



MINUTES OF THE MAYOR AND COUNCIL REGULAR MEETING OF MAY 25, 2011

The Regular Meeting of the Mayor and Council, of the Borough of Atlantic Highlands, was held on May 25, 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 Delloso, 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 1/04/2011. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

APPROVAL OF MINUTES:

April 13, 2011 – Regular Meeting Minutes

A motion to approve these minutes was offered by Councilman R Delloso and was duly seconded by Councilman J Hoffmann

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)

APPROVAL OF MINUTES:

April 27, 2011 – Regular Meeting Minutes

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

REPORTS – COUNCIL, ADMINISTRATION, PROFESSIONAL, OTHER

Councilman Dellosso had no report.

Councilman Sutton reported that the metering on the flows from Highlands and Atlantic should be done by June 3th and by mid June we should have a report.

Councilman Fligor NJNG has been doing a lot of work on the Sodon's property. They had to heighten the water level in the creek so they could do their work up stream. The project is moving along and should be completed in a few weeks. NJNG wants to do testing at the Water Dept, between the Clarifier and the building itself and they have notified the Borough Administrator and me on that. He reported that John Mason, the Sewer Plant Operator/ Supervisor will be retiring Friday. John is an excellent employee and has done a lot to keep our plants running. He mentioned the Authority has put in new pumps because the ones we had were 30 years old.

Councilman Archibald reported on Police activity for the month of April. He noted the especially high amount of youth violations and domestics. He reported that the Recreation Committee has met and is in the process of getting their Summer Clinics signed up and Soccer signs ups for the fall.

Councilman Hoffmann reported that the Fire Dept is getting ready for the parade on Monday. They are also working diligently on the field trying to get that up and running. He reported that the Harbor is putting boats in. The Asst. Harbor Master is working with Harbor security and is implementing a card program that will allow boat owners access to the yard through a swipe card. It will also track who comes in and out and keeps people who do not have any business back there out. He also reported that the Harbor is moving forward on the project 2013 and they need to find revenue tom keep that program on track.

Councilman Doyle reported that the Memorial Day Parade will begin at 11:00 am on Monday, in the Harbor. Hot Dogs and refreshments will be served afterwards.

The Mayor would like the Council to start the conversation on developing a storage facility for emergency services supplies, like cots, that can be stored there in case of emergency. There are possibly two locations already, which can be utilized for this purpose, in the event we had an emergency.

Administrator Hubeny reported that Streetscape Phase IV is coming along well. The lights and brick pavers are all in and we are working on the punch list. The road improvement program is going well also. They paved the main streets and just have some intersections done in Woodland Park. Mr. Marks is going to apply for a Federal Transportation grant. We are still trying to get money to do the median on Highway 36, we are looking for 1.2 million. He mentioned that Bob Workmeister is retiring. He has done a lot for our town and he is a great guy. He reported that the Borough Hall is moving along. The PBA mediation is set for June 3rd and he and Mr. Reilly have been working on that. He mentioned that the about \$4,000.00 has been collected towards the Bob Rounds Memorial fountain and gazebo at Center Ave Park.

Michelle Rast – Chamber of Commerce, thanked the Borough for the new municipal parking lot signs. She also mentioned the Annual Car Show on June 4th. First Ave will be closed and vendors will be in Veteran’s Park. She met with the Borough Administrator, The attorney and Mr. Iler about the entrance, and hopefully once the kinks have been worked out, they can begin working on the Joe Anthony’s side.

Kathleen Wigginton – Shade Tree Commission mentioned that they are about to begin their public and private spring planting. They are also helping in the coordination of the trees on Second Ave and Avenue C.

WORKSHOP DISCUSSION: None

PUBLIC COMMENTS –

No Comments from the public.

OLD BUSINESS:

ORDINANCE 07-2011 – NON-BINDING REFERENDUM SUSPENDING THE OPEN SPACE TAX

Councilman Hoffmann made a motion to open the public hearing. It was seconded by Councilman Archibald and approved by unanimous consent.

