

**MINUTES
DECEMBER 8, 2015**

The Meeting of the Board of Commissioners of the Borough of Allenhurst 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

Letter from Little Silver in support of the Assessment Demonstration Program.

Letter from TOSA regarding work on the Interlaken pump station and bulkhead.

Letter from the Borough of Wanaque regarding forming a Commission to explore the reduction or elimination of County government in the State of New Jersey.

Resolution from the Borough of Eatontown opting out of the Assessment Demonstration Program.

ORDINANCE #2015-18 PUBLIC HEARING AND FINAL ADOPTION

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

ORDINANCE 2015-18

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH
CODE OF THE BOROUGH OF ALLENHURST ESTABLISHING THAT A
BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO
MUNICIPAL CANDIDATES IN EXCESS OF CERTAIN THRESHOLDS
SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC
CONTRACTS FROM THE BOROUGH OF ALLENHURST**

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 November 10, 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 November 10, 2015.

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

RESOLUTION #3

A RESOLUTION TO TRANSFER APPROPRIATIONS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the following transfer 2015 appropriations be transferred:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Legal, O.E.	Tax Appeals	465.00
Police, S&W	Group Insurance	10,390.03
Garbage & Trash, S&W	Group Insurance	7,000.00
Code Enforcement, S&W	Public Buildings	420.00
Gasoline, O.E.	Water, O.E.	4,900.00
OASI	DCRP	30.00

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

RESOLUTION #4

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 Borough that the Board of Commissioners approve or confirm said purchases; and;

WHEREAS, Funds for these purposes are provided for in various accounts within the current budget, and the CFO has so certified; and,

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

Monarch Electric – \$7,590 for 2 street lights (insurance)
Blue Line Emergency - \$13,046.92 for police package for 2 new police cars
Breakway Lights - \$1.660 for new lights on ABC restaurant
Mazza Mulch - \$1,368.94 for October leaves
Stratix Systems - \$1,632.94 for copier maintenance

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

RESOLUTION #5

**A RESOLUTION TO APPROVE INSTALLATION OF
VERIZON NETWORK BOOSTERS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, New York SMSA Limited Partnership, d/b/a Verizon Wireless (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and,

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of-way in the Borough of Allenhurst; and,

WHEREAS, New Jersey law permits such joint use provided that there is the consent of the relevant municipality;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns to jointly use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Allenhurst, subject to the following:

RESOLUTION #7
A RESOLUTION TO APPROVE TRIATHLON

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

WHEREAS, Split Second Racing has requested permission to the Third Annual Jersey Shore Triathlon through the Borough of Allenhurst on June 19, 2016; and,

WHEREAS, Split Second Racing has provided a parade route which is on file in the Borough Clerk's Office and will start at approximately 6:30 AM and end at approximately 10:00 AM and a Certificate of Insurance for this event will be provided; and,

WHEREAS, The Police Chief has reviewed the information given for this event and has recommended approval of same;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners, that approval is hereby given to Split Second Racing to run the Third Annual Jersey Shore Triathlon through Allenhurst on June 16, 2015, contingent upon the Borough receiving a Certificate of Insurance prior to the event.

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

RESOLUTION #8
A RESOLUTION TO REFUND OVERPAYMENT OF TAXES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, by the Board of Commissioners of the Borough of Allenhurst that upon the recommendation of the Tax Collector, the taxes shown below be refunded to the taxpayer shown below due to a State Tax Court Judgment for the years indicated; and,

WHEREAS, in some of the cases a stipulation having been filed with the judgment indicating that relief from the same be made by way of credit to the taxpayer's account;

NOW THEREFORE BE IT RESOLVED that the Tax Collector is hereby authorized to refund the overpayment and charge the years indicated taxes in the total amount of \$2,061.70.

