

**MINUTES
JANUARY 26, 2016**

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.

REPORTS

The Borough Clerk stated that reports were received from the Zoning Officer, Code Enforcement Officer and K-9 Officer.

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 January 12, 2016, 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 January 26, 2016.

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

RESOLUTION #3
A RESOLUTION TO AUTHORIZE COUNTY TO PERFORM
AERIAL SPRAYING FOR MOSQUITOS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitos within the county; and,

WHEREAS, The County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within th3 County of Monmouth; and,

WHEREAS, Prior to conducting aerial dispensing operations over a designated “congested area”, the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 13.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and,

WHEREAS, The Borough of Allenhurst is designated as a “congested area” by the Federal Aviation Administration and the county has requested that this governing body consent to its proposed aerial dispensing operations;

NOW, THEREFORE, BE IT RESOLVED, As follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas bordering high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and,
 - b. such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

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:

A. R. Communications - \$2,315.80 for digital radio for Police Department

Burke Construction - \$3,500.00 for sewer work

Edwards Tire - \$3,766.60 – tires for sanitation truck and hook lift truck

Ellicott Network Control - \$2,021.55 – 2016 maintenance agreements and police upgrades

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

RESOLUTION #5
A RESOLUTION TO CONFIRM REMOVAL OF MEMBER
FROM ALLENHURST FIRE/FIRST AID

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

BE IT RESOLVED, By the Board of Commissioners, pursuant to the recommendation of the Allenhurst Fire Department, Paul Bradley is hereby removed from membership in the Fire Department for failure to maintain fire duty.

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

A RESOLUTION TO AUTHORISE BIDS FOR THE ERECTION OF A MONOPOLE
Offered By: Comm. McLoughlin Seconded By: Comm. Bolan

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

A RESOLUTION TO HIRE A PROFESSIONAL PLANNER

WHEREAS, the Borough of Allenhurst has a need to acquire the services of a Professional Planner as a non-fair and open contract pursuant to the provisions of *N.J.S.A.* 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Borough Administrator has received a proposal and has determined and certified in writing that the value of the acquisition will not exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is for a three month period during 2016; and,

WHEREAS, Heyer Gruel and Associates has submitted a proposal indicating they will provide Professional Planning services for the Borough at a cost not to exceed \$8,000.00; and

WHEREAS, Heyer Gruel and Associates will be required to complete and submit a Business Entity Disclosure Certification which certifies that Heyer Gruel and Associates has not made any reportable contributions to a political or candidate committee in the Borough of Allenhurst in the previous one year, and that the contract will prohibit Heyer Gruel and Associates from making any reportable contributions through the term of the contract, and

WHEREAS, Funds for this purpose shall be provided for the first three months of 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided for in the budget for the year 2016 when finally adopted;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Allenhurst authorizes the Mayor and Administrator to enter into a contract with Heyer Gruel & Associates as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED, That the Borough Clerk be and he is authorized and directed to publish this resolution in accordance with NJSA 40A:11-1.

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

A RESOLUTION TO APPOINT ABC SUB-COMMITTEE

Seconded By: Comm. Bolan

Derek Wanner
Carl Baumann
Mark Horowitz
Larry Gruner
Christopher Rogers
Gerry Ann Varley

RESOLUTION #9

Seconded By: Comm. McLoughlin

RESOLUTION #10

Seconded By: Comm. Bolan

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RESOLUTION #11
A RESOLUTION TO APPROVE BIKE TOUR

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

WHEREAS, The National Multiple Sclerosis Society's New Jersey Metro Chapter has requested permission to run a portion of their annual "Coast the Coast" Bike MS Ride through the Borough of Allenhurst on May 21, 2016; and,

WHEREAS, The MS Society has provided a parade route which will take the marathon down Ocean Avenue, starting at approximately 9:00 AM and ending at approximately 3:00 PM and a Certificate of Insurance for this event has been 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 The New Jersey Marathon to run a portion of their marathon through Allenhurst on May 21, 2016.

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

RESOLUTION #12
A RESOLUTION TO APPROVE BILLS AND PAYROLL (01/16/16 – 01/31/16)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$308,483.48 for the period of 01/16/16 to 01/31/16 be approved for payment; and,

BE IT FURTHER RESOLVED, That the January 26th consolidated bill list be attached hereto and made a part thereof.

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

RESOLUTION #13
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

OTHER BUSINESS

The Board discussed purchasing a new street sweeper versus a refurbished street sweeper. Doug Caron, Public Works Supervisor had secured two quotations for refurbished sweepers, one for \$90,000 and one for \$110,000. There was some discussion on possibly co-purchasing with a neighboring town. The Board decided to discuss it more thoroughly at the budget workshop.

Mayor McLoughlin asked that Mr. Hagerman give the Board a calculation on how far down the wall 10 or 15 cabanas would be. He also asked about replacing some of the cabana awnings.

There was a brief discussion on hedges and whether the requirement could be moved under Code and not Planning Board.

There was a discussion on Beach Club rates in which Mayor McLaughlin stated he would like to stop the sale of single guest tickets. Also, he would like to rescind the requirement to charge two tickets on holiday weekends. The Board was in agreement and the Clerk will prepare the necessary ordinance.

Chris Rogers, Mark Horowitz and Gerry Ann Varley were present, having been appointed to a subcommittee on Allenhurst Beach Club matters. Mayor McLaughlin stated this is an advisory committee only. They can take no action. They will report to the Board of Commissioners. One of the Commissioners will meet with the subcommittee each time they meet.

There was a short discussion on the youth dances in which Mayor McLaughlin stated that someone should contact Heather to do those dances. Wynn Phillips, Beach Club Manager, stated he has contacted her and it is in the works.