Jim Krauss – Environmental Commission Chairman – He does understand the concerns of the finance commission but feels it is displaced and too short term therefore recommends that the Borough not pass this ordinance. If they did pass the ordinance, he would recommend to the residents that they vote against it. The two reasons are that 1 is really not a huge amount of money averaging \$8.50 per quarter, per home. Secondly, open space is part of the charm of the Borough and it would be beneficial to continue to build that war chest.

Joseph Hawley – Vice Chair of the Shade Tree Commission asked that this Ordinance not be put on the ballot in November. He stated that the Shade Tree commission also passed a resolution requesting the Borough not to place this on the Ballot. The resolution reads as follows:

It is the Atlantic Highlands Shade Tree Commission's position that since the residents have not petitioned the Borough Council for the suspension of the "Open Space" tax and last year, the populace voted overwhelmingly to continue the Open Space concept Statewide, which thereby confirmed the residents wish to sustain the "Open Space" policy, the referendum should not be placed on the ballot in November. The Commission, therefore, is in full support of not creating the ordinance to place the question on the ballot.

Councilman Dellosso commented that the Council is looking to affirm that the residents still want this or not.

Richard Margolis – Ocean Blvd, commented that this has been in place a long time and maybe it is time for the residents to step up again and reaffirm that they still want to contribute to open space.

Mike Harmon – 33 Bonnie Brae Path submitted the following written comments to be included in the minutes:

Urge the M&C to let the fund continue to build up and make efforts to fulfill the promise of additional open space. AH is easy – of our 768 total acres (some under water) there is not much open land left – but there are easily identifiable small lots contiguous to existing parks. In addition, the August 2007 Master Plan Update (pg46) identifies “3 large parcels of vacant land”.

Keep the fund, when opportunity arises (and it will) the town will be ready to go. **It is a great time to buy land, a buyer's market.** Putting it on the ballot again will just polarize the town and could be divisive in the community and even detrimental to the open space plans.

If there is a tool box for open space then an open space fund is one of the main tools. It is the jack, the lever, having available funds which can be used in a moment of opportunity without the normal budget process. But the parcel has to be targeting as part of the Open Space Plan – which the town already has in place. There are lots of tools though and they can be utilized alone or often together to achieve the open space goals.

1. Purchase fee simple – flat out buying land – funding partners
2. But you don't always have to buy an entire piece of property. **Not necessarily “all or nothing”**

We often don't have the money to buy land outright – it doesn't have to be either town buys it or not.

- Buy piece of parcel you need or wish to preserve (beach area)

- Buy piece of parcel and have donation (Lenape Woods) Charlie Hess sold us 20 acres and donated the most valuable highway frontage acres for a write-off.
 - Buy and lease back portion for development (Conifer)
 - Buy and retain portion for senior or other housing or COAH leaving other portion for open space (Sickles farm – senior housing, fields, market, farm fields)
3. Then there are other methods such as easements or purchase of rights
- Conservation easements
 - Trail easements, right of way easement, (greenways)
 - Recreation easements
 - View easements
 - Waterfront access easements
 - Development rights

Victorian Woods in town example of “Conservation Easement” there is a ring of wooded area surrounding the project which is conservation easement as part in owner titles.

4. Partner funding

- Monmouth Conservation
- Bay Keepers – American Littoral
- Monmouth County Parks Municipal Grant Program
- Green Acres
- And of Course in AH – you have the Harbor Partner

Often the deals are \$ for \$ match or some portion. Having a healthy fund you can leverage up you buying power. Let the fund build up.

5. Zoning / Rezoning – a method without money

And then there is another way which has become more common, particularly with COAH and the density bonuses assigned to have fair market value homes subsidize the construction of affordable housing.

