

**MINUTES  
JULY 12, 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, Assistant Administrator 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

## 9<sup>th</sup> Annual Choose Your Cover-Free Skin Cancer Screenings & Education at the Beach

2016 Senior Olympics

# Ocean Township Ordinance #2276 Amending and Supplementing Chapter 22 of the Comprehensive Land Development

## 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 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 July 12, 2016.

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 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:

Key Tech Laboratories – Core Testing Allen Avenue - \$1,300

Everdixie – First Aid supplies - \$3,164.46

Morphotrac, LLC – equipment maintenance for Police Dept. - \$2,633.69

Mazza – Recycling - \$1,109.02

Party Perfect – July 31<sup>st</sup> inflatables for ABC - \$1,350.00

Steel Door Depot – cabana doors - \$4,364.95

Sky Touch – IT service for improvements to dispatch area - \$1,436.95

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

## RESOLUTION #4

## A RESOLUTION TO HIRE SEASONAL EMPLOYEE

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, Justin Silverberg was hired to work security at the Allenhurst Beach Club;  
and,

**WHEREAS**, Beach Club Management has recommended that Mr. Silverberg be hired as bathroom maintenance as well at an hourly salary of \$10.00 for the remainder of the Beach Club season;

**THEREFORE, BE IT RESOLVED**, That Justin Silverberg be hired as bathroom maintenance at the rate of \$10.00 per hour; and,

**BE IT FURTHER RESOLVED**, That the Beach Club Manager keep separate time cards for the two positions.

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

## RESOLUTION #5

## A RESOLUTION TO APPROVE 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 Allenhurst Garden Club, a non-profit organization, for an event to be held on Friday, July 22, 2016, at the Allenhurst Beach Club; and,

**WHEREAS**, The Chief of Police has reviewed and approved this event;

**NOW, THEREFORE, BE IT RESOLVED**, That a permit be granted to the Allenhurst Garden Club for their Garden Club cocktail party, at the Allenhurst Beach Club on Saturday July 22, 2016; and,

**BE IT FURTHER RESOLVED**, That the permit fee be waived for this non-profit organization.

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

## RESOLUTION #6

## A RESOLUTION TO CONFIRM 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 had been filed by Julia Peterpaul for an event that was held on Saturday, July 9, 2016, at the Allenhurst Beach Club, Peterpaul Cabana; and,

**WHEREAS**, The Chief of Police and the Board of Commissioners had reviewed and approved this event;

**NOW, THEREFORE, BE IT RESOLVED**, That a permit was confirmed to Julia Peterpaul for a graduation party that was held at the Allenhurst beach on Saturday July 9, 2016, at 7:00 PM.

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

## RESOLUTION #7

## A RESOLUTION TO APPROVE BIKE RIDE IN BOROUGH OF ALLENHURST

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

**WHEREAS**, The Center in Asbury Park have requested permission to host a portion of their annual Fundraising Bike Ride through the Borough of Allenhurst on Saturday, September 17, 2016; and,

**WHEREAS,** A route sheet has been provided which will take the bike ride down Ocean

Avenue, starting at approximately 10:00 AM and ending at approximately 4:00 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 Center in Asbury Park to run a portion of their annual Fundraising Bike Ride through Allenhurst on September 17, 2016.

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

#### **RESOLUTION #8**

##### **A RESOLUTION TO ENGINEER CERTIFICATE**

This resolution has been held for further consideration.

#### **RESOLUTION #9**

##### **A RESOLUTION TO APPROVE PAYMENT FOR ABC RESTAURANT**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, A contract was awarded to Santorini Construction for the construction of the restaurant at the Allenhurst Beach Club; and,

**WHEREAS**, The Borough Attorney, Municipal Clerk and Assistant Administrator have reviewed the project and recommended payment #12; and,

**WHEREAS**, Funds for this purpose shall be provided for in the Capital Account known as 201-10, Hurricane Sandy relief, and the Treasurer has so certified;

**NOW, THEREFORE, BE IT RESOLVED**, That Santorini Construction be compensated in the amount of \$50,000 for construction of the restaurant at the Allenhurst Beach Club.

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

#### **RESOLUTION #10**

##### **A RESOLUTION TO HIRE PAID FIREFIGHTER**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**WHEREAS**, The Allenhurst Fire Department has requested that the Borough hire a paid firefighter/maintenance person to be stationed at the Allenhurst firehouse for a 30 hour work week between 6 AM and 6 PM, Monday through Friday; and,

**WHEREAS**, The Board has determined that these are extraordinary unspecifiable services, which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor as per N.J.S.A. 40A:11-2(7); and,

**WHEREAS**, A quote was obtained from JHH Services, LLC, in the amount of \$2,000 per month for firefighter/maintenance services, payable through monthly invoices to the Borough of Allenhurst; and,

**WHEREAS**, Funds for this purpose shall be provided for in the budget in the current account, known as Fire, O.E., and the Chief Finance Officer has so certified;

**NOW, THEREFORE, BE IT RESOLVED**, That a contract be awarded to JHH Services, LLC for firefighter/maintenance services at the Allenhurst firehouse at a cost of \$2,000.00 per month, beginning July 1, 2016 and expiring December 31, 2016.

