



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF MARCH 23, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on March 23, 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: Roll Call Of Atlantic Highlands Governing Body:

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.

SINGING OF THE NATIONAL ANTHEM – HENRY HUDSON REGIONAL ACAPELLA CHOIR

APPROVAL OF MINUTES:

March 09, 2011, Regular Meeting

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

WORKSHOP DISCUSSION:

- a) **AH Elementary School Budget** – Christopher Rooney, Superintendent Chris Rooney

highlighted some of the major points regarding the 2011/2012 School Budget. He did mention that the school is down trending with decreases over the last five years. He mentioned that the school has been looking for ways to decrease their budget and they did this at the rate of 2.4 cent. Most of this has been done through shared services and attrition. For 2011/2012 the average home will see an increase of \$22.90 per year which equals one cup of Dunkin Donuts coffee per month. He did report that they will have their final inspection next week so the solar project can be finally turned on. He did mention that they should be cash flow positive after three years. They will have their budget meeting on Tuesday the 29th and the board will finally approve the budget so it can be sent to Trenton for approval.

Henry Hudson Regional School Budget – Lenore Kingsmore, Principle

She came to give a brief budget summation for Henry Hudson. Their Budget is \$200,000 less than last year resulting in a zero increase for the 2011/2012 school year. This too has been attained through shared service and attrition. She was proud to say that no services or programs would be decreased for the students. She also commented on a Middle School model that will be implemented next year.

- b) **Bed and Breakfast Ordinance** – Councilman Fligor gave a narrative regarding the Bed and Breakfast Ordinance. Basically they are following the rules of the DCA which oversee bed and breakfasts and hotels and their rules would supersede ours anyway. The owner needs to be the title owner and live on the property as well as a minimum acreage on the property.

Frank Grecco commented that DCA has primary authority over b&bs and hotels alike. If issues come up with the rules, there is an appeal process with the DCA which the homeowner can go through.

Mart Hawley commented that it is a good ordinance. A lot of compromise but is equitable for both sides. He reminded everyone that there are two ordinances to consider.

Ed Cetron commented that it comes in two ordinances, one on the zoning and the other is designed to be the enforcement piece.

There was some discussion regarding concerns from members of the governing body had and other questions which need to be addressed.

Councilman Fligor recommended that everyone write their comments down and we can address them maybe at our next meeting

Jerry Vasto – 4 Wesley Ave, asked if the Planning Board approves this, does this activate notification of residences within 200 feet.

2011 Municipal Budget – Borough Treasurer Gagliano and Auditor Tom Fallon came to give a summary of the 2011 municipal budget. Unlike the school boards, the municipality did not receive an increase in State Aid. The Borough is also dealing with large pension increases and benefit increases for health insurance. The budget is within both state mandated caps, 1 being the appropriations cap and the other being the Tax Levy Cap. The Borough is substantially under both caps. Gagliano reported the budget is showing a 3 penny increase. He mentioned municipal debt service is up \$430,000 most attributed to the new construction at Borough Hall. Fallon also explained the COLA Ordinance and the CAP Bank.

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER

Councilman Archibald gave a report on recreation which is getting together their spring programs, like the Easter Egg Hunt and the Town Wide Garage Sale along with Summer Recreation sign ups.

Councilman Hoffmann reported that the fire dept is over trying to get the field in shape. They are still suffering a drainage problem, but he can see the people in town are coming down to help them get it together. He reported the party boats are coming back into the Harbor and the fish of choice this winter was flounder. There is a limit though of two fish per person. He also reported that there will be a handout to the boat owners reminding them of the rules regarding maintenance in the yard.

Councilman Doyle had no report.

Councilman Dellosso reported on the building construction and is hopeful it will be completed by the end of year. He commented the first aid took best of apparatus s in the Highland's St. Patrick's Day parade.

Councilman Sutton commented that the engineer will be reporting on Seventh Ave.

Councilman Fligor reported on NJNG project. He mentioned that there have been some reports to the health dept and DEP. They have come in and inspected and have found no problems at all. There have been brown murky water complaints but it has been determined that no issues are found; NJNG is in compliance and is protecting the water. He mentioned a homeowner on Leonard Ave is having problems with flooding coming into their back yard from the wetlands behind it. NJNG is investigating it to see if it was something caused by their work

Administrator Hubeny reported the 2009 road program had begun and they will be working through August 8th. He mentioned there are some flooding issues that would also be addressed with this program.. Streetscape IV will begin soon. There is some extra work we would like Precise Construction to do and the engineer is working on those numbers. He mentioned that the Borough is working with JCP&L on restoring the lights on the median along the highway, which have not been working. The Trap Neuter Release program, for feral cats, is still being looked over.

