



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF MAY 11, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on May 11, 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:

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.

WORKSHOP DISCUSSION:

Vacating Borough Property – Avenue D – Mayor Rast explained this was a situation where Mr. Hanafy has asked the Borough to vacate a portion of Avenue D, which is a way that he has access to his home. This road appears to be of little use to us in town, which he is asking to take the portion of land from the front of his property line to the front of McConnell Fuel Oil.

Mohammad Hanafy – 24 Harborview Drive explained that he is going to subdivide his property, which he has approval from the Planning Board. Taking Avenue D would serve two purposes 1> instead of his two houses being close, it would give them additional space and 2> Avenue D is like a leisure spot where people come to fish, or smoke or drink and it bothers him. If he could have Avenue D, he could prevent all of this and it up to the Borough to decide.

Councilman Doyle asked if the subdivision was contingent on the purchase of this property and he also asked if he intended to keep it as a grassy area or would he move his building.

Mohammad Hanafy – commented that he would move his building.

Councilman Hoffmann commented that there was an Outfall Line there and he would have to provide an easement.

Councilman Fligor asked if he purchased the land if he would increase either lot sizes or just the one.

Administrator Hubeny commented that he had spoken to Mr. McConnell who would also have an interest in a portion of the street vacation. He would have to be offered half of that property because he abuts right up next to it.

Attorney Reilly explained that if a street is vacated that the title is split between the adjoining owners, and he explained to Mr. Hanafy that he might only get half of it. He also explained that he may need to maintain access to the public beach.

Mayor Rast also explained that there is also a Sewer Outfall pipe there which requires a certain amount of feet on each side as an easement. This would prevent him from putting a structure over the pipe or within the limits of the easement.

Peter Hough – 27 Harborview Drive expressed his disagreement with this request. He is concerned that the end of Harborview Drive will be filled with two homes and there will be no access to the waterfront [He presented pictures for the Council]. It is a prime piece of property and he is concerned that there will be two huge homes, just like the one down the street. If Mr. Hanafy needs to control the people there, he can call the police and they will come and make them move. He is also disturbed that he was not informed of this request until today. Avenue D provides a great view to the water and New York and Mr. Hanafy will block that and he stands to make a great profit from this. Fair market value is a half million dollars, it is a prime piece of property. His main concern is the view.

Kate Wigginton 52 Avenue D commented that she thinks Mr. Hanafy access his driveway from Avenue D and that should be a consideration. She also commented that she does not believe there have been any calls to the police regarding people hanging out. Also she feels it is a beautiful piece of property and an excellent place for passive enjoyment and thinks vacating the street is a bad idea. Every other street vacation has in some way been available to the public and thinks this would be a disaster. She hopes the council will give this serious thought.

Thomas King – 51 Ocean Blvd asked if the Borough took money from everyone in town to preserve open space. He also asked that if we are selling property, could we put it on the open market.

Bed and Breakfast Ordinance:

Councilman Fligor commented that this was left hanging in limbo and wants the council to decide on whether they are going to move ahead with this. If there are questions let discuss it and move forward.

Administrator Hubeny commented that the final version has been approved by the Planning Board and it is ready to go forward.

Councilman Delloso was concerned about the fees and if they should be included in this Ordinance. He asked if this could be held off until the next meeting so he can review it and provide input.

Councilman Archibald commented that there are a lot of people who want this done, but there have not been a lot of people saying we need a Bed and Breakfast. This council has not been deluged by people saying we need Bed & Breakfasts in this town. Who is going to police if owners are living in the Bed & Breakfasts? Who is going to check and who will enforce this?

Mayor Rast commented that he talks to many people on the street, on a daily basis that is in favor of this.

Councilman Archibald commented that he hears a lot of people on the ferry, who against this.

Councilman Fligor requested a notice of hearing be placed on the Borough Website advertising the discussion at the June 8th meeting.

Councilman Doyle commented that he would like to hear the recommendations of the Planning Board. He feels they would be the best source of information and would prefer it not be hurried.

Jane Frotton – Memorial Parkway commented that the Mayor was correct and she has heard a lot of positive comments for this.