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

## RESOLUTION #11

### A RESOLUTION TO CONFIRM RETIREMENT BENEFITS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, Lori L. Osborn has filed for retirement from the P.E.R.S. effective with August 31, 2016; and,

**WHEREAS**, Pursuant to the Public Employee's Retirement System and the Borough's Personnel Policy, employees who retire from the P.E.R.S. with the required number of years of service; are entitled to certain benefits; and,

**WHEREAS**, Lori L. Osborn meets the retirement system requirements;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners, the following retirement benefits be confirmed:

1. Paid up medical/surgical insurance, for the retiree only, through the NJ State Health Benefits Program, effective September 1, 2016 until the death of the retiree.
2. Accumulated Sick Days

Days accumulated through 8/31/16: 59.5

Pay rate frozen at time of Governor mandate = \$428.48/day

**Benefit: 59.5 days @\$428.48/day = \$25,494.56**

To be paid:	\$8,498.19	January 1, 2017
	\$8,498.19	January 1, 2018
	\$8,498.18	January 1, 2019

3. Accumulated and earned vacation.

Vacation earned in 2015 to be taken in 2016: 25

25 x 2015 rate of pay at \$481.22 = \$12,030.50

Vacation earned in 2016 to 8/31/16: 16.5 days

16.5 x 2016 rate of pay at \$491.97 = \$8,117.51

**Total due for earned vacation: \$20,148.01 to be paid on 9/15/16**

**BE IT FURTHER RESOLVED**, These benefits may be adjusted prior to the August 31, 2016 retirement date as required.

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

## RESOLUTION #12

### A RESOLUTION TO CONFIRM EMERGENCY MORATORIUM WAIVER REQUESTS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, The Borough received an emergency request for the waiver of the provisions of the construction moratorium; and,

**WHEREAS**, There was no time to file a formal application for requested work and the Assistant Administrator declared same to be an emergency; and,

**NOW, THEREFORE, BE IT RESOLVED**, That the following request for waiver of the provisions of the construction moratorium has been approved and confirmed by the Board of Commissioners:

1. Saul Hazan – 115 Spier Avenue  
Flash chimney to stop leak into the house.  
One day request for Friday, July 8th.

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

**RESOLUTION #13**

**A RESOLUTION TO APPROVE INTERLOCAL CONTRACT FOR SANITATION**

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

**WHEREAS**, N.J.S.A. 40:8A-1, et seq., authorizes any municipality to enter into a contract with another municipality for any services which any party to the agreement is empowered to render within its own jurisdiction; and,

**WHEREAS**, The Borough of Allenhurst and the Borough of Interlaken desire to enter into an agreement whereby the Borough of Allenhurst will provide sanitation services to the Borough of Interlaken commencing January 1, 2017 through December 31, 2027, inclusive;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board Commissioners of the Borough of Allenhurst that the Mayor and Borough Administrator be and they are authorized and directed to sign the aforesaid Interlocal Service Agreement between the Borough of Allenhurst and the Borough of Interlaken in accordance with the terms of the Agreement which is on file in the Borough Clerk's office.

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

**RESOLUTION #14**

**A RESOLUTION REPEALING RESOLUTION #5, ADOPTED ON DECEMBER 8, 2015, WHICH PROVIDED VERIZON WIRELESS WITH PERMISSION TO INSTALL NETWORK BOOSTERS**

This resolution has been held for further consideration.

**RESOLUTION #15**

**A RESOLUTION TO APPROVE DONATION OF FIRST AID VEHICLE**

Offered By: Comm. McLoughlin

Seconded By: Comm Bolan

**WHEREAS**, The Allenhurst Fire Department #1 purchased a 2003 Hummer2 and wishes to donate same to the Borough of Allenhurst;

**NOW, THEREFORE**, be it resolved by the Board of Commissioners of the Borough of Allenhurst that the donation of the 2003 Hummer2 be and the same is hereby approved.

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

**RESOLUTION #16**

**A RESOLUTION TO AUTHORIZE EXECUTIVE SESSION**

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 #17**

**A RESOLUTION TO APPROVE BILLS & PAYROLL (7/1/16 – 7/15/16)**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That bills and payrolls totaling \$561,853.75 be approved for payment; and,

**BE IT FURTHER RESOLVED**, That the July 12th consolidated bill list be attached hereto and made a part thereof.

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

## **ITEMS FOR DISCUSSION**

Steve Weiss from Verizon wireless, Kathryn Windsor from Tilson and Stephen Offen from Norris McLaughlin & Marcus P.A. were present to discuss the placement of Verizon poles in the Borough to house nodes for wireless services. The discussion centered on if Verizon can use existing poles in the Borough and whether or not they can just place the poles wherever they see fit. Verizon had looked at existing poles but most are owned by JCPL and would require clearance which they have been unsuccessful obtaining in the past. The following options were proposed.

