

**MINUTES
AUGUST 11, 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 was the Borough Clerk.

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

Notice from NJ American Water Company of a petition filed to establish a Distribution System Improvement Charge.

ORDINANCE #2015-13 – FINAL READING

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

BOND ORDINANCE NO. 2015-13

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS AND REPAIRS TO THE WELL POINT SYSTEM, APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 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 the Mayor's request for public comments.

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

ORDINANCE #2015-14 – FINAL READING

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

ORDINANCE #2015-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXVI (DEVELOPMENT REGULATIONS) OF THE CODE OF THE BOROUGH OF ALLENHURST TO AMEND FEES.

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

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

ORDINANCE #2015-15 – FIRST READING

Offered By: Mayor McLaughlin

Seconded By: Comm. Bolan

ORDINANCE #2015-15

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST, CHAPTER VI ALCOHOLIC BEVERAGE CONTROL, REGULATION OF LICENSING PREMISES, §6-4.4 "SALE OF ALCOHOLIC BEVERAGE FOR CONSUMPTION OFF THE LICENSED PREMISES."

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 July 28, 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 July 28, 2015.

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

RESOLUTION #3

A RESOLUTION TO CONFIRM CONTRACTS AND 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 Borough that the Board of Commissioners approve or confirm said purchases; and;

WHEREAS, Funds shall be provided for various appropriations within the current account;

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

Dell Computer - \$6,623.64 for police car laptops and computer equipment
Fire Flow Services - \$2,376.95 – pump testing on firetruck
Grove Radiator - \$1,136.57 for repair to sanitation truck
Grainger - \$1,080.80 for purchase of trash receptacles
Jersey Shore BBQ - \$5,660.00 for food for member party
Party Perfect Rentals - \$1,259.90 for DJ services and party supplies
Signs, Sealed and Delivered - \$1,418 for Mister C's sign and traffic signs
Home Depot - \$1,066.59 for ABC materials and supplies
Wicker Plus Imports - \$3,000.00 for tables for ABC
Pizzo Contracting, dba Carl's Fencing - \$3,843.38 for Allen Avenue fence

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

RESOLUTION #4

A RESOLUTION TO ADJUST POSITIONS AND SALARIES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, It has been recommended by the Beach Club Manager that the following positions be adjusted:

Emily Nelson from poolside to cabana at \$6.00/hr.

Mary Manfredi from Security to assistant office manager - \$10.50/hr.; and,

WHEREAS, It is the recommendation of the Public Works Supervisor that the salary of Douglas Gatta, a seasonal laborer in the Public Works Department, be raised to \$15.00/hr.;

NOW, THEREFORE, BE IT RESOLVED, That the above adjustments be and they are hereby approved by the Board of Commissioners.

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

RESOLUTION #5
A RESOLUTION TO APPROVE 2014 AUDIT REPORT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

WHEREAS, The Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and,

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and,

WHEREAS, The members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and,

WHEREAS, Such resolution of certification shall be adopted by the governing body no later than forty-five days after receipt of the annual audit, as per the regulations of the Local Finance Board; and,

WHEREAS, All members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

"R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, That the governing body of the Borough of Allenhurst, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

RESOLUTION #6

A RESOLUTION TO AUTHORIZE PERSONNEL 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 personnel matters which are exempt from the public meeting under the Sunshine Law.

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

RESOLUTION #7

A RESOLUTION TO PAY BILLS & PAYROLL (8/01/15 - 8/31/15)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$1,314,007.21 be approved for payment; and,

BE IT FURTHER RESOLVED, That the August 11th consolidated bill list be attached hereto and made a part thereof.

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

VERIZON REPRESENTATIVES

Richard Schneider, attorney for Verizon, stated they were before the Board one year ago to discuss their concerns about the structural integrity of the Borough's water tower. They discussed demolition of the tower and the erection of a new pole for their cell site. The Borough asked for assistance in preparing a bid spec which they were happy to do. The current condition of the site precludes them from doing necessary upgrades. They have reached a point where they may have to make the difficult decision to relocate the site. The bid spec they prepared is designed to make the municipality whole. The successful bidder will incur all costs associated with a new structure. Their hope is to be a long-standing tenant. They would like to bring this matter to some conclusion.

Mayor McLaughlin stated it was a slow process for the town. One of their major costs is the demolition of the existing tower. There is an emotional attachment to the tower. They have discussed rehabbing the tower. They put a letter out to the town and have only gotten a handful of responses.

Comm. McLoughlin stated he liked the new location. It looks like the successful bidder will be responsible for demolishing the tower.

Lisa Soleski, Verizon representative, stated no carrier will agree to take the tower down; however, they will reimburse the Borough for the demolition. They can enter into a co-location Agreement with the other carriers to share the cost.

Comm. McLoughlin stated the bid specs show five carriers. Right now, there are three. Could the Borough only choose to accept three? Ms. Soleski replied, "Absolutely." The Borough has control over the number of carriers it wants. They can have the lead bidder order a tower with three or five sites.

Comm. McLoughlin asked about a loss in revenue between the decommissioning of the tower and the new poll and Mr. Schneider stated there would be no loss. They will have to have the new tower working before they shut down the cells on the water tank.

Comm. McLoughlin stated that about 15 years ago, there was talk about demolishing the water tower and it was a major issue in town. That is why they were being cautious.

Ms. Soleski stated that from their perspective, it is all a matter of liability. That is why they have asked for another meeting. Allenhurst was one of their first sites. They had the original Nynex contract.

Comm. Bolan stated there has been public sentiment about getting rid of the eyesore tower. He feels like this is a no-brainer.

