

**MINUTES
JUNE 23, 2015**

The Meeting of the Board of Commissioners was held on the above date with Mayor McLaughlin presiding and Commissioners Bolan and McLoughlin answering the roll call. Also in attendance were the Borough Clerk and Borough Attorney.

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

Monmouth County Parks System 2014 Annual Report

ORDINANCE #2015-11 – FINAL READING

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

ORDINANCE #2015-11

BOND ORDINANCE PROVIDING FOR BEACH CLUB AND PARK IMPROVEMENTS AND APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$570,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, NEW JERSEY

There was no response to Mayor McLaughlin's request for public comments.

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

RESOLUTION #1

A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the minutes of the regular meeting held June 9, 2015, be ratified and approved.

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

RESOLUTION #2

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the Clerk dispense with the reading of the minutes of the regular meeting held June 9, 2015.

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

RESOLUTION #3

A RESOLUTION TO CONFIRM PURCHASES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, Purchases were made for amounts over \$1,000.00 and it is the policy of the

WHEREAS, Funds shall be provided for various appropriations within the current account;
NOW, THEREFORE, BE IT RESOLVED, That the following contracts are hereby confirmed:

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

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

RESOLUTION #7

A RESOLUTION TO CONSIDER SPECIAL EVENTS PERMIT

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

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 Yunique Yoga for a free yoga class in the park on the corner of Spier and Main Street, Allenhurst on Thursday evenings from 8:30 PM to 9:30 PM; and,

WHEREAS, There is a request to waive the permit fee as this is a free event open to the public; and,

WHEREAS, The Chief of Police has reviewed the application and has no additional recommendations.

NOW, THEREFORE, BE IT RESOLVED, That a permit be granted/denied to Youngique Yoga for a for a free yoga class in the park on the corner of Spier and Main Street, Allenhurst on Thursday evenings from 8:30 PM to 9:30 PM.

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

RESOLUTION #8

A RESOLUTION TO PAY BILLS & PAYROLL (6/16/15 - 6/30/15)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$213,929.92 be approved for payment; and,

BE IT FURTHER RESOLVED, That the June 23rd consolidated bill list be attached hereto and made a part thereof.

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

RESOLUTION #9

A RESOLUTION TO CONSIDER MORATORIUM WAIVER REQUESTS

Mayor McLaughlin reminded everyone that moratorium waivers are only granted on an emergency basis.

Stark

The contractor, Mark, for the property at 219 Spier Avenue, stated the house needed exterior siding and there is porch work that needs to be finished. They have to do ceramic tile, finish floors and handrails. They had asbestos, which had to be remediated and it delayed the project.

Mayor McLaughlin asked them if they were asking for 10 days and Mark stated they were.

Comm. McLoughlin asked if there was anything that was keeping them from getting their Certificate of Occupancy and Mark stated the bathrooms are not complete. There are no faucets, etc. Ceramic tile still needs to be put down.

Comm. McLoughlin asked if there was a functioning bathroom and Mark stated there was not.

Mayor McLaughlin asked about the kitchen and the contractor stated they were waiting for appliances. They still need to finish the floors.

Mayor McLaughlin asked if it was possible to have a functioning bathroom by July 1st. The applicant is asking for two weeks out of an eight week moratorium.

The contractor stated this is what it will take to make the house habitable and allow for their inspection.

Jay Stark, homeowner, stated he is a relatively new homeowner. They went through the Planning Board and made sure they were going to preserve the historic character of the house. They do not live here year round, but do live here full time in the summer. Hopefully, they can get it all done in 10 days.

Mayor McLaughlin commented that the house is beautiful, but there is a lot that still has to be done. There will be plumbers, saws, sanding floors, etc.

Comm. Bolan asked what part of this could be done in an interior location. Somewhere that is soundproof. Either the basement or the garage with the door closed.

The contractor stated they could cut tile in the closed garage.

Comm. McLoughlin asked what the chances were that they would be back asking for an extension of a waiver. The contractor stated, nil.

Mayor McLaughlin asked how long will it be before they have a working bathroom and the contractor answered two weeks.

Mayor McLaughlin commented that the intent of this waiver is for emergency work only. They are trying to work with the applicants to get them in for the summer.

The contractor stated 10 days is what it will take to make the house habitable.

Mr. Stark stated they are trying to get to a point where they can use it for six or even four weeks in the summer. There are no appliances, no fixtures.