BLOCK	LOT	OWNER	YEAR	AMOUNT
8	5	Patrick & Catherine Caulfield c/o Zipp & Tannenbaum, LLC 280 Raritan Center Parkway Edison, NJ 08837	2013	2,061.70

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

RESOLUTION #9
AS RESOLUTION TO APPROVE PURCHASE OF DIGITAL ENCRYPTED RADIO

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Chief of Police has recommended the purchase of a Digital Encrypted Radio so that the officer in the patrol car can monitor criminal and police activity in surrounding agencies for officer and safety purposes; and,

WHEREAS, A quote was received from Motorola Solutions Care of Allcomm for a APX6000 UHF R2 Model 2.5 portable radio with accessories in the amount of \$5,846.40; and,

WHEREAS, Funds for this purpose will be provided for in the 2015 budget under Police, O.E., and the Chief Finance Officer has so certified;

THEREFORE, BE IT RESOLVED, That an APX6000 UHF R2 Model 2.5 portable radio with accessories in the amount of \$5,846.40 be purchased from Motorola Solutions Care of Allcomm, holder of State Contract #83909.

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

RESOLUTION #10

A RESOLUTION TO APPOINT CLASS II SPECIAL OFFICER

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, There is a need for a Class II special police officer; and,

WHEREAS, Paul Butler has applied to the Ocean County Police Academy to take the Course for Class II Special Law Enforcement Officers; and,

WHEREAS, Trainees must be appointed as Class II Special Law Enforcement Officers prior to enrollment, and the Chief of Police has recommended the hiring of the above as a Class II Special Officer on an as-needed basis throughout 2015; and,

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that Paul Butler be hired as SLEO II, to be used on an as-needed basis at \$10.00/hr., pending the successful completion of the Class II Special Law Enforcement Officer Course at the Ocean County Police Academy.

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

RESOLUTION #11

A RESOLUTION TO APPROVE CHAPTER 159

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, Said Director may also approve the insertion of an item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners of the Borough of Allenhurst hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$1,414.40, which item is now available as revenue from Municipal Alcohol Education/Rehabilitation Program pursuant to the provisions of Statute; and,

Section 2

BE IT FURTHER RESOLVED, That a like sum of \$1,414.40 be and the same is hereby appropriated under the caption of Municipal Alcohol Education/Rehabilitation Program.

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

RESOLUTION #12

A RESOLUTION TO APPROVE CHAPTER 159

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, Said Director may also approve the insertion of an item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners of the Borough of Allenhurst hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of

\$1,257.75, which item is now available as revenue from Body Armor Fund pursuant to the provisions of Statute; and,

Section 2

BE IT FURTHER RESOLVED, That a like sum of \$1,257.75 be and the same is hereby appropriated under the caption of Body Armor Fund.

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

RESOLUTION #13

A RESOLUTION TO APPROVE CHAPTER 159

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, Said Director may also approve the insertion of an item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners of the Borough of Allenhurst hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$4,000.00, which item is now available as revenue from Click It or Ticket pursuant to the provisions of Statute; and,

Section 2

BE IT FURTHER RESOLVED, That a like sum of \$4,000.00 be and the same is hereby appropriated under the caption of Click It or Ticket.

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

RESOLUTION #14

A RESOLUTION TO APPROVE CHAPTER 159

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, Said Director may also approve the insertion of an item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners of the Borough of Allenhurst hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$4,000.00, which item is now available as revenue from NJDEP Clean Communities Program pursuant to the provisions of Statute; and,

Section 2

BE IT FURTHER RESOLVED, That a like sum of \$4,000.00 be and the same is hereby appropriated under the caption of NJDEP Clean Communities Program.

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

RESOLUTION #15

A RESOLUTION TO APPROVE BILLS AND PAYROLL (11/16/15 – 12/15/15)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$679,131.94 for the period of 11/16/15 to 11/30/15 and \$496,887.64 for the period of 12/01/15 to 12/15/15 be approved for payment; and,

BE IT FURTHER RESOLVED, That the November 24th and December 8th consolidated bill lists be attached hereto and made a part thereof.

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

RESOLUTION #16

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

OTHER BUSINESS

Mayor McLaughlin states that Peter Barnett, the Borough Assessor, will be coming to the next meeting. Everyone's assessed value has gone up. They are at 78% now. Based on the market, values have gone up significantly. The whole town will see a 10 – 15% increase.

Steve McCarthy, former Commissioner and resident, stated it is not necessarily a bad thing. Until the Commissioners strike a budget, they will not know the impact.

Mayor McLaughlin stated he is concerned with the math they are using to come to an assessed value.

