

MINUTES
October 25, 2016

The Meeting of the Board of Commissioners of the Borough of Allenhurst was held on the above date with Mayor McLaughlin presiding and Commissioner Bolan answering the roll call. Commissioner McLoughlin was not able to attend. Also in attendance was the Borough Acting Clerk/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.

COMMUNICATONS

Letter from the State of NJ DOT stating that the suspension of the projects using the Transportation Trust Fund has been lifted.

Public notice from the County of Monmouth Department of Public Works and Engineering stating that the Monmouth County host community fee will increase to \$1.10 per ton as of November 1, 2016.

Resolution from the Borough of Eatontown supporting the Borough of Oceanport, County of Monmouth, State of NJ resolution 2016-174 which opposes the November 8, 2016 ballot initiative proposing a constitutional amendment to permit casino gambling outside of Atlantic City which includes a 72 mile restriction that would preclude Monmouth Park and Freehold Raceway.

A notice from NJ Transit for a public hearing that will be held on November 14, 2016 to gather information and receive comments from interested parties concerning programs developed pursuant to the Senior Citizen and Disabled Resident Transportation Assistance Act.

A 30th Anniversary brochure from the Municipal Excess Liability Joint Insurance Fund.

A notice of public hearing from JCPL on proposed rate increases and adjustments to the Company's tariff rates and charges for electric service, as well as, other tariff revisions.

A resolution from the Borough of Little Silver recognizing the great work done by the Monmouth County Crime Stoppers.

PRESENTATIONS

Thomas Crone from Arcadis, a contractor for the US Army Corps of Engineers, gave a presentation on the munition removal project at Loch Arbour, Allenhurst and Deal. The U.S. Army Corps of Engineers (USACE) in partnership with the NJ Department of Environmental Protection is conducting 100% screening of sand placed on the beach during a prior coastal storm risk management project. Arcadis is the contractor performing the work and providing operators, laborers, unexploded ordnance technicians, and equipment. The project will extend from Deal Lake to the Deal Casino Beach club. The project will occur between mid-November and April 1st. All work will be done under the oversight of USACE and NJDEP. They will be working 6 days a week, Monday through Saturday with Sundays being potential work make up day for weather. Arcadis is requesting work hours from 7 am to 6 pm. They have asked for a waiver from the noise ordinance from the Borough. The Borough will propose it at the next public meeting. Arcadis is also interested in renting the beach club office and will work with the Acting Borough Clerk/Administrator on pricing and logistics. They will also be setting up trailers on

either Lock Arbour or Allenhurst with the site to be determined.

RESOLUTION #1
A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the minutes of the regular meeting held October 11, 2016, be ratified and approved.

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

RESOLUTION #2

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the Clerk dispense with the reading of the minutes of the regular meeting held October 11, 2016.

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

RESOLUTION #3
A RESOLUTION TO CONFIRM PURCHASES

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

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:

Wicker Plus – 3 park benches	\$1,650.00
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VOTE: Comm. Bolan-AYE; Mayor McLaughlin-AYE

RESOLUTION #4
A RESOLUTION TO APPROVE CHANGE ORDER #1 FOR IMPROVEMENTS TO
ALLEN AVENUE

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, A contract was awarded to Black Rock Enterprises, LLC for Paving and Improvements to Allen Avenue; and,

WHEREAS, The scope of work was expanded to provide for the following:

- | | |
|--|------------|
| 1. Uniform Traffic Directors | \$5,197.50 |
| 2. Fuel Price Adjustment | 713.47 |
| 3. Hot Mix Asphalt Surface Course | 2,795.88 |
| 4. Traffic Stripes, Long life epoxy | 1,753.08 |
| 5. Concrete Sidewalk | 4,196.84 |
| 6. Traffic marking Thermoplastic Crosswalk | 1,197.00 |
| 7. Install Drain on Main Street | 18,596.55 |
| 8. Reset ADA Paver | 10,500.00 |
| 9. Repair Sink Hole | 9,236.13 |
| 10. Traffic Directors, Railroad Flaggers | (1,465.60) |
| 11. Traffic Directors, Flaggers | (2,700.00) |

12. Asphalt Price Adjustment	(2,810.43)
13. Hot Mix Asphalt 19M64 Base Course	(10,585.00)
14. Prime Coat	(22.00)
15. Reset Existing Manhole Castings	(5,027.10)
16. Detectable Warning Surfaces	(1,942.27)
17. 6x8x18 Concrete Vertical Curb	(7,525.00)
18. Concrete Curb and Gutter	(7,638.40)
19. Traffic Marking Thermoplastic Stop Bar	(35.28)
20. Topsoil	(499.00)
21. Fertilizing and Seeding	(225.00)

WHEREAS, Black Rock Enterprises, LLC, has submitted a request for a Change Order for the additional work in the net amount of \$13,711.37, which request has been reviewed by the Borough Administrator and Engineer, and found to be acceptable;

NOW, THEREFORE, BE IT RESOLVED, That Change Order No. 1 in the amount of \$13,711.37 be approved, thereby amending the contract total to \$304,216.96.

