



# MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF JUNE 22, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on June 22, 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: Administrator Hubeny

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

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 1/04/2011. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

## APPROVAL OF MINUTES:

May 25, 2011 – Regular Meeting Minutes

A motion to approve these minutes was offered by Councilman L Fligor and was duly seconded by Councilman J Hoffmann

This motion was passed by the following vote:

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

## WORKSHOP DISCUSSION: PROPOSED BED AND BREAKFAST ORDINANCE

Councilman Fligor commented on a letter from Planning Board Attorney, Michael Steib, which outlined the zones that were included in permitting Bed and Breakfasts. The Ordinance requires off-street parking as well as fire code standards set by the DCA. There is no tandem parking and

requires a certain sized lot for parking. The Council was talking about an overlay in certain zones which is considered spot zoning and would be hard to defend in court if challenged.

The Mayor commented that the stipulations in the ordinance will limit the places that are eligible, but are not restricted by zone.

Councilman Fligor also commented that anyone currently planning a bed and breakfast would be required to come to the Planning Board for a change of use.

Councilman Archibald questioned letter E and F on page seven and if parking has to be provided on the property would someone have to come to the planning board to get parking on the street.

Attorney Reilly commented the ordinance is really doing is establishing conditional uses and standards. If you can meet these conditions, then you can open a facility like this. This is called a conditional use. It will be relatively rare that someone will meet all of the conditions and may need to approach the planning board for a variance of some sort. If you [the Council] are getting to the point that it is a good thing to have these in town, then it is good to set the standards.

Councilman Doyle asked if this is setting up business being established in the Residential districts, down the road.

Councilman Dellosso asked when we talk about the licensing and fees. He also commented that we have a number of properties in town where there are two houses, and wanted to know what the difference was in regards to being owner occupied.

Mayor Rast answered that he was unsure what the exact answer is but according to Martin Hawley, through a lengthy discussion is that the building has to be the primary residence.

Councilman Dellosso also asked what would prevent someone from living in one and just renting out the other. He thinks we ave in the ordinance \$200.00 for the licensing fee and questioned if that was a onetime fee or annually. He also feels that should be hire and a fee for guests that stay at the place.

Frank Grecco – Leonard Ave commented that there are three levels of bed and breakfasts set by the DCA, The Homestead, The Home Stay and The Inn. The Inn is for 50 people and above, that is why it is in the HBD and the CBD. The Homestead is not allowed per the ordinance. There are two separate issues going on. The Planning board has no authority to grant variances on codes and regulations set by the DCA. If DCA inspectors disallow something, it is hashed out in Trenton. All the Planning Board handles are Conditional Use Variances. In regards to owner occupied, there are a few that have two separate houses on them; the regulations require the owner be in the house where the guests are staying. He also agrees with the Mayor regarding the fees and they should be very minimal.

Michelle Rast - 49 8<sup>th</sup> Avenue – disagrees with Councilman Archibald in his comment that Atlantic Highlands is a bedroom community. The Chamber of Commerce has been banging

there head up against a wall to make this a destination place. We have a phenomenal ferry bringing people into this town. This town is Victorian and that is what a bed and breakfast is about. She would rather have a Bed and Breakfast next to her, where she lives to keep people from parking all around it. She feels he has been short sighted. This is a destination town and they have been working, trying to make it a destination town. She does not understand how he thinks this is a bedroom community and feels the Bed and Breakfast Ordinance stands up to all of the standards of the State.

Mary Wall – 10 Ocean Blvd, commented that most adults plan there weekends and hopes that most people will come via the ferry. There will probably be one or two cars in the town, which he may not approve of. He keeps pushing the issue of sprinklers and safety. We have an excellent EMS, and Fire Dept. here and she does not understand why he keeps beating a dead horse.

Ed Cetron – 1 Auditorium Dr., commented that the Planning Board does not have prevue to levy fees, like licensing fees and inspection fees. Also we need to think about is that DCA regulations require the building had to have been built as a residential living space, so you can't convert a garage into a b & b and secondly, the owner must be present in that physical building. He did confirm there were three levels of bed and breakfasts. The largest is similar to the Blue Bay Inn and would only fit along First Ave. The small has almost no regulations at all, so we eliminated that one. He also commented that we have had a lot of testimony about cars. He thinks we are going to see less cars from a bed and breakfast then from the crazy commuters that come in.

