

Regular meeting of the Harbor Commission of the Borough of Atlantic Highlands was held, Tuesday, March 9, 2004 at Borough Hall, 100 First Avenue, Atlantic Highlands, N.J.

Meeting was called to order at 7:00 P.M. with the following roll call:

PRESENT: Nolan, McDonald, Creutzburg, Hoffmann, Marchetti, Ladiana
ABSENT: Frotton

Also present were Administrator Phair, Attorney Leahey, Mrs. Cassese and Mr. Bate.

Mr. Hoffmann advised this meeting is in compliance with the Open Public Meetings Act by virtue of notice of January 7, 2004. Copy of the notice has been posted on the bulletin board in the Harbor Office and Borough Hall. The notice is also on file in the Borough Clerk's office. Formal action will be taken.

ADMINISTRATION:

Mrs. Marchetti offered a motion approving minutes of Regular Meeting held 2/10/04 as recorded, seconded by Mr. Hoffmann and carried upon the following roll call vote:

AYES: McDonald, Creutzburg, Hoffmann, Marchetti, Ladiana
NAYS: None
ABSTAIN: Nolan

Mr. McDonald offered a motion approving the payment of bills, seconded by Mr. Vreutzburg and upon roll call was carried.

Mr. McDonald offered the following resolution and moved for adoption:

ATLANTIC HIGHLANDS HARBOR COMMISSION
RESOLUTION
SUPPORTING N.J. ALCOHOLIC BEVERAGE CONTROL'S ISSUANCE OF A
SPECIAL CONCESSIONAIRE PERMITS FOR THE ATLANTIC HIGHLANDS YACHT
CLUB, BAYSHORE RESTAURANT GROUP AND THE SHORE CASINO RESTAURANTS

WHEREAS, the N.J. Division of Alcoholic Beverage Control has indicated that the Atlantic Highlands Yacht Club, the Bayshore Restaurant Group's restaurant and the Shore Casino restaurant must obtain Special Concessionaire Permits to be able to serve any type of alcoholic beverage; and,

WHEREAS, the Special Concessionaire Permit does not allow for the sale of alcoholic beverages for off-premise consumption nor grant any ownership equity and has an annual fee of \$2,000.00 while the annual fee for a Municipal License is \$750.00; and

WHEREAS, these operations or their predecessors are an integral part of long-established social and business operations at the municipal harbor; and,

WHEREAS, following a Special Public Hearing on these operations and Special Concessionaire Permits, the Mayor and Council and Harbor Commission have determined that the continued use of the municipally owned harbor buildings on Simon Lake Drive by the Atlantic Highlands Yacht Club, the Bayshore Restaurant Group's restaurant and the Shore Casino restaurant is in the best interest of the Borough and its residents; and,

WHEREAS, although the Yacht Club and the Shore Casino have operated as licensed facilities for about 50 and 30 years respectively, and the Bayshore Restaurant Group is the successor of a precious licensed restaurant, the seasonally oriented organization and businesses may be required to alter their operation or close during the permitting process; and

WHEREAS, the permitting process may be further delayed by scheduling limitations of the Office of Administrative Law; and

WHEREAS, the time necessary to properly complete the permitting process will cause an unintended and unwarranted hardship for all of these operations, especially severe because of the seasonal nature of waterfront operations; and

WHEREAS, NJA 33:1-74 allows the Director of ABC to issue Temporary Permits for appropriate contingencies that have not been expressly provided for; and all of these operations have applied for the required Special Concessionaire Permit and all have passed municipal or state police background and financial investigations,

NEW, THEREFORE, BE ITR RESOLVED, by the Atlantic Highlands Harbor Commission, County of Monmouth, State of New Jersey, that the applications for Special Concessionaire Permits for the Atlantic Highlands Yacht Club, the Bayshore Restaurant Group's Dockside and Ocean Club restaurants and the Shore Casino restaurant is supported for on premise consumption, without off-premise privileges.