Mayor McLaughlin stated that Doug and the guys did a great job in clearing the streets after the recent snowstorm. He asked if the sidewalks on Main Street had been cleared. Chris Rogers answered that he noticed they were done that day.

Maryann Dowling also stated that the DPW did a great job during the storm. She asked if the Commissioners made any decisions regarding the Assessment Demonstration Program. Mayor McLaughlin stated they have had discussions with the Borough Attorney. As of now, there is no harm, no foul. They are waiting.

Comm. McLoughlin clarified that the towns that have already opted out have set themselves up for a lawsuit. They are waiting to see if the program will implode. They have time to wait before they have to make any decision.

Mr. Rogers spoke about changing the ordinance to eliminate having to pay two guest passes on holidays. He stated when the beach was smaller, they did that to help with overcrowding. Now that the beach is bigger, they can eliminate that. However, he did not agree that the Borough should not sell single tickets. They are convenient for the members. He stated people play a game trying to sell their unused tickets.

Mayor McLaughlin stated he would like to go back to the old way, where they only sell single tickets at the end of the season.

Comm. Bolan found it hard to believe someone couldn't use 10 tickets in two years. Mr. Rogers stated there are some. Comm. Bolan stated he would just like to simplify it.

Comm. McLoughlin stated they will go back to the old way. If that doesn't work, they can change it next year.

DISCUSSION ON REVOCATION OF BEACH CLUB MEMBERSHIP

Jack Falack stated he was before the Board in October after his membership was terminated. He stated he is seeing a Psychologist and presented a letter from his doctor. He is going through a grieving process after losing his wife. He has been in therapy for over a year and is doing much better.

Comm. McLoughlin stated his concern is that actions should have consequences. This incident happened in August of last year. His membership was revoked at the end of August. This is not enough of a consequence. To do nothing invites more people to do something similar.

Comm. Bolan asked when Mr. Falack's wife died and Mr. Falack stated it was three years ago near Thanksgiving. Mr. Bolan asked when he started seeing a doctor and Mr. Falack stated in April of 2015. Comm. Bolan stated they received correspondence from members after the incident. He knows that the employee's father wanted to sign a complaint. He asked if that was done and Ms. Osborn stated he came in to sign a complaint, but was told that since his daughter was over 18, she would have to sign the complaint. There has been no action since.

Comm. Bolan asked if a civil suit had been filed and Mr. Falack answered, no. He stated he sent a letter to the employee and her parents apologizing for his actions. Comm. Bolan asked if he received a reply and Mr. Falack stated he had not. Comm. Bolan asked if the Borough had received anything in anticipation of this meeting and Ms. Osborn answered, no.

Wynn Phillips stated he was a part of the decision making process. When Mr. Falack's membership was revoked, he thought it was appropriate at that time. Mr. Falack is a relatively good man of high caliber, who made a mistake. He had a long conversation with Irv Feldman and Steve Haber, who at first said they would have punched him out had it been their daughter, but later said it was a one-time mistake by a good man. He also spoke to Mr. Falack's son-in-law and daughter who were disappointed, but stated he was a good man who was still suffering from his loss. The incident occurred the day before they were to hold a memorial for his wife. He thinks the punishment was appropriate for that time, but feels now that his membership should be reinstated.

Irving Feldman, 18 Spier Avenue, stated he has known Mr. Falack for 50 years. This incident was out of character for him. He would not have gone out of his way to be here tonight if that was a part of Mr. Falack's character.

Comm. Bolan read the incident report and Mr. Falack gave his version of what happened. Comm. Bolan stated he hears Mr. Falack say he was sorry, but he did not think he was really sorry. The Beach Club is a public entity. They have to follow the rules. These employees are kids with summer jobs.

Mr. Falack stated that day was totally out of character for him.

Comm. McLoughlin stated it almost feels like Mr. Falack's son-in-law should be here.

Mr. Falack stated that he was distraught over this for a long time.

Mayor McLaughlin felt the Commissioners should do more than to suspend Mr. Falack's membership for the last two weeks of the season. The Board hires these kids and it is their responsibility to keep them safe. What message would it send to ignore this and reinstate Mr. Falack's membership.

Comm. Bolan stated he is not hearing what he was hoping to hear. Young women should be given absolute deference and that is the message they are going to send. This is not a country club; it is a municipal facility.

Comm. McLoughlin stated Mr. Falack is a business owner. He asked him how he would have responded to an incident like this in his business. Mr. Falack stated you get to know

individual employees. If it is one incident that is absolutely out of character, you can overlook one incident. He has never gotten into an altercation before. He has a good relationship with everyone.

Comm. Bolan stated he wished Mr. Falack would just say he is sorry. Those girls deserve respect.

Mr. Falack stated he is sorry. He begged forgiveness in October. He sent an apology letter to the girl. He read the apology letter which he had on his phone. He is sincerely sorry. He has been working hard in figuring out how to lighten his burden so that nothing like that ever happens again. It really put him in a bad state. He was never a person with an anger problem.

The Board stated they will make a decision and inform Mr. Falack after further discussion.

Tim Moriarty asked if the beach cameras would be put back in service and Mayor McLaughlin responded that the storm knocked them out.

Mayor McLaughlin stated the Board would adjourn to caucus, but would reconvene to go into a budget workshop.

After reconvening, the Board went into a budget workshop with the CFO. The Board discussed projects and project costs, including the purchase or joint purchase of a street sweeper, new cabanas on the beach, and a new deck and fill system.

Comm. McLoughlin stated he would like to have a five year capital plan in place.

At the conclusion of the workshop, Comm. McLoughlin moved, seconded by Comm. Bolan, that the meeting be adjourned at 10:00 PM. Motion carried.

Lori L. Osborn, RMC
Clerk-Administrator