Mayor McLaughlin stated it sounds as if they are not at a point where the Board only needs to grant them something small.

Comm. Bolan asked if a generator would be involved and the contractor answered no.

Mr. Stark asked about the siding and Comm. Bolan asked what it would take to finish the siding. The contractor stated he will work with whatever the Board grants them.

Comm. Bolan asked the contractor if he had five days could he get the family in the house for the summer. The contractor answered, good question.

The Commissioners agreed to a waiver for July 1, 2 and 6 with cleanup only on the 7th. Trucks must be parked in the back and power tools must be used in the house or garage only.

Buttacavoli

Elaine Buttacavoli stated the first issue is with her kitchen remodel. The project was done on June 4th, but the saddles were broken and her contractor had a health emergency. She tried getting another contractor, but no one wanted to do such a small job. It is only three doorway saddles that need to be screwed down and she is asking for five hours. The second issue to glue two small countertops down. These came in with the wrong edging and had to be replaced. This will take no longer than three hours.

Comm. Bolan asked that the work vehicles be parked in the driveway and all cutting be done inside. Mrs. Buttacavoli stated that the saddles will be pre-cut.

Mrs. Buttacavoli stated she received her appliances on Monday. The refrigerator and range were damaged and had to be re-ordered. She thinks everything will be done by the 30th and is only applying as a failsafe.

Mayor McLaughlin asked if the two projects could be coordinated so that they are done at the

same time and Mrs. Buttacavoli stated she didn't know if it was possible. There will be no noise.

There were no questions or comments from the public.

Comm. McLoughlin stated it is only one day of work and there are no power tools involved.

The Board asked that Mrs. Buttacavoli call Borough Hall to indicate when the work will take place. There is to be no work outside of the house.

The Board then considered the following resolution:

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Borough has received several requests for the waiver of the provisions of the construction moratorium; and,

WHEREAS, The Board of Commissioners has reviewed the waiver requests; and,

WHEREAS, Under the provisions of granting approval for a waiver for the period ending 5 PM on July 14, 2015, the following provisions shall be adhered to:

1. No construction activities prior to 8:00 AM or after 5:00 PM daily.
2. No construction activities on weekends.
3. No construction activities on Friday, July 3, Saturday, July 4, or Sunday, July 5, 2015.
4. No dumpsters on property or heavy equipment permitted. No construction debris on outside of property
5. Trucks must be parked in driveway, off street.

NOW, THEREFORE, BE IT RESOLVED, That the following requests for waiver of the provisions of the construction moratorium are hereby approved:

1. Jay & Stacy Stark – 219 Spier Avenue
Plumbing, carpentry and tile work.
Extension APPROVED FOR THREE DAYS, July 1, July 2, July 6 and for a clean-up day on July 7th. There is to be no power tools or work done on July 7th. All power tools must be used in the house or garage to minimize noise.
2. Eaine Buttacavoli – 601 Page Avenue
Installation of three custom doorway saddles. Replacement of two pieces of granite countertop.
Extension APPROVED. Applicant must call Borough Hall to let them know which day.
There is to be no work outside the house.

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

OTHER BUSINESS

Comm. Bolan talked about the basketball court area. There is no rim on the backboard and it is a cesspool back there. They need to consider some kind of flip flop. They should reconsider the Hyer and Gruel Plan.

Mayor McLaughlin stated he met with someone who is interested in the JCP&L lot. He asked if the town would be open to changing anything in the Redevelopment Plan. He told him the town would listen.

Comm. Bolan stated they should take whatever steps they need to bring it into focus. He thinks it needs to be bulldozed.

Mayor McLaughlin stated the Board of Commissioners can make adjustments to the plan.

Comm. Bolan stated he would like to put a tennis court and the basketball court at the location

of the barn on Main Street.

Comm. McLoughlin stated there was no interest on the part of JCP&L to swap properties.

Comm. Bolan stated they could negotiate with whoever buys the property.

Comm. McLoughlin stated they could put Borough Hall and the Police Station there.

Comm. Bolan suggested that now that the restaurant is done, the Board should focus its attention there.

Mayor McLaughlin stated he thought one tennis court was enough. They should pull out the plan and review it.

Dave Laughlin, Board Attorney, stated the courts have taken over all of COAH's responsibility. Allenhurst has been a non-compliant town since 1985 and there is a risk of a builder's remedy. Some of the public interest groups have the ability to go to court to force the Borough to prove it is compliant. They have to have an approved plan. They can force the town to put in a housing element.

