



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF JULY 11, 2012

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on July 11, 2012 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:

Present: Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton, Mayor Frederick J. Rast III.

Thomas Neff was present on behalf of David Marks, Borough Engineer.

Municipal Clerk 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 in the office of the Municipal Clerk of Atlantic Highlands, on 1/03/2012. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

Mayor Rast Thanked the Police Department for the wonderful work they did with this year's fireworks. The Chief and all of his men did a fantastic job handling what he believes was over 12,000 people in town for e fireworks.

RESOLUTION 106-2012, APPOINTMENT OF POLICE SERGEANT – HARRY MURTHA

Motion: Approve Resolution, **Moved by** Councilman Robert Sutton, Seconded by Councilman Roy Dellosso.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton.

Mayor Rast administered the Oath of Office to Sergeant Harry Murtha who was joined by his girlfriend.

Chief Vasto commented on how proud he was of Harry and reflected on his history with Harry and his family, from the time Harry was born to the present. He was proud to watch him come into the world, proud to hire him as a Police Dispatcher and now proud to be able to promote him to a Sergeant. Harry is a unique person, born and raised in this town and will be one of the best in this department, along with his other men.

Harry thanked the Chief and Captain for preparing him for this position and his co-workers for helping him get to where he is today. He thanked the folks for coming out to support him and the finally thanked his parents and expressed his pride in the Police Department and this town.

Mayor Rast called for a 5 minute recess.

Meeting resumed at 7:31pm.

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER

Councilman Archibald reported that summer recreation has begun and there are over 166 participants, which he believes is an all-time high. The Sunday Band Concerts will also begin this weekend at the Harbor gazebo.

Chief Vasto reported on the fact that there were no major incidents at the fireworks this year. There were a lot of people and he only had a few minor incidents. They had to shut down First Ave at 8:15pm and every lot in the Borough was filled. Everything just worked out well and he gives credit to his officers, the Fire Police, EMS and everyone that helped out. He reported that he hopes to have the cars in service by the end of the month. They are waiting on parts needed to transfer the computers from the old cars. They are also in the process of reviewing resumes for the new patrolman and hopefully that person will be in place in the next month or two.

Councilman Hoffmann congratulated the Police, the Fireman and the Harbor crew for the fantastic job they did during the fair and fireworks.

Mayor Rast commented that he will be sending out thank you letters to all the people that helped out.

Councilman Doyle commented that Red Bank may not be so enthusiastic next year to raise the funds they need to host the event. He also recognized those who contributed to make the event 30 minutes in length.

Councilman Fligor reported the Mayor's Ball is September 28 and the AH Historical Society will be the benefactors. Tickets are \$70.00. It is also the Borough 125th Anniversary this year so they are anticipating a very large crowd.

Councilman Sutton had no report.

Councilman Delloso reported that he and Adam had met with the Auditor for the Borough's exit interview and we got a "clean" opinion. There were only two or three minor items and overall the Borough did very well. He noted that the Borough brought in about \$36,000 in shred services last year. He also reported that Eugene Farrell our former auditor had passed away on Sunday at the age of 59. Mr. Delloso then read the following press release, being sent out in response to

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comments and concerns expressed by attendees at the Harbor Commission meeting last night [07/10/12], and asked for it to be included in the record:

PRESS RELEASE: For Immediate Release

July 12, 2012

The Harbor Commission of Atlantic Highlands was pleased to listen to the issues and concerns of its residents and marina customers that attended its regular monthly meeting on July 10, 2012. The Commission had a very extensive public portion of the meeting regarding the proposal of Casino Royal, LLC. This meeting provided a forum for the Commission to present preliminary information known to it, listen to personal opinions and to gather additional information volunteered by the meeting attendees.

A short time ago a proposal was submitted by Casino Royal, LLC to berth a 184 foot vessel in the marina to provide gambling and entertainment offshore in Federal waters. The proponents of the project anticipate creating 65 to 100 new jobs and to provide a new revenue source for the Commission. The municipal marina revenues have been affected by the current economy. Every effort is being made by the Commission to provide the same or better services to its customers and Borough residents. Every effort is being made to offer competitive rates to its customers and to maintain its financial significance to the Borough. Keeping the harbor a beautiful, fun and safe place is paramount in the Commissioners' minds.

The Harbor Commission is a utility of the Borough overseeing the municipal marina operations. The Harbor Commissioners are appointed by the Mayor and Council. Many residents believe that the marina is the centerpiece of the Borough providing a place of beauty and relaxation while serving as a destination attraction for its very special First Avenue commercial district. The municipal marina makes significant contributions to the Borough for the police, fire, sanitation and other services it uses.

The Harbor Commission has formed a subcommittee with elected and appointed officials as well as citizen members to study the feasibility of the Casino Royal proposal. Great effort was made by the Commission at the July 10th meeting to clarify that no decision to approve or deny the proposal has been made. More importantly the Commission members refuted a rumor that the proposal was on a "fast track." Quite the contrary! There is no "fast track" process for non-emergent significant projects including the Casino Royal, LLC project. The Commission employs a thorough and deliberative process whereby its standing and ad hoc subcommittees review proposals, research the facts and make a recommendation to the entire seven member Commission. The subcommittee and Commission also ask for its professional engineer and attorney for advice and services. There have been no executive session discussions about proposal by the Harbor Commission. Significant harbor projects require Mayor and Council approval.

Commission Chairwoman Jane Frotton and Municipal Councilman Roy Delloso, chair of the Subcommittee, committed to all in attendance last night that there would be transparency in its deliberations and in the decision making process.