Joseph Hawley – 25 Ocean Blvd, he commented that his understanding is that now someone can open a bed and breakfast without this ordinance and this toughens things up and protects the town.

Norma Torini – 30 E. Washington Ave, commented that she has lived here for 16 years and she was originally appointed to a committee called Partner's for Progress. The Master Plan at that time for Atlantic Highlands was night in compliance because we were supposed to be a bed and breakfast destination community. The state was very upset because the towns Master Plan was not in compliance with theirs or the County. She also reminded the council about a meeting hosted by the Mayor were about 100 business owners attended. At that meeting the Mayor said he would look into a bed and breakfast and it was well received.

Shelly Kennedy – 104 E. Highlands commented that there seems to have been a lot of diligence around this and as a fairly new resident, she thinks it is very exciting, the prospect of a bed and breakfast. She thinks having a bed and breakfast would help foster peoples desires to come here for dinner and recreation rather than going to Highlands and other places. She also commented that the DCA regulations should flush out anyone who is not serious about establishing this as a legitimate small business.

Robert Dougherty – 16 Simpson Ave agrees with the discussions and feels the Borough should vote on this. The Borough has a good Fire Marshall, the town is in good hands with him and he might even consider using the bed and breakfast.

Chuck Lero – President of the Chamber of Commerce, commented the Chamber is constantly looking for growth in the community and support the local business and our restaurants in our service sector. He feels by the council voting for the bed and breakfast sends a positive message of support to the residents and that by supporting the town will benefit by additional tax revenues.

William Iler – 7 Hillside Road, commented that he will probably be the first applicant before them within the next year. He commented that he looked at some successful towns that had bed and breakfasts. Basically they control the parking and defer everything back to the regulations of the DCA. He feels that the Borough has spent a lot of time trying to put together something that is already established in the regulations set by the DCA. Highlands’ ordinance is six paragraphs, ours is 5 pages. Overall the ordinance is good and asks that the council address the parking issue. He also thinks Atlantic Highlands has a lot to offer and it is not going to thrive on the businesses that require a lot of foot traffic. We need business that will draw people into town, and he is not saying that one bed and breakfast will solve that, but is a step in the right direction.

#### **PROPOSED ADVERSE POSSESSION**

Mr. Archibald explained that the proposed resolution retains our rights to the property and allows us to look at each property piece by piece. This will protect us as we decide which properties we will or will not decide to sell off.

Michelle Rast – 49 8<sup>th</sup> Ave commented on her displeasure with NJNG relocating their pressure regulators above ground along First Ave and feels they are ugly and a safety hazard and wants them removed.

Mary Wall - Ocean Blvd agreed with the comments of Mrs. Rast and feel Mr. Fligor should contact the gas company and demand that they be removed.

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

Councilman Dellosso reported on the Elementary School graduation, which was very nice. He reported the solar project that they have installed, is generating electricity and essentially powering the school entirely. He reported on the Borough Hall renovations and installing offices downstairs in the “vanilla box. He also reported the Tax Sale went very well. The Historical Society is having their House Tour this weekend and asked for everyone’s support.

Councilman Sutton reported that he will be calling a meeting of the Water and Sewer committee to discuss some improvements that need to make down at the water plant.

Councilman Fligor reported that the Sewer Authority meeting has been changed until the 30<sup>th</sup> because of ongoing negotiations. NJNG wants to play with the water line coming off of well #5, which comes off of their remediation. Engineer Marks was asked to further detail the issue and request from NJNG.

Councilman Doyle had no report.

Councilman Hoffman reported on the building construction and the decision to turn the temporary offices downstairs into permanent offices. He reported that everything was going along fine in the Harbor. The Firemen are looking forward to working with the volunteers for the fair and are appreciative of their participation. We have received some very good donations which have increased our budget for fireworks to \$20,000.00.

Councilman Archibald reported that recreation sign up is almost complete. The 30<sup>th</sup> of June is the last date available for that. We have almost 200 registrants this year for the summer recreation. It is great program for the younger kids in town and provides jobs for 8-10 teenagers in town. He gave a brief synopsis of Police activity for the month of May and encouraged everyone to review it.

Clerk Harris commented that the Beacon has been prepared and distributed.

