## **MINUTES MAY 12, 2015**

The Meeting of the Board of Commissioners was held on the above date with Mayor McLaughlin presiding and Commissioner Bolan answering the roll call. Also in attendance were the Borough Clerk and Borough Attorney. Comm. McLoughlin arrived at 7:38 PM.

The meeting was called to order at 7:30 P.M. with a salute to the flag.

Mayor McLaughlin announced that the notice requirements of R.S. 10:4-18 had been satisfied by delivering the required notice to the Coaster, posting the notice on the board in Borough Hall and filing a copy of said notice with the Borough Clerk.

#### **COMMUNICATIONS**

Information sent from CASA (Court Appointed Special Advocates), for children of Monmouth County.

Press release from NJ American Water Company asking customers to adopt odd/even watering for lawns and gardens.

## RESOLUTION #1 A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

**BE IT RESOLVED,** That the minutes of the regular meeting held April 28, 2015, be ratified and approved.

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

#### **RESOLUTION #2**

## A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

**BE IT RESOLVED,** That the Clerk dispense with the reading of the minutes of the regular meeting held April 28, 2015.

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

## PUBLIC HEARING ON 2015 MUNICIPAL BUDGET

There was no response to Mayor McLaughlin's request for public comments or questions on the 2015 Municipal Budget.

## RESOLUTION #3 A RESOLUTION TO ADOPT 2015 MUNICIPAL BUDGET

Offered By: Mayor McLaughlin Seconded By: Comm. Bolan

**BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations and authorization of the amount of:

(a) \$2,311,136.36 (Item 2 below) for municipal purposes:

## SUMMARY OF REVENUES

General Revenues			
Surplus Anticipated		08-100	500,000.00
Miscellaneous Revenues Anticipated		13-099	2,064,639.98
Receipts from Delinquent Taxes		15-499	18,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES		07-190	2,311,136.36
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I DISTRICTS ONLY: Item 6, Sheet 42	07-195	.00	
Item 6(b), Sheet 11 (N.J.S. 40a:4-14)	07-191	.00	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			.00
4. To be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY: Item 6(b), Sheet 11 (N.J.S. 40A:4-14)		07-191	.00
Total Revenues		13-299	4,893,776.34

## SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	XXXXXX	XXXXXXX
Within ACAPS@	XXXXXX	XXXXXXX
(a+b) Operations Including Contingent	34-201	3,588,482.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	414,054.00
(g) Cash Deficit	46-885	.00
Excluded from ACAPS@	XXXXXX	XXXXXXX
(a) Operations - Total Operations Excluded from ACAPS@	34-305	352,053.98
(c) Capital Improvements	44-999	72,000.00
(d) Municipal Debt Service	45-999	418,455.00
(e) Deferred Charges - Municipal	46-999	8,000.00
(f) Judgments	37-480	.00
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)	29-405	.00
(g) Cash Deficit	46-885	.00
(k) For Local School District Purposes	29-410	.00
(m) Reserve for Uncollected Taxes	50-899	40,731.36
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40a:4-13)	07-195	.00
Total General Appropriations	34-499	4,893,776.34

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

# RESOLUTION #4 A RESOLUTION TO CONFIRM PURCHASES

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

**WHEREAS,** Purchases were made for amounts over \$1,000.00 and it is the policy of the Borough that the Board of Commissioners approve or confirm said purchases; and;

**WHEREAS,** Funds for this purpose shall be provided for the first three months of 2015 in the 2015 Temporary Budget and funds for the balance of 2015 will be provided for in the budget for the year 2015 when finally adopted;

**NOW, THEREFORE, BE IT RESOLVED**, That the following contracts are hereby confirmed:

A & R Communications – repair radios for Fire Department - \$1,190.00

Pilot Electric – Laser align pumps - \$1,500.00

R. Sullivan – charging stations and other electrical at ABC - \$5,325.00

Surf Rescue Supply Co. – Rescue Board for ABC - \$2,100.00

Yes Graphics – signs for cabanas - \$1,965.00

Home Depot – materials and supplies for ABC/Parks - \$1,785.29

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

## RESOLUTION #5

## A RESOLUTION TO APPROVE SHARED SERVICES AGREEMENT

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

**WHEREAS,** N.J.S.A. 40:8A-1, et seq., authorizes any municipality to enter into a contract with another government entity for any services which any party to the agreement is empowered to render within its own jurisdiction; and,

**WHEREAS,** The Borough of Allenhurst and the Allenhurst Board of Education desire to enter into an agreement whereby the Borough of Allenhurst will provide to the Allenhurst Board of Education a school bus driver;

**NOW, THEREFORE, BE IT RESOLVED,** By the Board Commissioners of the Borough of Allenhurst that the Mayor and Borough Administrator be and they are authorized and directed to sign the aforesaid Interlocal Service Agreement between the Borough of Allenhurst and the Allenhurst Board of Education in accordance with the terms of the Agreement which is on file in the Borough Clerk's office.