- Use existing JCPL which the Borough is trying to get clearance from JCP&L
- Look at the Stealth designs presented and place on the boardwalk by the cabanas. The stealth design is shaped like a lamp post.
- Sister the pole next to the existing JCP&L pole by the cabana entrance. Verizon would have to explore this option to see if there is enough clearance and no interference with lines would occur. The Commissioners would also have to approve a resolution to do this since it would be on the Borough's property.

Commissioner Bolan questioned the agreement with Verizon Wireless as the current agreement is with the old telephone company and does not cover the placement of Verizon Wireless poles. Stephen Offen, Verizon's attorney, stated that the Federal Government puts in stipulations that they have no barriers where they put poles in municipalities as long as they are in the right of way. However, Verizon would like to come up with an amicable solution to work with the Borough. Dave Laughlin, the Borough's Attorney, will look into the current agreement. It was recommended by Verizon to amend the existing agreement in a way that would be amenable to the Borough. Dave Laughlin will investigate amending the current agreement and also look into whether there are any CAFRA concerns. The Borough would also like to be notified by Verizon in the future when they are putting in new poles to make sure it is a mutually agreeable location.

Mayor McLaughlin questioned the safety of the new poles and whether they emit anything that would be harmful to the public. Verizon will provide the Borough with reports for all locations of the poles that show there are no safety concerns.

Mrs. Varley asked if the Verizon pole on the corner of Norwood and Corlies would be taken down as she feels it is obtrusive. At this time, the placement of the pole on Norwood and Corlies was not a concern to the Board and will remain. Mrs. Varley also asked what the radius of service from the poles are. Steve Weiss from Verizon stated that it can be from 200-800 feet depending on the equipment.

The Cabana entrance was discussed. Mr. Chera had asked whether a gate could be put back up on at the entrance to the cabanas to limit beach traffic at night. There had been a gate pre-Sandy. Mark Heitmueller, Assistant Beach Club Manager, will look into installing one.

The ABC after hour special events permits were discussed. Wynn Phillips, Beach Club Manager, would like to eliminate the \$100 special events permit fee for parties for cabana/beach club members. Commissioner Bolan thought the fee was put in to make sure members filed the special events permit. Wynn stated that a fee is not needed to control the situation. It was decided that any party over 25 people would still need to file for a special events permit but the fee of \$100 would be waived for beach club members. Any members that have previously paid the fee this year will be refunded.

The Parking ordinance, restaurant/snack bar equipment repairs and restaurant items were tabled to executive session as they involved contracts.

## **PUBLIC HEARING**

Brad Comer stated that he had busted 81 people from sneaking into the club without paying. He questioned that one member appeared to be sneaking in their children who are not members without buying guest passes. The Beach Club manager will look into it.

Joyce Sharkey addressed the board to reconsider her request for a co-principal. Her co-principal had been her brother who recently passed away. She was a long time Allenhurst resident but has

since moved out of town. She would like to continue the legacy of the cabana and pass his co-principal status to her brother's children. Currently her children are not members but her brother's children are. Commissioner McLoughlin stated this was the reason they came up with the cabana rules so the cabanas would not stay in a family forever and that the rules of succession applied. He suggested that one of her children join and then wait the 5 years required and make them co-principal. The Board stated they would like to review her situation and make a ruling on whether their decision stands.

Mr. Venes from 307 Spier Avenue complained about 305 Spier that it is a big eyesore. They have made numerous complaints about dog feces and dogs barking. It has become unbearable and they have lost a few tenants because of the situation. They have gone to mediation but nothing still has been done. Commissioner Bolan asked how many complaints they have filed with the court. Mr. Venes filed one complaint with the court which went to mediation. Commissioner Bolan suggested that the Venes start filing complaints with court as their neighbor will have to go to court or pay a fine. Dave Laughlin, Borough Attorney, said the Code Official can issue a summons if in violation of the ordinance. The Assistant Administrator will follow up with the Code Official to discuss the situation.

Marci Grabelle had sent a request to the board asking if a shaded area could be made for adults to play cards, board games etc. There had been one before hurricane Sandy. Wynn Phillips, Beach club manager will address the request.

Tim Moriarty asked if there is anything the Board can do to control people from taking glass bottles from Mr. C's. Mark Heitmueller, Assistant Beach Club Manager, stated that if they see it they immediately give them a plastic cub. The Borough Clerk will also discuss the situation with Mr. C.

There being no further business, Comm. McLoughlin moved, seconded by Mayor McLaughlin that the meeting move to executive session at 9:30 PM. Motion carried.

After reconvening, Comm. McLoughlin moved, seconded by Mayor McLaughlin that the meeting be adjourned at 10:00 PM.

Lori L. Osborn  
Clerk-Administrator