Michelle Rast – commented that there a very few houses that would be able to meet the requirements for a Bed & Breakfast. She could only think of five, and with the economy, she does not even know who would spend a lot of money trying to start one up. Bed & Breakfast draw a more upscale clientele and we are not talking about derelicts coming in.

Thomas King- commented that he did not buy his home in town to start a business. If you are going to start allowing people to use their homes as a business, he would use his and put up some cabins and open a water park.

Councilman Doyle asked that the Planning Board look at having a sliding fee structure based on what the application is for.

Engineer Marks will research what other towns are doing at the request of Councilman Archibald.

Habitat for Humanity:

Councilman Fligor commented that if we have to build low income housing in accordance to COAH requirements, why not have someone who will build the house themselves and take pride in it. Also, with Habitat for Humanity, it will be a two for one type deal.

Administrator Hubeny commented that the lot is valued at \$28,600.00, rated as a built lot with a one family.

William Phillips - Memorial Parkway was very impressed with the presentation made by Habitat and feels it would be a good idea for the Borough. He would be in favor of giving the group the property for them to build on.

Councilman Fligor asked Attorney Reilly how much in flux we are with COAH vs. moving ahead with this.

Attorney Reilly responded that everything is in hold but it is his position that things will be significantly modified and that can be done two or three years from now. He also explained that the property will never be taxed, after being developed, as a neighboring property because of the controls on the price. After further discussion he thought that the Borough should check with Jeff Surenian to determine if the Borough would need to begin the Phase II plan in the reasonably near future.

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER

Councilman Archibald reported that Recreation will be meeting tomorrow night and that the Town Wide Garage Sale is this Saturday. He requested that the Council receive the financials from the Harbor or the status of their projects.

Councilman Hoffman reported the launch ramp repairs have been completed. He reported that the Fire Dept got an additional \$10,000 in donations for the fireworks. He reported that the boats are going into the water, although not as quickly as he would hope. He mentioned that there is a lot of cooperation between the different departments and organizations in town and he likes the cooperation. He reported the Fire Dept received two Jet Skis which were donated and will be left on a trailer in the Harbor for emergency purposes.

Councilman Doyle reported the Harbor Commission has authorized the veteran's to solicit donations, for the poppies, in the Harbor. The Bayshore Pharmacy has also agreed to sell them. He reported the Memorial Day parade was on May 30.

Councilman Dellosso reported that there was building construction meeting this morning. The contractor was put on notice that the Borough wanted the building completed in December and not in mid January. HE commented that our former librarian, Marilyn Scherfen, was on the front page of the Monmouth County web site. He stated the Middletown ball fields were rebid on last Monday and he questions if they will be ready for the fall ball season. He finally reported that TOMSA has agreed to sit down and have a meeting.

Councilman Sutton reported that the monthly flows to TOMSA were up a little bit for the month of April, over the prior month. He reported that the Water Sewer Committee had a meeting and he will share the items discussed at the next meeting.

Councilman Fligor reported that NJNG's ground moving is causing problems with the flanges cracking and bolts cracking on the decant tanks. He also asked the ordinance for Trap-Neuter Release, be table until we review it further.

Administrator Hubeny clarified some information on the Open Space Ordinance introduced by the council that is being erroneously communicated throughout the Borough. The ordinance does not suspend the Open Space Tax, but merely allows it to go to referendum, to be voted on by the public. He reported that the new signs for the Municipal parking lot have mostly been installed. He reported that the County will be removing the old crosswalk and sign located by the where the old Hoffbrahaus was on Ocean Blvd. The owners of the property have installed curbing there so the crosswalk is no longer needed and they asked if the Borough would like for them to remove the black fence, the stamped concrete and the blocks which are across the street. He recommends that they be left in place to prevent erosion and slump blocking. He finally reported that Sharon Rounds, widow of Robert Rounds, is looking to seek donations to establish a memorial at one of our parks in his memory. He recommended that a water fountain be installed at Center Ave Park.

Engineer Marks reported that the final paving is being done on Streetscape Phase IV. They should be doing the striping tomorrow. The remainder is final clean up, like getting the light fixtures on the poles etc. We are behind schedule but on budget. The Road program is moving along. The contract has been focused on E. Washington Ave, where they have been doing the curb ramps. They too are moving along and will probably be ahead of their schedule and under budget.