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

## RESOLUTION #6 A RESOLUTION TO APPROVE SUMMER HOURS

This resolution was tabled until the next meeting.

## RESOLUTION #7 A RESOLUTION TO HIRE SEASONAL EMPLOYEES

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

**WHEREAS**, There is a need for personnel for the 2015 summer season; **THEREFORE**, **BE IT RESOLVED**, That the following are hereby hired as temporary, seasonal employees for the 2015 summer season:

### **Pre-Season**

Skyler Czaskowski \$12.00/hr.

## Pool Lifeguard

Annabelle Madden \$8.00/hr.

#### Recreation

Madeline Prince \$7.75/hr.

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

## RESOLUTION #8 A RESOLUTION TO APPROVE "OPERATION THANK YOU"

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

**WHEREAS**, members of the armed forces of the United States, including residents of the Borough of Allenhurst, are today actively engaged in combat operations in Afghanistan and Iraq, or are deployed or otherwise serving in support of these operations, and/or in support of the on-going efforts of our Armed Forces throughout the world to protect and defend our nation and its citizens; and,

**WHEREAS**, since September 11, 2001, and increasingly since the commencement of combat operations in Afghanistan and Iraq, the men and women of the New Jersey National Guard have been called up to active duty status in increasing numbers, and their support and service have been and will continue to be essential to the overall success of military efforts both home and abroad; and,

**WHEREAS**, the ongoing hostilities in Afghanistan and Iraq, and the call to active service of thousands of New Jersey=s National Guard Reservists, have added untold additional stress and sacrifice to the lives of thousands of families of our active duty military, and for whom in peacetime day-to-day life was already stressful and challenging enough; and,

**WHEREAS**, many families have lost loved ones in the military actions underway in Afghanistan and Iraq, and more than a hundred thousand other American families live each day in constant trepidation that the next knock on the door might make their own worst fears come true; and,

**WHEREAS**, It is important that the enormity of the day-to-day sacrifices and heroism of our troops and their families not be lost or forgotten amidst the din of a presidential campaign and the media=s unwavering focus on the sensational; and,

**WHEREAS**, the residents of the Borough of Allenhurst want our troops and their families to know that they are in our hearts and on our minds, that we support them and are extremely grateful for the sacrifices they are making each and every day; and,

**WHEREAS**, the Mayor and Commissioners, on behalf of the families of Allenhurst, wish to honor and recognize our active military personnel sand their families by establishing a special program for the summer of 2015;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Commissioners of the Borough of Allenhurst, that in honor and recognition of our active military personnel and their families, and to demonstrate the gratitude of the residents of the Borough of Allenhurst for the daily sacrifices they are making, the Mayor and Commissioners hereby announce the commencement of AOPERATION: THANK YOU@; and,

**BE IT FURTHER RESOLVED**, that free beach admission be provided during the 2015 summer season to each member of the active military and their dependents upon the presentation of a valid military identification card at any beach entrance; and,

**BE IT FURTHER RESOLVED**, That Allenhurst=s business community be invited and encouraged to participate in AOperation: Thank You@ by providing discounts to our active military and their dependents, and by otherwise recognizing their sacrifices and service and joining the residents of Allenhurst in welcoming them to our community; and,

**BE IT FURTHER RESOLVED**, That this resolution shall take effect immediately and shall remain in effect throughout the 2015 beach season.

