

**MINUTES
FEBRUARY 9, 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.

COMMUNICATIONS

Allenhurst Fire Department/First Aid - 2015 Annual Report.

Notice from JCP&L of public hearings on rate increase.

Report from PERMA on JIF, MEL, & SEM.

ORDINANCE #2016 – 01 – ALLEN AVENUE BOND – First Reading

Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

BOND ORDINANCE NO. 2016-01

BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO ALLEN AVENUE, AND APPROPRIATING \$350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$180,000 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

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

ORDINANCE #2016-01 – ABC BOND – First Reading

Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

BOND ORDINANCE NO. 2016-02

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE ALLENHURST BEACH CLUB, AND APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 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

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

Seconded By: Comm. McLoughlin

**AN ORDINANCE TO AMEND CHAPTER X, BEACH REGULATIONS, OF THE
CODIFIED ORDINANCES OF THE BOROUGH OF ALLENHURST**

Seconeded By: Comm. McLoughlin

**AN ORDINANCE TO FURTHER AMEND AN ORDINANCE ENTITLED,
"AN ORDINANCE FIXING THE SALARIES OF ALL APPOINTED
OFFICIALS AND EMPLOYEES OF THE BOROUGH OF ALLENHURST
IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY
(EXCEPTING MEMBERS OF THE POLICE DEPARTMENT)"**

Seconded By: Comm. Bolan

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, that the following capital appropriation be made:

Planned Funding Services for Current Year 2013

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Capital Improve Fund</u>	<u>Grants in Aid</u>	<u>Debt Authorized</u>
Allen Avenue Road Improve.	\$350,000	\$	\$170,000	\$180,000
ABC Improvements	\$500,000	\$25,000	\$-0-	\$475,000
Total All Projects	\$750,000	\$34,000	\$170,000	655,000

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RESOLUTION #2

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 26, 2016, be ratified and approved.

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

RESOLUTION #3

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 #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:

Security World - \$1,100.00 - Sewer pump monitoring

Trius, Inc. - \$5,924.00 – Snow plow

Howell Township Police - \$1,250.00 – range fees

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

RESOLUTION #5
A RESOLUTION TO APPROVE DETERMINATION OF SUBSTANTIAL
COMPLETION OF ABC RESTAURANT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, On April 29, 2014, a contract was awarded to Santorini Construction for the construction of the ABC Restaurant; and,

WHEREAS, The Project Architect has reviewed the work to date and has recommended to the Board of Commissioners that the project be declared substantially complete on June 4, 2015;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst that the recommendation of the project Architect be accepted and that the project known as Construction of the ABC Restaurant, awarded to Santorini Construction be declared substantially complete as of June 4, 2015.

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

RESOLUTION #6
A RESOLUTION TO AUTHORIZE CLERK TO ADVERTISE FOR BIDS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the Borough Clerk be and she is hereby authorized to publish and receive bids for the following:

Allen Avenue Road Improvements
Allen Avenue Park Improvements
Construction and Installation of 16 Cabanas
Repairs to ABC Exterior Wall
Improvements to ABC Pool Fill System
Improvements to Deck at ABC

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

RESOLUTION #7
A RESOLUTION TO HIRE AN ASSISTANT ADMINISTRATOR

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, In anticipation of the retirement of the Borough Clerk-Administrator, the Board of Commissioners advertised for and interviewed candidates for the position; and,

WHEREAS, After careful consideration, the Commissioners have decided upon a candidate for the position; and,

WHEREAS, In order to effectuate a smooth transition, the Board of Commissioners will hire said candidate as an Assistant Borough Administrator, until the Clerk-Administrator position becomes vacant and a permanent appointment can be made;

NOW, THEREFORE, BE IT RESOLVED, That Donna Campagna be hired as an Assistant Administrator on a part-time basis of 20 hours per week, at an annual salary of \$21,250.00. commencing March 1, 2016 and until August 30, 2016.

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

RESOLUTION #8

A RESOLUTION TO APPROVE BILLS AND PAYROLL (02/01/16 – 02/15/16)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$692,416.50 for the period of 02/01/16 to 02/15/16 be approved for payment; and,

BE IT FURTHER RESOLVED, That the February 9th consolidated bill list be attached hereto and made a part thereof.

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

ITEMS FOR DISCUSSION

The Board questioned Jackie Manso about an incident that occurred with Jack Falack at the Allenhurst Beach Club. Miss Manso stated she was working security by the cabana stairs. Mr. Falack was with his son-in-law and a couple of guests. The guests, who were teenagers, did not have badges. She was trying to explain the policy to Mr. Falack when he became violent. He did not touch her, but he got in her face and pointed his finger at her. He was cursing her. The police came and asked Mr. Falack to apologize, which he did, but she felt it was insincere. He told the Board he wrote a letter apologizing later, but she never got one.

Mayor McLaughlin asked about the son-in-law and Miss Manso stated he wasn't there at first, but he came over when he heard the yelling. He pulled Mr. Falack away. Mr. Falack's son-in-law came back to say how sorry he was.

Mayor McLaughlin asked who took care of the guest tickets and Miss Manso responded that Mrs. Wade took care of it. When asked about the radio, Miss Manso stated she thought it was a bad connection. One of the cabana boys called Rachel on his cell phone.

Mayor McLaughlin asked if anyone else heard the altercation and Miss Manso stated that Kathy Price, Trish Bartlett, Ann Gruner and the cabana boys all heard it.