Engineer Marks reported on the Seventh Ave under drain program. The results of the metering show a reduction of five gallons per minute. We have eliminated a significant amount of I & I in the sanitation system under 7th Ave and it is a tight system, with the extraneous flow being eliminated. The reduction in flow would equate to about 33 homes but that has not been confirmed by the sewer authority. He is unsure that we have enough to reflect the savings in the metering at the authority.

James Krauss, Environmental Commission mentioned there would be a memorial service for Paul Boyd at the Strauss Mansion at 1:00 on Sunday. He mentioned He commented that they had a great turn out at the gardening seminar and hopefully you will see people growing vegetables.

PUBLIC COMMENTS

Michele Rast 49-8th Ave came as the liaison between the Chamber of Commerce in an effort to keep an open dialogue between the two. The chamber has taken on an important role and would like to work with the council. Through surveys the businesses have two issues the town could address, one being the need for two or three signs directing people to the Municipal parking lot. Also there are a few restaurants that have a lot of take out and they need another 10 minute parking sign by the area of the bagel store. She also mentioned concerns about the bed and breakfasts and the parking. Most bed and breakfasts have only 2 or 3 couples that stay, so there are only two or three cars. Also there would be a very limited number of people who would want to do a bed and breakfast. You are not talking 10-15 cars and a lot of people coming all at once to a hotel, only a few per weekend. There are only a couple of homes in the Borough that could take advantage of this.

Tom King – 51 Ocean Blvd – he like the trail but the Borough has developed a mountain of dredge spoils and wanted to know what the DEP has said about that. He questioned if it was contaminated and if we are going to have to spend hundreds of thousands to get rid of it. He also mentioned that his neighbor, in the Smith house, dumps drainage over the trail and wants someone to do something about it.

William Phillips – Memorial Pkwy asked where the resolution dissolving the sewer authority stands in Highlands. His major question was what happens to the lawsuit if the authority s dissolved and if the Borough can take over the lawsuit.

Frank Grecco – Leonard Ave thinks it is wonderful sharing maintenance service with Highlands and feels it should be extended to Sea Bright and others. He also asked about the garbage trucks and asked about other options that might be available. He also asked about the small parcels of land that are in the Boroughs name and encourages the Borough to get rid of them.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

ORDINANCE 06-2011 – EXCEEDING APPROPRIATIONS LIMIT AND ESTABLISHING A CAP BANK

A motion to introduce this Ordinance was offered by Councilman R Dellosso 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 052-2011, DEFERRED LIABILITY FOR LOCAL/REGIONAL SCHOOL TAXES

A motion to approve 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 053-2011, APPROVING THE 2011 MUNICIPAL BUDGET

A motion to approve this resolution was offered by Councilman J Archibald 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 054-2011, PAYMENT OF BILLS

A motion to approve this resolution was offered by Councilman L Fligor 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 055-2011, AUTHORIZING CHANGE IN PAYROLL PROCESSOR

A motion to approve this resolution was offered by Councilman L Fligor 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 056-2011, REFUNDING OVERPAYMENT OF TAXES

A motion to approve this resolution was offered by Councilman J Hoffmann 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 057-2011, EMERGENCY TEMPORARY APPROPRIATIONS

A motion to approve this resolution was offered by Councilman P Doyle 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

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 – AH/HRSA
2. Item – Litigation – Harmon vs. Atlantic Highlands

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.

A motion to enter Executive Session 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)

The regular meeting resumed at 11:45pm.

ADJOURN - There being no further business before the Mayor and Council, Council member a motion to adjourn was offered by Councilman R Dellosso and was duly seconded by Councilman J Hoffmann

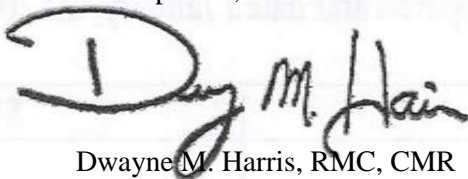
This motion was passed by unanimous acclamation.

A motion, to approve these minutes, was offered by Councilman R Sutton 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)

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 13, 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