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

#### **RESOLUTION #10**

## A RESOLUTION TO AWARD CONTRACT FOR PURCHASE OF BEACH RAKE

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

**WHEREAS**, The Borough of Allenhurst had a contract with Jack Kassin, whereby the Borough would use Mr. Kassin's rake and the Borough tractor to rake Mr. Kassin's beach, Loch Arbour beach and Allenhurst beach; and,

**WHEREAS**, That contract has now expired and the Director of Public Works is concerned that with the beach replenishment, there is not enough time to rake all three beaches before the opening of the beach each day; and,

**WHEREAS**, The Public Works Director has received a quote from H. Barber & Sons, Inc., holder of State Contract #86414, for a 2015 Barber Surf Rake, Model 600HD, with a hot dip galvanized frame and automatic finisher attachment at a price of \$51,142.64; and,

**WHEREAS**, The Borough also wishes to purchase a Power Moldboard at a cost of \$2,800.00 and Lights at a cost of \$970.00, which are not included in the State Contracted purchase price; therefore making the total purchase price \$54,912.64; and,

**WHEREAS**, H. Barber and Sons is willing to sell the Borough a demonstration model of the same machine, including the optional attachments for a price of \$44,000.00; and,

**WHEREAS**, Funds for this purpose are available in the Capital Account, known as 2015-05, Purchase of Equipment for Public Works, and the Chief Finance Officer has so certified;

**NOW, THERFORE, BE IT RESOLVED**, That a demo model of a Barber Surf Rake be purchased from H Barber and Sons, Inc., holder of State Contract #86414, at a cost of \$44,000.00

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

## RESOLUTION #11 A RESOLUTION TO CANCEL OUTSTANDING CHECKS

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

**BE IT RESOLVED**, That the following outdated checks be and are hereby canceled:

Court Account	<b>Amount</b>	<u>Date</u>
General Account #2298	\$1.00	9/08/14
General Account #2305	\$1.00	10/06/14
General Account #2306	\$20.00	10/06/14
Bail Account #1516	\$30.00	7/14/14

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

## **RESOLUTION #12**

## A RESOLUTION TO AWARD CONTRACT FOR PURCHASE OF POLICE VEHICLES

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

**WHEREAS,** There is a need to replace two of the Borough's police vehicles, and the Chief has requested the lease/purchase of two 2015 Dodge Charger 4dr. Sedans; and,

**WHEREAS,** Funds for this purpose shall be provided for in the appropriation entitled, Police O.E. and the Chief Finance Officer has so certified;

**WHEREAS,** The purchase will be made through Hertrich Fleet Services, Inc., holder of State Contract #A88729, and will be financed in a two year lease/purchase agreement with Ford Credit; and,

**NOW, THEREFORE, BE IT RESOLVED,** That Business Administrator be and is hereby authorized to sign an agreement with Hertrich Fleet Services, Inc., for the purchase of two 2015 Dodge Charger 4dr. Sedans, and Ford Credit, for a two-year lease, for a cost of \$24,548.20 in 2015 and \$24,548.20 in 2016.

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

## **RESOLUTION #13**

## A RESOLUTION TO AUTHORIZE LEGAL CAUCUS

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

WHEREAS, State law permits the exclusion of public in certain circumstances; and, WHEREAS, The Board of Commissioners of the Borough of Allenhurst finds that such circumstances currently exist; and,

**WHEREAS,** The Board of Commissioners will make public, minutes of the closed session when confidentiality no longer exists;

**NOW, THEREFORE, BE IT RESOLVED,** By the Board of Commissioners that they are hereby authorized to enter into closed session to discuss legal matters which are exempt from the public meeting under the Sunshine Law.

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

## RESOLUTION #14 A RESOLUTION TO PAY BILLS & PAYROLL (5/01/15 - 5/15/15)

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

**BE IT RESOLVED,** That bills and payrolls totaling \$615,116.63 be approved for payment; and,

**BE IT FURTHER RESOLVED,** That the May 12<sup>th</sup> consolidated bill list be attached hereto and made a part thereof.

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

## RESOLUTION #9 A RESOLUTION TO CONSIDER SPECIAL EVENTS PERMIT

Guy Cocalis presented an itinerary for setting up for the wedding as well as a map showing where the ceremony and reception would take place.

Comm. Bolan asked the Cocalis family to following the recommendations of the police chief.

Mr. Cocalis agreed that they would and they will also talk to Wynn and Steve about any of the logistics. He asked about the tent and Mayor McLaughlin stated he did not have a problem with it going up on Thursday and being taken down on Monday.

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

**WHEREAS**, The Board of Commissioners of the Borough of Allenhurst have adopted Ordinance #2015-07 concerning permits for special events; and,

**WHEREAS**, A permit has been filed by Alexandra Cocalis for a wedding to be held on the Allenhurst Beach on Saturday, August 8, 2015; and,

**WHEREAS**, The required fee of \$250.00 has been paid and the Chief of Police has reviewed the application and recommends the following:

- 1. Hiring of Security for the duration of the event
- 2. No alcohol on the boardwalk or beyond the limits of the beach area
- 3. Obey all Borough Ordinances, including noise ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, That a permit be granted/denied to Alexandra Cocalis for a wedding to be held at the Allenhurst Beach on Saturday August 8, 2015; and,

**BE IT FURTHER RESOLVED**, That the following conditions be imposed:

VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

## **PUBLIC HEARING**

Tim Moriarty asked if there was any additional information on the munitions found.