Mr. McCarthy stated that the Commissioners have to establish or challenge the criteria used before they start the assessments.

There was a short discussion concerning whether the Commissioners would allow weddings on the beach other than for those who are residents or Beach Club members. It was decided that they will not grant permission.

There was a discussion on a proposal for a canopy over the service entrance to the ABC restaurant. The Commissioners were in favor and a resolution will be placed on the next agenda.

Comm. Bolan spoke about the "tiger cage" of a fence by the restaurant. He stated he was told it could be cut down. Mr. Hagerman, Beach Manager, stated it would negate the warranty, but he will take a look at it.

Mayor McLaughlin asked about the walls at the Club and Mr. Caron stated they are ready to take them down, but have not heard back from the Engineer. Ms. Osborn stated she would call Peter Avakian's office.

There was a discussion regarding punch list items at the restaurant. Dave Laughlin, Borough Attorney, spoke about notifying the bonding agency. There was a discussion on the heating system. Ms. Osborn read the response received from Mr. Tomaino that the heating system is working. The make-up air system will be lowered and re-balanced. The Board authorized Mr. Laughlin to work with Ms. Osborn in getting the items finished.

Mayor McLaughlin spoke about a meeting with the Army Corps of Engineers concerning a contract to sweep for MECs on the beach. They will start in January and be finished in April. He has asked that the screen be reduced from 3/4" to 1/4". Mayor Fernicola was also asking for this. The Corps will consider the request.

There was a short discussion on the entrance canopy to the restaurant. The Commissioners reviewed the proposal and asked that it be modified and a new estimate obtained.

PUBLIC HEARING

Bob Scally asked about the Assessment Demonstration Program and asked if the Commissioners had thought about opting out of the program.

Mayor McLaughlin stated they have had the County Assessor at a meeting. They were ordered by the County to do a revaluation. He explained that this program was supposed to keep the towns on an even keel. They did not agree with it, but had no choice. They had to be part of the program. They were not happy with it.

Mr. Laughlin stated they will be discussing this issue further in caucus.

Mr. McCarthy stated that when he was Commissioner, they sat down with the County and asked about doing an annual assessment based on sales. They were told no. However, some towns do it.

Mr. Scally stated that most of the sales seem to be for very expensive homes which throw off the balance. There are a lot of factors not being taken into account.

Mr. McCarthy stated that he heard at Cravings that the employees received RICE notices. It is not traditionally a very good thing.

Mr. Laughlin stated the Board will be holding a budget discussion which could impact salaries. That requires them to notice anyone who may be affected.

Mayor McLaughlin stated it got this way because they lost an interlocal agreement with Loch Arbour. They now have a 2% cap to deal with. Based on information they had at the last meeting, they were told they had a \$85,000 shortfall. They had to decide where to cut. They don't want to cut, but in order to even discuss it they needed to send notices.

Mr. McCarthy stated their policy was always that you don't balance the budget on the backs of the employees. He asked if the Commissioners struck the budget yet and Mayor McLaughlin stated they have not. They are still in discussion. Mr. McCarthy asked if the Board was aware of the negative impact this would have on the employees.

Comm. Bolan asked what impact and Mr. McCarthy stated the employees think their jobs are in jeopardy. They are the face of the community day to day. The Board has to be very careful.

Mayor McLaughlin stated when they left the last budget meeting, they were told they had to make cuts. He thinks Allenhurst has the best employees, but on advice of counsel, they had to do this.

Mr. Laughlin stated there was no option. If you have any discussion on salaries, you have to give a RICE notice.

Mayor McLaughlin stated that right after they found out they had to do this, every

supervisor was called and told exactly what was happening. This was before anyone received anything. Even if you mention a department, you have to notice.

Comm. McLoughlin stated after they lost the contract, they asked the CFO to talk to the State to see whether they could get any relief.

Mr. McCarthy asked if the Borough lost an interlocal and Comm. McCarthy stated they lost the sanitation contract with Loch Arbour.