Mayor McLaughlin asked if there were any health issues as the site is adjacent to a redevelopment zone. Ms. Soleski stated there are no health risks. They have some cell sites right on residential structures. Mayor McLaughlin asked if the tower had to be taller than any surrounding structures and Ms. Soleski stated that it did.

Comm. McLoughlin stated he liked it that the town had a say in what the tower looked like.

Mr. Schneider asked how quickly the town would be able to move forward and Mayor McLaughlin stated it could be done rather quickly.

Comm. Bolan added that they would contact Verizon within 30 days.

Ms. Soleski stated the Commissioners could look at different poles on stealth.com.

PUBLIC HEARING

Robert Scally stated Paul Butler is doing a terrific job on Main Street. The Police Department is doing a great job.

Mayor McLaughlin stated the police have stepped up patrol on Main Street. They have issued 344 summons in July alone; 154 for parking and 190 for moving violations.

Tim Moriarty stated that at the last meeting, the Commissioners talked about moving a bike rack to the beach. Bikes are still getting chained to the railing on the boardwalk.

Comm. McLoughlin suggested they could use the grass strip in front of the Beach Club for additional bike racks, but it is something they will have to consider for next year.

Mr. Moriarty stated that on Saturday he went to the beach. He was told that the umbrellas would have to come down because of windy conditions. There was also no swimming in the ocean. It should have been on the website.

Mayor McLaughlin asked if not having the umbrellas up would have stopped him from going to the Club. They have awnings and shaded areas throughout the Club. He stated that when you send out too many e-mail blasts, people start ignoring them. He only wants to send them out when there is important information to be distributed.

Donna Clause stated she did think it was important. If someone in authority were to tell people the pool was being tested weekly, it would help to alleviate rumors.

ITEMS FOR DISCUSSION

1. Sewer callouts. Douglass Caron, Public Works Superintendent, explained that they occasionally get callouts for sewer problems from plumbers and when they get there, they find it is not a problem with the Borough's main, but a problem with the sewer lateral, which is the homeowner's responsibility.

Comm. Bolan stated it is not something the Borough is liable for. They should not be coming out at night. Mr. Caron stated that they come out, because if there is a problem, they want to be on top of it before it escalates and sewer starts backing up into people's basements.

The Board was in favor of an ordinance making the contractor responsible for costs associated with a callout when the problem was not the Borough's.

Comm. Bolan asked that a written notice be prepared that could be e-mailed or read to the homeowner and/or contractor advising them that they would be held responsible.

2. Request from Building officials to use Borough Hall once a week. The Business Administrator was asked to call Loch Arbour's Village Hall to inquire why they were being asked to leave.
3. Kristine Hochster requested that Blair Akin be named as Co-Principal in cabana Z-41. The request was approved by the Board of Commissioners.

Mike Powers, Allenhurst Fire Chief, stated they are looking to replace the captain's car. Kyle, a member of the Fire Department, stated the captain's car is 15 years old.

Comm. McLoughlin asked where the vehicle came from originally and Kyle stated the First Aid Squad purchased it from John Hansen.

Comm. McLoughlin stated that historically, the Board has never paid for the captain's car and they paid half for the fire chief's car. Kyle responded that the First Aid does not have the funds to purchase a new car. The Fire Department has agreed to help and they are asking for assistance from the Borough.

Comm. McLoughlin stated they are de-commissioning some police vehicles. Perhaps they can use one of them. Ms. Osborn stated that two of the older cars are being used as a trade-in.

Mayor McLaughlin stated that nothing can be done this year, but they will look at it during budget talks.

Comm. McLoughlin asked if Mr. Hansen used the car when he worked in Deal and Chief Powers stated he should not be using it then.

Chief Powers stated the squad used to have a cabana on the beach where they stored their jet ski and supplies. They would like the same again.

Mayor McLaughlin stated they will discuss that at budget time also.

Bob Scally, resident, asked if the golf cart could be driven on the street. It does not have plates. The Mayor responded that the golf cart is only driven on Ocean Place. It is not street legal.

4. There was a discussion on the expiring Interlocal Agreement with Loch Arbour for sanitation services. A letter was sent in May, along with a proposed contract and the Borough has not heard back. Comm. Bolan stated he would attend the next meeting in Loch Arbour to discuss the issue. He will also bring up the key to the gate on Elberon Avenue if the Chief has been unable to get a copy from Deal Police. He stated there is a porta potty on Allenhurst property and asked the Administrator to write a letter asking that it be removed.
5. There was a discussion on renting the upper deck of the restaurant for parties. Mayor McLaughlin stated the Borough should charge \$500.00 and people will have to hire security and someone to clean the bathrooms.

Comm. Bolan stated it should only be used during the season after 4 PM and only by Beach Club members. They should have to fill out a Special Events Permit.

Donna Clause asked if the roof would be available to members during the member party and Comm. Bolan answered, yes.

6. There was a short discussion on the tents put up at the Butcher Restaurant. The Board felt the law could not be circumvented and the tents would have to come down. The Administrator will notify the restaurant.

Comm. McLoughlin stated Mr. Simmen had brought up the subject of a data base for code violations. He would be interested.

There was a short discussion on hedges and why it would take so long to get the violations. Mr. Caron stated that he could understand it. Bobby was going around with a measuring stick to make sure there were violations. It takes longer than you would think.

There being no further comments or any further business, the meeting was adjourned to caucus. After reconvening, Mayor McLoughlin moved, seconded by Comm. McLoughlin that the meeting be adjourned at 10:10 PM. Motion carried.

Lori L. Osborn, RMC
Clerk-Administrator