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

RESOLUTION #5

A RESOLUTION TO APPROVE ENGINEER CERTIFICATE

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, A contract was awarded to Black Rock Enterprises, LLC for Improvements to Allen Avenue; and,

WHEREAS, The Borough Engineer has reviewed the project and recommended payment as provided for in Engineer's Certificate #3, which is on file in the Clerk's office;

WHEREAS, Funds for this purpose shall be provided 2016-01 Allen Avenue Paving Bond;

NOW, THEREFORE, BE IT RESOLVED, That Black Rock Enterprises be compensated in the amount of \$64,335.04 which includes Change Order #1 for work done in accordance with Engineer's Certificate #3.

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

RESOLUTION #6

A RESOLUTION TO APPROVE DEDICATION BY RIDER FOR DEVELOPER ESCROW FUNDS

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenue received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, N.J.S.A 40:55d-53.1 provides for receipt of costs incurred for the Developer Escrow Funds by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Developer Escrow Funds are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Developer Escrow Funds per N.J.S.A 40:55d-53.1.
2. The Clerk of the Borough of Allenhurst, County of Monmouth is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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

RESOLUTION #7
A RESOLUTION TO APPROVE DEDICATION BY RIDER FOR LAW
ENFORCEMENT FORFEITURE

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenue received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, N.J.S.A. 2C:64-6 provides for receipt of costs incurred for the Law Enforcement Forfeiture Funds by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Law Enforcement Forfeiture Funds are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Law Enforcement Forfeiture Funds per N.J.S.A 2C:64-6.
2. The Clerk of the Borough of Allenhurst, County of Monmouth is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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

RESOLUTION #8
A RESOLUTION TO APPROVE DEDICATION BY RIDER FOR OFF-DUTY POLICE

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenue received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, LFN CFO 2000-14 provides for receipt of costs incurred for the Off Duty Police Fund by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Off Duty Police Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Off Duty Police per LFN CFO 2000-14.
2. The Clerk of the Borough of Allenhurst, County of Monmouth is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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

RESOLUTION #9
A RESOLUTION TO APPROVE DEDICATION BY RIDER FOR PUBLIC DEFENDER

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenue received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, PL 1997, C.256 provides for receipt of costs incurred for the Public Defender

Trust Fund by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Public Defender Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Public Defender Trust Fund per PL 1997, C.256.
2. The Clerk of the Borough of Allenhurst, County of Monmouth is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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

RESOLUTION #10
A RESOLUTION TO APPROVE RAFFLE LICENSE REFUND

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the following refund of Raffle License Refund be approved:
Allenhurst Garden Club - \$20.00 for raffle license filed in wrong town

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

RESOLUTION #11
A RESOLUTION TO APPROVE APPLICATION FOR OPEN SPACE GRANT

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Allenhurst desires to obtain County Open Space Trust Funds in the amount of \$125,000 to fund Railroad Plaza Park Improvements, Block 29 Lot 1 and Block 27 Lot 3 as well as a portion of Lake Drive which is the paper street; and

WHEREAS, the total cost of the project including all matching funds is \$250,000; and;

WHEREAS, the Borough of Allenhurst is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST THAT:

1. Donna M. Campagna, Clerk/Administrator or her successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Allenhurst is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Donna M. Campagna Clerk/Administrator or her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the

- County of Monmouth for the approved Open Space Trust fund; and
5. This resolution shall take effect immediately.

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

RESOLUTION #12
A RESOLUTION TO CONFIRM SEWER BAN

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, The Borough of Allenhurst, on October 11, 2005 finally passed and adopted an Ordinance authorizing the Sewer Improvements, as set forth in the said Ordinance; and

WHEREAS, the Mayor and Commissioners of the Borough of Allenhurst deem it necessary and advisable on November 29, 2016 to issue a Bond Anticipation Note in the amount of ten thousand five hundred dollars and 00/100 (\$10,500.00) in connection with financing of same and said Notes are about to become due; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Commissioners of the Borough of Allenhurst as follows:

1. That a Bond Anticipation Note of the Borough of Allenhurst in the County of Monmouth and State of New Jersey in the amount of ten thousand five hundred dollars and 00/100 (\$10,500.00) payable November 29, 2017 to be issued and executed and held at the Borough of Allenhurst, with interest at an annual rate of 0% on said Note to be payable at the office of the Borough of Allenhurst.
2. Said Note shall be dated November 29, 2016 and shall be payable November 29, 2017.
3. Said Note shall bear interest at the annual rate of 0%.
4. The Borough Chief Financial Officer is hereby authorized and directed to execute said Note on the part of the Borough of Allenhurst.

