (0)

Absent: None (0)

RESOLUTION 078-2011 – OPPOSING ASSEMBLY BILL NO. 3285

A motion to adopt this resolution was offered by Councilman L Fligor and was duly seconded by Councilman R Dellosso

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

Nays: None (0)

Abstain: None (0)

Absent: None (0)

PUBLIC COMMENT SESSION –

William Phillips - thanked 77 Bayside Drive [Jim Krauss] for being involved at the level at which he is. He also agrees with the \$18,000 reimbursement to the Burger King. He wanted to know how we are getting the money back from the Sewer Authority.

Joseph Frietas - 323 Ocean Blvd commented that the paving jobs done on the roads in town have been done very professionally, nice and smooth, very well done.

Thomas Hauser – 10 Ocean Blvd commented that the Streetscape in the Harbor is beautiful and he cannot even express what a benefit it is to the town.

Michelle Rast 49 8th Ave commented that the car show was a big success. There were over 53 registrations. The attendees had good things to say about Atlantic Highlands, there were a lot of people in town and it was a nice day. She thanked the Borough for allow the street closure.

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-Litigation** – Harmon vs. Atlantic Highlands
2. **Item-Contract Negotiation** - PBA
3. **Item** –AH/HRSA Litigation

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

At 8:35 pm a motion to adopt this resolution was offered by Councilman L Fligor and was duly seconded by Councilman R Sutton

This motion was passed by the following vote:

Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

Nays: None (0)

Abstain: None (0)

Absent: None (0)

The regular meeting resumed at 9:35pm.

ADJOURN - There being no further business before the Mayor and Council, Council member R Sutton made a motion to adjourn. Councilman R Dellosso seconded the motion and it was passed by unanimous consent.

A motion, to approve these minutes, was offered by Councilman J Hoffmann and was duly seconded by Councilman J Archibald

This motion was passed by the following vote:

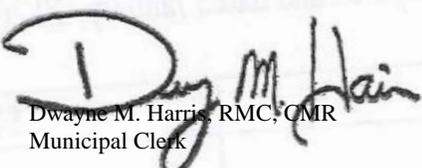
Ayes: Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)

Nays: None (0)

Abstain: None (0)

Absent: None (0)

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 July 13, 2011.



Dwayne M. Harris, RMC, OMR
Municipal Clerk