Mayor McLaughlin stated the DEP brought them up to speed. They are now in the process of combing the beach with metal detectors. It is not live ordnance, but it shouldn't be taken lightly as they have a charge. If anyone finds one, they should call the police. Do not handle them.

Mark Horowitz asked if there were any foreseeable delays. Mayor McLaughlin stated they will also be meeting tomorrow with the Army Corps and DEP about the well points. The contract calls for them to make sure there is water in the pool for Memorial Day. The restaurant is looking pretty good also. Maybe not by Memorial Day, but soon thereafter.

Dr. Fernicola asked if issues with the ammo would delay the disposition of the pipe. Mayor McLaughlin stated they have not been told that. The pipe will be removed shortly.

Dr. Fernicola stated that it seems munitions are coming from a military dump site. Hopefully, it is only these pieces. He asked if the sand should be tested for chemicals.

Mayor McLaughlin stated they will be meeting tomorrow on this issue. They have been assured the site is a clean site with a grain size that matches their beach.

Dr. Fernicola stated it would calm everyone to know the sand is not filled with nitrates, etc. Mayor McLaughlin stated he would bring it up tomorrow.

Mr. Moriarty asked if the Board had given any thought to traffic that might be coming from other beaches. Mayor McLaughlin stated they are aware there might be issues. They will be checking wrist bands for use of the bathrooms.

## PUBLIC HEARING ON DOWN TO EARTH

Joseph Greenstein, owner of Down to Earth, stated he was asked to come to the meeting today regarding his mercantile License.

Comm. McLoughlin stated there was a problem with the garbage again. Also, after three notices, the Mercantile license was not renewed.

Mr. Greenstein stated he applied today.

Mayor McLaughlin stated there is a residence back there. The garbage was overflowing. He asked why they have been operating without a Mercantile License. They were sent several notices.

Mr. Greenstein stated the store did not give them to him. He received two summonses. When he got them, he called Lori. He thought the Borough had his address, but it is his summer address. He has pictures of others whose garbage is overflowed. Why is he being picked on?

Comm. Bolan stated it is his obligation as a business owner to make sure the Borough has the proper address. The issue is what to do to resolve this on-going problem.

Mr. Greenstein stated he has a contract with Waste Management. What else can he do? The Borough refused to pick his garbage up.

Marc Heitmueller, Public Works employee, stated the Borough will pick up 10 yards of garbage per week. They cannot handle his volume.

Mr. Greenstein stated he spoke to the Chief asking if they could get a parking space with enough area so that the garbage truck can get in.

Comm. Bolan stated Mr. Greenstein has a contract with Waste Management. If they don't pick up the garbage, you have a problem with them. If there is some interference with the easement, let the

Borough know. If there is a problem, let the Borough know.

Mr. Greenstein stated that cardboard is the biggest problem. He stated they are buying additional property and they will be moving the garbage there.

Mayor McLaughlin stated he would just be happy if it is not overflowing. There are a lot of fish products and in the heat, it smells.

Comm. Bolan stated it is a matter of health and cleanliness. We all want the same thing.

Dave Laughlin, Borough Attorney, discussed the fines that could be levied and the Borough's ability to shut the business down.

Mr. Greenstein agreed that he was wrong. He came today because he got a letter saying his license will be revoked.

Comm. Bolan stated the Board wants him to be successful. But not sloppy. If the business is busy, great. They do not want to shut him down. He asked Mr. Greenstein to help the Borough help him by running a clean business. He asked Mr. Greenstein to come back in two weeks with a plan to get the garbage off-site so that it doesn't overflow, stinking and rotting. He does not want to hear about this issue again. Come back with a written plan.

The Board decided to hold the Mercantile License application in abeyance until a plan is submitted. Mr. Greenstein can continue for the next two weeks and they will continue this discussion at the next meeting.

## **ITEMS FOR DISCUSSION**

Mayor McLaughlin asked about the street sweeper on Main Street. Mr. Heitmueller stated he thought there was a problem with the sweeper, but he will ask Doug.

