

Regular meeting of the Harbor Commission of the Borough of Atlantic Highlands was held Tuesday, September 14, 2004 at Borough Hall, First Avenue, Atlantic Highlands.

Meeting was called to order at 7:00 PM, with the following roll call:

Present: Nolan, McDonald, Creutzburg, Hoffmann, Marchetti, Ladiana, Frotton
Absent: None

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

Mrs. Frotton advised this meeting in compliance with the Open Public Meetings Act by virtue of notice having been published in The Courier. Copy of the notice has been 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 8/14/04 as recorded, seconded by Mr. McDonald and upon roll call was carried.

Mr. McDonald offered a motion approving minutes of Executive Session Meeting held 8/14/04 as recorded, and that the minutes remain sealed until the need for confidentiality is no longer necessary, seconded by Mrs. Marchetti and upon roll call was carried.

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

COMMITTEE REPORTS:

LEASES:

Mr. Creutzburg advised the Lease Committee met last weekend and will have rate recommendations for the next meeting. Mr. Creutzburg also requested a list of proposed capital expenditures for 2005.

OPERATIONS COMMITTEE:

Mr. McDonald reviewed his memo on options for dinghy storage.

ADVERTISING:

Mr. Nolan reported that there will be a meeting with the DOT on October 7, 2004 regarding their parking study.

FINANCE:

Mrs. Ladiana reported income year to date is up to \$288,000.00.

Mrs. Ladiana also advised she had polled some other marinas in the area and all rates are much higher than ours.

PERSONNEL:

Mrs. Marchetti reported that Al Fisher will be retiring after 28 years of service and a dinner will be held October 1st at the Shore Casino. All are invited to attend.

SPECIAL COMMITTEE:

Mr. Hoffmann reported the Harbor Advisory Committee will have some committee reports which he will bring to the next meeting.

ADMINISTRATOR'S REPORT:

Mr. Phair led a discussion on the dredging project. Mr. Phair also advised that the "dirt pile" on West Avenue would be used to close in the dredge pit.

ATTORNEY'S REPORT:

Mr. Leahey advised letters have been sent to all delinquent accounts.

A discussion was held the deferral of rent payments for Bayshore Restaurant Group and Resolution for the same.

No one from the Bayshore Restaurant Group was present at the time, however did arrive a short time later.

Mr. Art McCarthy was invited to address the Commission. He advised of the many set backs they have had and are intending to open the upstairs, serving dinners, by the 21st of September.

Discussion followed and Mrs. P. Murray, Mr. Weimer, and Mrs. Marcy Wall spoke in favor of the rent deferral.

September 14, 2004

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

RESOLUTION AUTHORIZING THE DEFERRAL OF RENT PAYMENTS FROM THE TENANT KNOWN AS BAYSHORE RESTAURANT GROUP FROM 2004 TO 2005.

WHEREAS, the Atlantic Highlands Harbor Commission is a municipal body established pursuant to N.J.S.A.40:68-22 and Borough Ordinances to exercise authority and management upon the operation and control of the Atlantic Highlands Municipal Harbor and its facilities, and

WHEREAS, the tenant Bayshore Restaurant Group has suffered additional hardship as a result of an inability to hire personnel qualified and state certified in the handling of liquor, having done so only to have lost said personnel because of delays in obtaining state and concessionaries permit, and

WHEREAS, the Harbor Commission has been advised by the Bayshore Restaurant that although they are in no financial jeopardy that a rent deferral would assist them in maintaining the quality of business anticipated by them during the less busy winter season, and

WHEREAS, the Harbor Commission finds it in the best interest of the use of the tenanted building and in the spirit of the lease agreement that such rent deferrals be approved, and

WHEREAS, the Harbor Commission has granted such rent deferrals to tenants in the past, and

WHEREAS, according to the Harbor Commission auditor such rent deferral will not adversely impact the Harbor budget for the year 2004, and

Now, THEREFORE BE IT RESOLVED by the Atlantic Highlands Harbor Commission, County of Monmouth, State of New Jersey, that the Commission hereby approves the deferment of rent to be paid by the Bayshore Restaurant for the following months in the current lease agreement;

Rent for the months of September, October, November, and December, 2004 shall be paid at a rate of 76923% of the rent called for in the current lease agreement;

Rent for the months of May, June, July, and August, 2005 shall be paid at a rate of 123.077% of the rent called for at the time in the current lease agreement.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Atlantic Highlands Harbor Commission, County of Monmouth, State of New Jersey, that the Commission hereby approves the deferment of rent to be paid by the Bayshore Restaurant Group only upon the following conditions:

All amounts due and owing by the Bayshore Restaurant Group including but not limited to current rents, back rents, (including rent increases not paid), late fees, and security deposits are paid in full on or before September 17, 2004;

All future rents shall be paid strictly in accordance with the lease as amended.

Seconded by Mr. McDonald and adopted upon the following roll call vote:

AYES: McDonald, Creutzburg, Hoffmann, Marchetti, Ladiana, Frotton

NAYES: Nolan

HARBOR MASTER'S REPORT:

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

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDENCE:

Mrs. Frotton read letter David Cacolio regarding a fuel discount. The matter was referred to the Operations Committee.

Mrs. Ladiana asked to invite a member of the Environmental Committee to the next meeting to address the Commission.

Mrs. Frotton asked if anyone from the public cared to address the Commission.

Mayor Donahue expressed his views on the proposed rate hike of raising berth rates for 2005 \$10.00/ft. which was arrived at by the Borough Administrator and the Harbor Master. He asked that the Commission vote affirmatively on