BE IT FURTHER RESOLVED that the Atlantic Highlands Harbor commission requests that the Director of the ABC immediately grant Temporary Permits to the Atlantic Highlands Yacht Club, the Bayshore Restaurant Group's Dockside and Ocean Club restaurants and the Shore Casino restaurant.

BE IT FURTHER RESOLVED that the Atlantic Highlands Harbor Commission requests that the Office of Administrative Law and Director of the ABC expedite the hearing and granting of these Special Concessionaire Permits.

Seconded by Mrs. Ladiana and adopted upon the following roll call vote:

AYES: Nolan, McDonald, Creutzburg, Hoffmann, Marchetti, Ladiana
NAYS: None
ABSENT: Frotton

COMMITTEE REPORTS:

LEASES: No report.

OPERATIONS COMMITTEE:

Mr. McDonald advised the floats for the fishing pier area are complete and all de-icers have been removed.

ADVERTISING:

Mr. Nolan advised he had spoken to Mr. Sheehan regarding the web site.

FINANCE:

Mrs. Ladiana reported income year to date is up approximately \$440,000.

PERSONNEL:

Mrs. Marchetti advised she had met with Mr. Bate regarding Mr. Maxson's retirement. The position will be advertised in the Borough and if no response then the newspaper.

SPECIAL COMMITTEE: No report.

ADMINISTRATOR'S REPORT:

Mr. Phair reported the fireworks display will be July 2 rain date July 3.
Mr. Phair reviewed letter to SeaStreak concerning costs for additional security, etc.

ATTORNEY'S REPORT: No report.

HARBOR MASTER'S REPORT:

The Harbor Master's Report is on file in the Harbor Office.

OLD BUSINESS: None

NEW BUSINESS: None.

CORRESPONDENCE:

Mr. Hoffmann read letter from Fred Felice, Frank's Pier requesting a reduction on the price of his slip. The matter was referred to the Operations Committee:

Mr. Hoffmann read letter from Sandy Hook Bay Anglers requesting to hold a Fluke Tournament on 7/10 and 7/11/04 and also the Snapper Tournament in September. Both requests were granted.

Mr. Hoffmann read letter from Nancy Ciasca, the Arts Council, advising interest in using the harbor to host an "Artisans in the Park" event. Ms. Ciasca was invited to address the Commission and asked many questions about location, when to schedule same, etc. The Commission supported the project and Ms. Ciasca will have more information at a later date.

Mr. Hoffmann read letter from Swanton Fuel regarding becoming a vendor for fuel. This matter was referred to the Operations Committee.

Mr. Hoffmann asked if anyone from the public cared to address the Commission.

Mr. Brian Spiga of Ocean Boulevard addressed the Commission on the dredge pit. He advised he has great concerns about the size and height, and advised there must be an alternative plan for the disposal of the dredge material.

A lengthy discussion followed and Mrs. Ladiana will meet with Mr. Spiga and other interested residents to study the issue and perhaps create a new solution.

Captain Buban reminded the Commission to have SeaStreak advised their customers not to park in the Head Boat area

Mr. Hoffmann advised the Commission would now go into Executive Session, the Regular Meeting would the reconvene, how ever no formal action would be taken at that time.

Mr. McDonald offered the following Resolution and moved for adoption:

WHEREAS it is necessary for the Commissioners of the Atlantic Highlands Harbor Commission to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A.10:4-12b and designated below:

Pending litigation

NOW, THEREFORE, BE IT RESOLVED, by the Atlantic Highlands Harbor Commission assembled in public session on March 9, 2004 that it proceed into Executive Session for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon determination of the Commissioners that the public interest will not longer be served by such confidentiality.

Resolution was seconded by Mrs. Ladiana

There being no futher business to come before the meeting, Mr. McDonald offered a motion to adjourn, seconded by Mrs. Marchetti and upon roll call was unanimously carried.

Meeting adjourned at 8:20 P.M.

Secretary