Currently the Subcommittee is in the preliminary stages of its due diligence regarding the proposal. The Subcommittee in collaboration with all the Commission members, its staff and professionals, the Mayor and Council composed a first set of questions to be answered by Casino Royal, LLC. Questions regarding parking, noise, utility demands, safety and licensing to name just a few were asked. It is very likely that this will not be the only demand for information. The Commission will most likely be asking for an opinion letter from the proponent's attorney regarding the New Jersey State and Federal licensing issues to serve as a basis of legal review as well.

Again, any significant proposals before the Commission require approval by the Harbor Commission and the Mayor and Council. Both bodies publish their meeting schedules, agendas and minutes on their respective websites. If you have any information that would be helpful to the Commission kindly mail or email it to the Commission.

Administrator Hubeny reported on a public hearing at the Planning Board for a modification on their Special Condition 3-A which regulates their operating times. He also relayed information that the Borough's County Board judgments have all been completed and gave the statistical results. Considering some of our surrounding towns, this is a great position for the Borough to be in and this is the result of Debbie Hough [Tax Collector], Eldo Magnani [Tax Assessor] and our attorney. He mentioned that Don Gates will be submitting a grant for the remediation of

Many Mind Creek, to the State Commission for a preliminary approval. If they agree, it will move on to T&M for some mapping and other preparations.

Thomas Neff reported that they should be getting the permit from DEP for well #1 and they are still on schedule to advertise for that project by the end of the month with completion in the fall. He also mentioned they received some comments back from DOT for the West Ave resurfacing and that too should also be ready for bidding soon.

Councilman Archibald recommended that the Council pass a Resolution congratulating Steve Gluckstein on his accomplishment on becoming an Olympic Athlete, competing in trampoline, and wishing him good luck. The Mayor will send out a letter wishing him good luck and they will prepare a resolution upon his return. He also asked Mr. Dellosso to clarify some time frames regarding the press release he previously read. He wanted to know if the sub-committee would be able to give a report to the Harbor Commission at their August meeting.

James Krauss of the Environmental Commission reported on a CAFRA modification request made by SFC and they will be reviewing it.

Mayor Rast appointed Regina Hawley- Keelan as a Regular Member of the Shade Tree Commission to fill the unexpired term of Jennifer Marston who has resigned.

PUBLIC COMMENTS

Ed Cetron - Auditorium Dr. asked for an update on getting the radio repeaters located up on the hill and getting them properly licensed.

Kathleen Wigginton- Avenue D complimented the Council for the work done to inform the residents of the recent water emergency.

Mary Wall- Ocean Blvd, hopes everything will be done to retain the bus stop on Highway 36 and Ave D in Middletown.

Shelly Kennedy – E. Highland Ave commented on the bill vetoed by the Governor regarding the restoration of the Gross Energy Tax Receipts and the restoration of those receipts to the Municipalities. Her friend is trying to get together a conference of Mayors to address this issue and asked Mayor Rast if he would be involved in this effort.

Jim Krauss - 77 Bayside Dr. was at the Harbor Commission meeting and feels the statement read by Mr. Dellosso adds a lot of clarity to things and it should be posted on the website front page.

UNFINISHED BUSINESS:

NONE

NEW BUSINESS:

ORDINANCE 08-2012, AMENDING THE CODE OF THE BOROUGH OF ATLANTIC HIGHLANDS CHAPTER 139 - SCHEDULE VIII, STOP INTERSECTION

Motion: Introduce Ordinance, **Moved by** Councilman Lou Fligor, **Seconded by** Councilman John Archibald Jr.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton.

Public hearing and possible adoption will be held on July 25, 2012.

Consent Agenda: These items were enacted by one motion. If detailed deliberation was desired on any item, Council could have removed that item from the consent agenda and consider it separately.

- a. Resolution 107-2012, Payment of Bills-\$882,911.13
- b. Resolution 108-2012, Opposing Elimination of Bus Stop-Highway 36 & Avenue D
- c. Resolution 109-2012, Providing Grace Period for 3rd Quarter Taxes

Motion: Approve Consent Agenda Items, **Moved by** Councilman Jacob Hoffmann, **Seconded by** Councilman Roy Dellosso.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman John Archibald Jr., Councilman Roy Dellosso, Councilman Peter T. Doyle, Councilman Lou Fligor, Councilman Jacob Hoffmann, Councilman Robert Sutton.

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** – Potential Litigation – Liquor License Transfer – Atlantic Wine & Spirits

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.

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Motion: Action: Enter Executive Session, **Moved by** Councilman Robert Sutton, **Seconded by** Councilman Lou Fligor.

Motion passed unanimously.

Regular Meeting was resumed at 8:07pm.

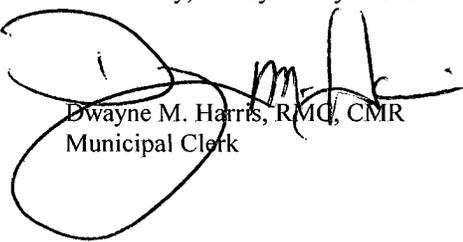
ADJOURN [8:07pm] - There being no further business before the Mayor and Council,

Councilman Sutton made a motion to adjourn; it was seconded by Councilman Fligor. The motion passed by unanimous consent.

Motion: Approve Executive Session Minutes of July 11, 2012, **Moved by** Councilman Roy Dellosso, **Seconded by** Councilman John Archibald Jr.

Motion passed unanimously.

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 25, 2012.



Dwayne M. Harris, RMQ, CMR
Municipal Clerk