Attorney Reilly saved his items because the deal with Executive Session.

Engineer Marks reported that the road projects are wrapping up. The base contract work has been completed and the contractor will return over the next weeks to finish some minor items. The contractor has begun installing the drainage on Cameron Circle and has also begun the construction of the gabion system. He reported that Streetscape is basically complete and a punch list will be developed tomorrow. He feels the work on that project was done very well.

James Kraus – Environmental Commission had no report.

Joseph Hawley – Shade Tree Commission will begin their tree plantings this week beginning on Second Avenue.

Chuck Lero – Chamber of Commerce reported on the success of the Car Show, which brought in a lot of people to First Ave. The next event is the Film One Festival in the Harbor on July 16<sup>th</sup>.

Mary Wall asked people who sit on Boards and Committees to not tell people that there is nothing going on in town; there really is plenty to do.

Attorney Reilly readdressed the resolution regarding adverse possession and he made two suggestions. Since the list includes all property owned by the Borough, including those actively used, he suggested the words “some of” in front of the word which, in the second line. In the third paragraph he recommended a revision of a complete sentence. [He passed the noted adjustments to the clerk with the associated list, which becomes Attachment A].

**RESOLUTION 087-2011 – EXPRESSING CONTINUED OWNERSHIP/USE IN BOROUGH-OWNED PARCELS AS LISTED**

A motion to adopt this resolution was offered by Councilman J Archibald 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)

Ed Cetron – Auditorium Drive reminded everyone the First Aid is in the end phase of their fundraiser with First Ave Pizza, for a new blood pressure monitor.

Frank Grecco – Leonard Ave commented that there are some businesses on the website that are no longer in town and would like for them to be reviewed and removed.

At 9:17pm Mayor Rast called for a five minute recess.

The meeting resumed at 9:27pm.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

**RESOLUTION 079-2011- AH PUBLIC LIBRARY FURNITURE DONATION**

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)

**RESOLUTION 080-2011 – APPROVAL OF CHANGE ORDER #2 – PRECISE CONSTRUCTION**

A motion to adopt this resolution 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)

**RESOLUTION 081-2011 – CERTIFICATION OF THE 2010 ANNUAL AUDIT**

A motion to adopt this resolution was offered by Councilman J Archibald 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 082-2011 – ACCEPTING MEMBERSHIP INTO AHFD**

A motion to adopt this resolution was offered by Councilman J Hoffmann 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)

**RESOLUTION 083-2011 – APPROVING TAXI LICENSE – P & M TAXI**

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)

**RESOLUTION 084-2011 – PAYMENT OF BILLS \$1,527,599.78**

A motion to adopt this resolution was offered by Councilman J Archibald 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)

**RESOLUTION 085-2011 – RENEWAL 2011-2012 LIQUOR LICENSES**

A motion to adopt this resolution was offered by Councilman R Dellosso 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 086-2011 - OPPOSING NEW JERSEY NATURAL GAS COMPANY'S GAS PRESSURE REGULATORS RELOCATION**

A motion to adopt this resolution was offered by Councilman J Archibald 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 –**

No Comments from the public.

**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-Contract Negotiation - PBA**
2. **Item – Property Negotiations - Hanafy**

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 9:43 pm a motion to adopt this resolution was offered by Councilman L Fligor and was duly seconded by Councilman J Archibald

This motion was passed by the following vote:

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

**The regular meeting resumed at 10:16pm.**

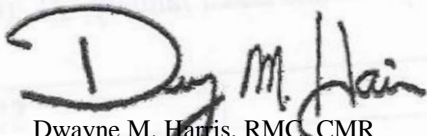
**ADJOURN** - There being no further business before the Mayor and Council, Council member J Archibald made a motion to adjourn. Councilman L Fligor seconded the motion and it was passed by unanimous consent.

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

This motion was passed by the following vote:

<b>Ayes:</b>	Councilman J Archibald, Councilman R Dellosso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (6)
<b>Nays:</b>	None (0)
<b>Abstain:</b>	None (0)
<b>Absent:</b>	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 August 17, 2011.

A handwritten signature in black ink that reads "Dwayne M. Harris". The signature is written in a cursive style with a large, looped initial "D".

Dwayne M. Harris, RMC, CMR  
Municipal Clerk