The following items were discussed:

#### 1. ABC Member Requests

One request for co-principal from Bruce Fromer. They are requesting their son be made co-principal. They have not had their cabana for five years as per Rule #12, but have been members for more than five years. The Board decided that a co-principal can be named at the five-year mark.

### 2. Cabana List

The Board reviewed the cabana list and discussed the following: The revised list will be posted on the Borough website and voted on at the May 26<sup>th</sup> meeting.

## #4 – Sara Eliau

Was taken off in error. The Borough has as application from 2004 which shows her still in the same locker she has always had. (records do not go beyond that time). If she was not a member in 2002 or 2003, she would be in a different locker. The Board will keep her name on the list

### #8 – Patrick Caulfield

He came to meeting stating he had been on the cabana list. Once researched, his name was found at the bottom of a 2002 list dated 4/08/03. His name will be kept on the list.

## #17 – Lucille Horowitz

Should be changed to Lindsay Horowitz. She sold her house to her children who would like to take her spot on the cabana list. The Board agreed.

#### #29 – Noreen McGurl

Mother is no longer a member. The children, who are members, were contacted and they advised to take her name off the list. The Board agreed.

#### #32 – Maurice Shalam

This name was due to come off cabana list, but he recently closed on a house at 205 Page Avenue. The Board decided he would remain on the cabana list as of the date of closing.

#### #42 – Terrance & Robert Koar

His parents would like to take his place on the cabana list. The Board agreed.

#### 3. Water Tower Specifications

The Board was sent specifications in order to go out to bid for the demolition of the water tower and the erection of a monopole. The Board decided they will place this issue in the Spring newsletter to see what response they may get from the residents.

## 4. Charity Bins

The Citgo gas station has clothing bins. The Police Department has questioned whether they were allowed. The Board had no objection as long as the area is kept clean.

#### 5. Public Works Building

The Mayor has been approached by a company that wants to rent and historically renovate the water plant for use as a clothing store. In addition, they are willing to relocate the Public works Department. The Board has invited the requestor to make a presentation.

## 6. Proposal from Coaster

The Coaster will be publishing a special summer edition and has asked the Borough to take out a full page ad with special events and information. The ad will cost \$500.00. The Board declined.

#### 7. 100 Block of Allen Avenue

A request was made from a resident in the 100 block of Allen Avenue to have the word "SLOW" painted on both eastbound and westbound sides of Allen Avenue. The Board was not in favor of the proposal.

## 8. Nicole's Kitchen, 323 Main Street

A request was made to put a small bistro set in front of the restaurant. The Board agreed, provided the sidewalk is not blocked and foot-traffic can flow around the table and chairs.

## 9. JCP&L Tax Appeal

There was a discussion regarding tax appeals from JCP&L and what the Borough could absorb. Dave Laughlin explained that the Judge would be likely to split the two appraisals in half, (and they are \$3,000,000 apart). It would be better if the Tax Assessor could negotiate an agreement. The Board agreed.

### 10. Beach Revenues

The Borough has met its anticipated revenues for beach fees as of this date.

Mayor McLaughlin discussed two properties in town where the homeowner has rented them without a Certificate of Occupancy. He was given a summons, but failed to appear and there is now a bench warrant for him. He asked the Borough Attorney what the Borough could do as far as determining whether there are any safety issues.

Mr. Laughlin explained that nothing can really be done to the tenants. The law is very protective of tenancies. He suggested a letter be sent to the landlord with a copy to the tenants, telling him he is in violation. He stated the tenants could decide not to pay the rent without a proper Certificate of Occupancy.

Mayor McLaughlin stated he was concerned, as these properties are being rented out to college students, that there are some people living illegally in the basement.

Mr. Laughlin stated a violation of the fire code is a reason for eviction.

The Board directed the Code Enforcement Official to knock on the door and make an inspection. It was suggested that a police officer go with him and that pictures be taken of any violations.

There was a short discussion regarding the Wimpfheimer cabana in which Comm. McLoughlin stated Mr. Wimpfheimer has not applied this year and after Ms. Osborn called him and told him he would have to buy or rent in New Jersey to maintain his cabana, he feels he should lose it. He is aware of the rules.

Mayor McLaughlin thought a letter was warranted.

Comm. Bolan stated the Borough should give the cabana away. Mr. Wimpfheimer has not put in an application and has not appeared before the Board.

There being no further business, the meeting adjourned to caucus. After reconvening, Comm. McLoughlin moved, seconded by Comm. Bolan that the meeting be adjourned. Motion carried.

Lori L. Osborn, RMC Clerk-Administrator