Comm. Bolan asked how many other towns were non-compliant and Mr. Laughlin stated there are 312 that are compliant and 200 that have not bothered to submit anything. There are groups advocating for public housing. The question is, will they attack Allenhurst or a town more like Asbury Park?

Comm. McLoughlin stated the JCP&L property makes the Borough vulnerable.

Mr. Laughlin stated if someone were to buy JCP&L, you could get 300 units in a 14-story building. The Borough will deny it, they will get sued and they will lose.

Comm. Bolan stated that two years from now, the decision will be reversed. He is not too concerned over it.

Mr. Laughlin stated that Ms. Osborn asked him what the Borough's obligation would be. He doesn't know. No one knows. The only thing they can do is find out what their round one and round two obligations were.

Comm. Bolan stated it is a lot of fear mongering. There is no way the town could support 50 units, never mind 200. There is nothing the Borough can do other than file a document they don't know how to file. They would only make more trouble for themselves.

Mayor McLaughlin stated that even if there were low income units, they are not cheap. Mr. Laughlin agreed, stating low income units for purchase are not cheap. Mayor McLaughlin stated it is not Section 8 housing, and Mr. Laughlin confirmed that it was not.

Comm. McLoughlin stated that once they are fully developed again, they will be out of harms way. Hopefully the buyer will be reasonable.

Mr. Laughlin stated a builder may not want affordable housing.

Comm. Bolan stated the case is still fresh. Let the dust settle.

PUBLIC HEARING

Tim Moriarty asked if the Board has seen his e-mail about putting up a cell site that looks like a water tower. The Board confirmed that they had.

Mr. Moriarty asked if the Board had seen the sign at Mr. C's. It looks like it says, "Mrs. C's Beach".

Comm. McLoughlin stated he read it and that thought never occurred to him.

Comm. Bolan stated they are working on the sign.

Mr. Moriarty asked what happened to the electronic signs at the Club and Mayor McLaughlin stated people did not like it. They moved it by the snack bar.

Mr. Moriarty asked why they didn't like it and Comm. Bolan stated the bright colors and flashing lights just don't fit in with the historic nature of the town. They looked tacky.

Mayor McLaughlin stated the new location is a good spot.

Mr. Moriarty asked where recreation would be held and Mayor McLaughlin stated it will be held in the tent area by Mr. C's. They will play in the old snack bar area.

There being no further comments, public hearing was closed.

OTHER BUSINESS

Mayor McLaughlin stated he met with business owners on Thursday. They discussed signage and multiple businesses in one location.

Ms. Osborn stated she would check the Mercantile License Ordinance. It may have to be changed to permit only one business per location.

Mayor McLaughlin stated parking was discussed also. The owners would like extra 15 minute parking spaces. After some discussion on this issue, the Board decided that the east side of Main Street from Allen to Corlies Avenue would be designated for 15 minute parking only.

Mayor McLaughlin stated that the Chief and Ms. Osborn will personally visit all of the business on Main Street and hand out parking stickers.

Comm. McLoughlin asked about the reports from Code Enforcement, stating they have not seen any in a while. Ms. Osborn stated she would remind Mr. Simmen. Comm. McLoughlin stated he would rather see Code Enforcement being nit-picky.

Mayor McLaughlin stated Ronnie and Stu said they would sponsor signage on Ocean Avenue.

The Borough Administrator was directed to get prices and mock-ups of signs.

There was a short discussion on Back to Nature in which the Commissioners directed the Business Administrator to give notice of a hearing on the Mercantile License issuance.

RESOLUTION #10

A RESOLUTION TO APPROVE LEGAL CAUCUS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

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. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

The meeting then adjourned to caucus. After reconvening, the following items were discussed.

Mayor McLaughlin stated there should be a roof over the steps to the delivery door. It is a project for the fall.

Comm. McLoughlin asked about the fence on Allen Avenue to close up the entry way into the Beach Club. Ms. Osborn stated that Steve Hagerman was getting prices.

Comm. McLoughlin asked if the cameras were in place and could be reviewed by the P.D. Ms. Osborn stated she would check.

There being no further business, Comm. McLoughlin moved seconded by Mayor McLaughlin, that the meeting be adjourned at 9:15 PM. Motion carried.

Lori L. Osborn, RMC
Clerk-Administrator