Comm. Bolan added that they were the lower bid and gave better service. It was done out of spite. Loch Arbour was not happy because of the problems with consolidation. There were a lot of people outraged that Doug and his crew were not going to be there. The result of that action has caused them to issue RICE notices. They have a fiscal obligation to look at every area where the town spends money. They made sure to tell everyone that a vast majority would not lose their jobs and, perhaps, nobody. They need to look at the salaries of employees.

Mayor McLaughlin stated Loch Arbour is paying \$5,000 more for sanitation.

Comm. Bolan stated the same thing happened with police.

Mr. McCarthy told a story about a tractor trailer driver who had to come into Borough Hall to tell him that he saw a Public Works employee stop and pick up a coffee cup in the middle of the street. Employees like that don't grow on trees.

Mr. Scally asked if the Board knew what the cost would be for each property owner and Mayor McLaughlin stated they did not know yet.

Michelle Rogers asked who got the sanitation contract with Loch Arbour and Mayor McLaughlin answered that Deal got the contract. Mrs. Rogers asked for how long and Mayor McLaughlin stated that he didn't know.

Mr. Laughlin stated that he received a written request signed by all Borough employees who received RICE notices that the budget discussion be done in public.

BUDGET DISCUSSION

Christine Brown, CFO, stated she has been waiting on some numbers. The issue was not the revenue side, but on the appropriation CAP that prevents the Borough from exceeding more than 3.5% over the prior year's budget. Increases in salaries, health care and pension costs alone bring the budget over 3.5%. She did speak with the state and they will let Allenhurst do a CAP adjustment for \$83,702. When they met last time, they were \$126,000 short. Pension numbers came in \$26,000 less than what she had projected.

Mayor McLaughlin asked if the CAP adjustment would only be for this year and Ms. Brown stated no. It will not be a problem in the future.

Comm. McLaughlin stated they are now looking at cutting \$17,000 to \$20,000.

Ms. Brown stated she had also underbudgeted health insurance. There are still a few numbers she is waiting for. She should have real numbers within the next two weeks.

Comm. McLaughlin stated they usually do the salaries and then back into the budget. Ms. Brown stated that they didn't have budget issues then. She would wait until the budget is adopted to do any salary changes, except for those that are contractual. There is some information she will not know until after the first of the year.

Mayor McLaughlin asked Ms. Brown to send them spread sheets. He added that court sessions could be cut to one per month in the winter. That will also help reduce overtime for the police.

Chief Richter stated he did not need the whole \$40,000 for the second car. They could

probably cut \$10,000 there.

Comm. McLoughlin asked whether the Board could make an Administration for a portion of a year and Mr. Laughlin stated there is nothing that says you can appoint on a partial basis. However the Administrator serves at the pleasure of the Board. If you remove the Administrator, it has to be by a two-thirds vote.

Comm. McLoughlin stated they could appoint a new Administrator in March so that they could prepare for Ms. Osborn's retirement.

Ms. Brown stated she is still waiting for insurance costs and she will have to calculate the steps each employee is at in their insurance co-payments.

Comm. McLoughlin asked about solar panels and Ms. Brown stated it was worth looking into.

There was a discussion regarding user fees for garbage pickup or privatizing sanitation services. Ms. Osborn stated that if it were privatized, residents would have to give up back yard pickup.

Ms. Brown stated the Borough can handle the loss of the contract in the levy cap. She added that any new construction on the books will also help.

There was a short discussion on selling clothing items at the Beach Club. Mayor McLaughlin asked if it could be done by Dedication by Rider. Comm. Bolan suggested bidding it out to let someone else sell items with the Borough getting a fee for allowing the sale.

PUBLIC HEARING

Mrs. Rogers stated that solar panels will have to be placed on the south side and it wouldn't work on Borough Hall. Mayor McLaughlin stated that they had a study done by Paul Schechner and there are places where solar panels could be placed.

Mr. McCarthy suggested a cost analysis to determine if it is worthwhile. They did one on the Yacht Club and it wasn't worth it. Mayor McLaughlin stated that laws have been changed to make it more favorable.

There being no further comments or any further business, the meeting adjourned to caucus. After reconvening, Comm. McLoughlin moved, seconded by Mayor McLaughlin, that the meeting be adjourned at 9:50 PM. Motion carried.

Lori L. Osborn, RMC
Clerk-Administrator