We just saw the 250 acre Bamm Hollow zoned for 50 houses on 5 acres each be threatened with 1,200 units under COAH. They reached a deal to allow 190 homes, no Mt. Laurel housing. What most stories omit is that 120 acres of the 250 will remain as open space. About 50%. Half a loaf. Now what if Middletown had brought a few million dollars in open space funds into the deal.

- Power of zoning – rezoning a parcel with open space element
- Conditional Use zoning – you can build X if you preserve Y for open space (Scenic Ridge)
- Clustering development with corresponding open space increase (Gate Cottage on highway)
- Density bonus for open space element

I would ask the M&C to review each of main parcels the town that are part of your Open Space Plan. Determine your priorities and realistic expectations.

Very Truly Yours,
Mike Harmon

Joe Reynolds - 225 E. Highland Ave commented that his is against this referendum. He thinks open space is important and the town has potential to create or enhance parks so he does not recommend that you just forget about it because we love open space.

Regina Keelan – 219 E. Highland Ave feels there is a lot of misunderstanding on what was said. She asked if there was a cost to place this question on the ballot. She asked if this falls under the 2% CAP regulated by the State. She mentioned that when Councilman Archibald came to a meeting and asked if the Commission would support this for a year. [*Councilman Archibald clarified his comments at that meeting*]. She asked how much the Open Space Tax brings in each year. And she finally asked if the Open Space Fund was not only for the purchase of

property as well as to maintain property. She suggested that the Borough use the Open Space Fund to support the financial needs of the Environmental Commission and the Shade Tree commission instead of giving them a budgeted amount of money each year. And she asked if the Fireman's Field falls under open space.

Kate Wigginton – 52 Ave D thinks having the Open Space fund is a safety net for us to have in case of an emergency or storm.

Jerry Vasto – 4 Wesley Ave asked if the land, for the Bike Trail, could be purchase from the Fireman, maintained as open space, and the Fireman could intern use the funds to reinvest into the maintenance of the field. *[This turned into a 21 minute conversation about the history of the fireman's field and other different aspects unrelated to the topic at hand.]*

Councilman Archibald made a motion to close the Public Hearing. It was seconded by Councilman Fligor and was approved by unanimous consent.

A motion to adopt this ordinance was offered by Councilman J Archibald and was duly seconded by Councilman P Doyle

This motion failed by the following vote:

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

[Please note that each member made an extensive comment explaining their vote during the voting which are not reflected in these minutes because this would represent "debate" which is not permitted.]

NEW BUSINESS:

RESOLUTION 073-2011- CHANGE ORDER #1 – STREETScape PHASE IV – PRECISE CONSTRUCTION

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

RESOLUTION 074-2011 – PAYMENT OF BILLS

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

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

A motion to approve this ordinance was offered by Councilman R Sutton 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)

Public Hearing and possible Adoption is scheduled for June 08, 2011.

ORDINANCE 09-2011 – CAPITAL APPROPRIATION – WEST AVENUE

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

Public Hearing and possible Adoption is scheduled for June 08, 2011.

PUBLIC COMMENT SESSION –

William Phillips – Memorial Pkwy commented that he was very impressed with the County workers who installed the West Ave Bike Trail, and how meticulous and careful with the work and the way they disturbed the land. He also commented and thanked Dave Marks {Engineer} on the work done on Washington Ave.

Kate Wigginton – 55 Avenue D asked if the parking on West Ave had been discussed and what was the outcome.

Mike Harmon 33 Bonnie Brae path asked a question on the status of Conifer and if they had gone back out to bid and what the status is.

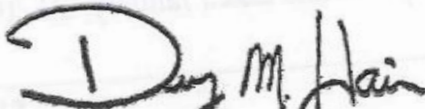
ADJOURN {8:28pm} - There being no further business before the Mayor and Council, Council member Fligor made a motion to adjourn. It was seconded by Council member Doyle and was approved by unanimous consent.

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:

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)

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 22, 2011.



Dwayne M. Harris, RMC, CMR
Municipal Clerk