Chief Vasto complemented the Streetscape going into the Harbor. E said it looks really good. He will defer his report until the next meeting. He mentioned Data 911 was here today fixing technical problems in the vehicles computers. He also mentioned a problem with the badge company has been resolved as well.

Jane Frotton – Harbor Commission Chair complemented Mr. Hubeny and Mr. Marks for the last stage of the Streetscape. It looks really good in the Harbor and she appreciates it.

James Krauss – Environmental Commission reported on a cleanup in Lenape Woods East. In Lenape Woods West there is an Eagle Scout lined up to repair the bridge. Also after a great deal of discussion, the Environmental commission decided they are not in favor of the suspension of the Open Space Tax. He explained that the savings to the homeowners were not substantial enough to make a difference and they would like to see those accumulated funds to continue to go up.

Michelle Rast – Chamber of Commerce Representative – thanked Mr. Hubeny for the expedience in which the parking signs were hung. The ten parking is greatly appreciated, also for the other signs for the Municipal Parking signs. The Car Show will be June 4th from 11am-5pm, there are over 200 entrants for the year and she is also looking for judging help during the event, if anyone is interested. There will also be vendors and live entertainment.

Kathleen Wigginton – Shade Tree Commission commented on the tree planting for Helen Marchetti and she thanked everyone for their participation. She reported that a few days later, the cub scouts planting saplings in Lenape Woods, after which they attended and assembly at the Elementary School for the Arbor Day poster contest. They will be having their spring planting now that the budget has been passed. Finally she mentioned that they will be assisting the engineer with the tree replacement along Second Ave. As a final note she mentioned that Atlantic Highlands is celebrating 30 years as a Tree City USA.

PUBLIC COMMENTS

William Phillips – Memorial Pkwy, thanked the Mayor for appointing a two man committee, Roy and Jake. He questioned some documents from the Sewer Authority, he noticed that each bill we get from TOMSA is a \$150,000, bill yet we pay \$100,000 and he cannot find where that money is located and wanted to know if it was being held in a reserve. If we lose the law suit, which is going to pay the difference if there is no reserve in place? He also wanted to know how much would be owed if we lose the suit. He also asked Councilman Fligor if he had answers to questions that he had previously asked.

Donna King – 51 Ocean Blvd commented that she is concerned with the dredge pile at the Harbor. Are we ever going to get rid of the dredge spoils and how is it going to be done, if we are required to dispose of it. She also commented that it has an order, which she never noticed before.

Thomas King – 51 Ocean Blvd asked why the Borough wanted to suspend the Open Space tax for three years.

Joseph Hawley – 25 Ocean Blvd asked if there was truth to the rumors that the Council will be eliminating the Police Dispatchers. He also asked a question about the CFO of Atlantic Highlands who is being paid a lot of money from other towns and is supposedly under investigation.

Al – Harborview Dr. commented that the parking in the Harbor is horrendous and it is getting into the busy season. The commuters are parking everywhere and he was wondering if they could do something about that.

Thomas King – 51 Ocean Blvd commented that we bend over backwards for Sea Streak and wants to know why this Borough does not charge for parking.

William Phillips – asked if we pay tons or yards for dredge removal.

Chief Vasto commented that the Council was previously going to address the boat parking ordinance and wondered where the Council was in the modification of the current ordinance. Until you [Council] do something, we [Police] will not enforce the current ordinance.

OLD BUSINESS:

NEW BUSINESS:

ORDINANCE 08-2011 – TRAP/ NEUTER/ ORDINANCE – ANIMAL CONTROL

Council member Fligor made a motion to table this Ordinance. It was seconded by Councilman Sutton and passed by unanimous acclamation.

RESOLUTION 072-2011, PAYMENT OF BILLS = \$766,972.83

A motion to adopt this resolution was offered by Councilman R Sutton and was duly seconded by Councilman J 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-Personnel**
2. **Item-Contract Negotiation - PBA**

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 10:28 the Regular Meeting was resumed.

ADJOURN - There being no further business before the Mayor and Council, Council member Dellosso made a motion to adjourn. It was seconded by Councilmember Fligor and was passed by unanimous acclamation.

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)

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 June 08, 2011.



Dwayne M. Harris, RMC, CMR
Municipal Clerk