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

RESOLUTION #13
A RESOLUTION TO APPROVE BILLS & PAYROLL (10/16/16- 10/31/16)

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That bills and payrolls totaling \$ 272,301.02 be approved for payment; and,

BE IT FURTHER RESOLVED, That October 25th, consolidated bill list be attached hereto and made a part thereof.

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

RESOLUTION #14
A RESOLUTION AUTHORIZING THE SALE OF BOROUGH PROPERTY TO THE BOROUGH OF ALLENHURST FIRE DEPARTMENT #1

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, it has been determined by the Mayor and Council of the Borough of Allenhurst ("Borough") that a Borough vehicle is no longer needed by the Borough; and

WHEREAS, the Borough has received a request from the Allenhurst Fire Department #1

to have the vehicle transferred to them; and

WHEREAS, N.J.S.A. 40A:11-36(2) provides that the Borough may sell or dispose of any personal property to the United States, the State of New Jersey or another contracting unit, or any body politic to which it contributes tax raised funds, such as the Allenhurst Fire Department #1; and

WHEREAS, the Borough has determined that the subject vehicle in its possession is of little or no value to the Borough and, consequently, desires to transfer title to the vehicle, a Ford Expedition bearing VIN No.: 1FMFU18L8YLC47551, to the Allenhurst Fire Department #1 for the total sum of \$1.00; and

WHEREAS, the Borough has satisfactorily met the conditions prescribed and required by the aforementioned Section (2) of N.J.S.A. 40A:11-36, thus enabling a direct sale for the sum total of One (\$1.00) Dollar to be authorized with the Allenhurst Fire Department #1 for the vehicle described hereinabove, in that the Borough does contribute tax raised funds to the Allenhurst Fire Department #1.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst, in the County of Monmouth, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), that:

1. The statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length, and
2. That in accordance with the provisions of N.J.S.A. 40A:11-36, ownership of one (1) Ford Expedition bearing VIN No.# 1FMFU18L8YLC47551, presently in the possession of the Borough of Allenhurst be and the same is hereby authorized to be sold to the Allenhurst Fire Department #1 for the total sum of One (\$1.00) Dollar; and
3. That the appropriate officials of the Borough of Allenhurst be and are hereby authorized, empowered, and directed to execute any and all required documents necessary to conclude the sale of the aforesaid vehicle, said execution to permit the physical transfer of the title to the vehicle as expeditiously as possible; and
4. This Resolution should be effective immediately

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

RESOLUTION #15 A RESOLUTION TO APPROVE EXECUTIVE SESSION

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

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/contractual matters which are exempt from the public meeting under the Sunshine Law.

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

ITEMS FOR DISCUSSION

The renewal of the AT&T lease for their cellular service antennas at the water tower was discussed. AT&T would like to do a new 15-year lease with better terms that would include a decrease in payments for the first 5 years and then an increase for the last 10 years. Donna

Campagna, Acting Borough Clerk/Administrator, had told AT&T that the Borough would hopefully be putting up a new monopole with Verizon in the next year. Mayor McLaughlin and Comm. Bolan asked if we could extend our lease at the current rate for one year until the new monopole is put in place. Ms. Campagna will talk to AT&T.

Ms. Campagna discussed the painting of the “Thin Blue Line” in support of Monmouth County Law Enforcement. This would require the Borough to paint a thin blue line in between the yellow lines on one of the streets. Mayor McLaughlin and Comm. Bolan decided that the line could go on Main Street between Corlies and Allen Avenue. Ms. Campagna will inform DPW about painting the line.

The discussion on Mr. C’s was tabled to executive session since it involved contract issues.

PUBLIC HEARING

Chic Perrotto from Mr. C’s asked if they would still be able to put their Christmas Tree on the beach for the Holiday Season. Since the Beach munition removal process will be in process, it was suggested that they put their Christmas tree out on their deck.

Tim Moriarty asked if the munition removal process would have any effect on the area that used to be the lagoon. Comm. Bolan responded that there should not be as they are sifting the sand there as well.

Donna Clause asked is there has been any resolution on the noise ordinance and the Butcher Block Steakhouse. Donna Campagna, Acting Borough Clerk/Administrator, stated that they are waiting until after the Jewish Holidays to reach out to the owner again to come to a meeting.

Mayor McLaughlin asked about what is going on with Verizon and the DEP samples they were taking at the water tower. Dave Laughlin, the Borough Attorney stated that they were waiting on results and would reach out to them.

Tim Moriarty asked if closing of the Allen Avenue crossing would have any effect on access to the cellular antennas on the water tower or monopole. Mayor McLaughlin responded that was a good question and the Borough would look into it.

There being no further comments, public hearing was closed.

There being no further business or, Mayor McLaughlin moved, seconded by Comm. Bolan that the meeting move to executive session at 8:40 PM. Motion carried.

After reconvening, Mayor McLaughlin moved, seconded by Comm. Bolan that the meeting be adjourned at 9:30 PM. Motion carried.

Donna M. Campagna
Acting Borough Clerk/Administrator