Mayor McLaughlin stated the Board always defends its employees. He is sorry she had to go through this. He asked if she put in her application for this season and Miss Manso replied that she had.

Comm. Bolan asked if Miss Manso knew who Mr. Falack was and she replied that she did not. She asked for their locker number, which they gave. They tried to pass the kids off as members. They did not have enough guest passes to cover them. They had used a lot of guest tickets the day before. Comm. Bolan asked if it was cordial at all and Miss Manso answered that it was cordial in the beginning. Comm. Bolan asked what the trigger was and Miss Manso stated that she did not know. He told the kids to go ahead. She wasn't sure how many there were; three or four. She might have asked him to bring them back so that she could get the bands. He was not happy with that.

Comm. Bolan asked if Mr. Falack had been through this process before and Miss Manso replied that he had. Comm. Bolan again asked what caused him to become angry and Miss Manso stated she really didn't know. Comm. Bolan asked if she thought it was the money or the inconvenience and Miss Manso stated she thought it was the inconvenience. Comm. Bolan asked if Miss Manso raised her voice at any point and Miss Manso responded that she did not raise it at all. Comm. Bolan asked how long the incident lasted and Miss Manso stated it was not very long. Maybe one minute; maybe 30 seconds.

Comm. Bolan asked who called the police and Miss Manso stated she thought it was either Rachel or her mother. Comm. Bolan asked what Miss Manso did after the incident and she replied that she went back to work. Comm. Bolan asked if she had been crying and she stated she had.

Mayor McLaughlin asked if Miss Manso was threatened and she replied, no. Mr. Falack was just yelling how ridiculous it was.

Comm. McLoughlin commented that his daughter was in the next booth and she burst into tears after hearing the altercation.

Comm. Bolan asked if Ms. Manso had ever interacted with Mr. Falack before and Miss Manso answered, no. Her mother told her that he had sat next to them on the beach and he had never acted like that before.

Comm. Bolan asked Miss Manso that if someone had said Mr. Falack pulled his son-in-law away, would that be inconsistent with her memory of the event. Miss Manso replied that it would.

Borough Attorney, David Laughlin, asked if Miss Manso came to work the next day, and she said that she did.

Comm. Bolan asked if Miss Manso's parents received any sort of apology and she answered, no.

Comm. McLoughlin asked Mrs. Tracy Manso what punishment she thought fit the crime and Mrs. Manso stated she is not unsympathetic to Mr. Falack's heartache. If he had apologized, they would have let it go. They spoke to Wynn Phillips and he assured them that Mr. Falack's membership would be revoked. She certainly does not want Mr. Falack to feel lynched. He could have done the right thing and put an end to it.

Maryann Dowling stated that what makes it worse is that Mr. Falack lied in saying he sent an apology letter which he read to the Board at the last meeting.

The Mayor stated they will take everything into consideration and make a decision.

PUBLIC HEARING

Tim Moriarty asked if it would make sense to have two people working the gate. Comm. McLoughlin responded that everyone's rates would have to go up to cover that. Mr. Moriarty stated they are alone and Mayor McLaughlin stated that was not true. There is security on the boardwalk and there are cabana employees right there. Mr. Moriarty then suggested installing cameras at the gates to get a better picture.

There being no further comments, public hearing was closed.

OTHER

The Borough Administrator reviewed various projects with the Board. Comm. Bolan asked if pavers would be better than stamped concrete. Ms. Osborn stated she would consult with the Borough Engineer.

The Commissioners stated they would like the pumps working by the end of March.

The Board discussed maintenance of hedges and whether it would be best to do so through the Zoning Ordinance or the Property Maintenance Code. Mr. Laughlin stated that if it is through property maintenance, there are no variances. If the Board wants people to be able to get variances, it will have to be through Zoning. It is the same process as any other variance. They cannot make it any easier.

Mayor McLaughlin stated there are some properties where the hedge heights pre-existed the ordinance. He stated the Planning Board wants this to be regulated. If they are not going to enforce it, they should get rid of it. He stated corner houses have a higher burden and maybe something can be done where they don't have to cut hedges on both fronts.

There was a short discussion on changing the Zoning Ordinance to have only one frontage, in which Mr. Laughlin stated that may cause more problems than it solves.

Comm. Bolan stated he was in favor of enforcing the ordinance and letting people apply for variances. He is concerned with the encroachment of sidewalks. He would like the Code Enforcement Officer to go around and take care of that.

Mayor McLaughlin stated the Zoning Officer should go around and see what properties are still not in compliance.

There was a short discussion on setting up a tree donation program for the park. The program would have to be set up in conjunction with the park improvements.

There was a discussion on the bids for the construction of a monopole. Mr. Laughlin stated the bid specifications are ready. He is waiting to review a report from Verizon on groundwater contamination at the site.

At this point, Comm. McLoughlin offered the following resolution, moved and seconded by Comm. Bolan and adopted on the following vote: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

RESOLUTION #9

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.

The meeting adjourned to caucus. After reconvening, Comm. Bolan moved, seconded by Mayor McLaughlin, that the decision on Mr. Falack including the revocation of his membership for the 2016 season. Mr. Falack would also be removed from the cabana list while his revocation was in effect. He will be placed back on the list in the original position for the 2017 Beach Club season.

This decision was approved on the following vote: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

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

Lori L. Osborn, RMC
Clerk-Administrator