

**MINUTES**  
**SEPTEMBER 13, 2011 – 7:30 PM**

The Meeting of the Board of Commissioners 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**

Proclamation from Governor Christie proclaiming September 11, 2011 as Patriot Day and National Day of Remembrance.

Letter from Lou Parisi, Loch Arbour, thanking the Borough's OEM, Fire Department, First Aid Squad and Public Works Department for their assistance after Hurricane Irene.

Thank you card from Judy Seger on how the Borough handled the aftermath of Hurricane Irene.

**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 of August 23, 2011, 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 of August 23, 2011.

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

**RESOLUTION #3**

**A RESOLUTION TO AUTHORIZE BIDS FOR  
MAIN STREET IMPROVEMENT PROJECT**

Offered By: Comm. Bolan                      Seconded By: comm. McLoughlin

**BE IT RESOLVED**, That the Clerk-Administrator be and she is hereby authorized to advertise and receive bids for the Main Street Improvement Project.

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

**RESOLUTION #4**  
**RESOLUTION TO HIRE SEASONAL EMPLOYEES**

Offered By: Comm. McLoughlin                      Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following employees be hired at the Allenhurst Beach Club:

Daniel Huyler to Security/Deck at \$8.00/hr.

Dominic Gregoria to Security at \$8.00/hr.

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

**RESOLUTION #5**  
**A RESOLUTION TO APPROVE 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:

4 Kenwood portable radios for Fire Dept. – A. R. Communications - \$1,535.50

Repair Cabana – West End – KB, LLC - \$1,500.00

Electrical work during after Hurricane Irene – McCarthy Electric - \$5,776.09

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

**RESOLUTION #6**  
**A RESOLUTION TO ADOPT CORRECTIVE ACTION PLAN**

Offered By: Comm. McLoughlin                      Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the Board of Commissioners accepts the Corrective Action Plan filed by the Chief Financial Officer in connection with the 2010 audit.

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

**RESOLUTION #7**  
**A RESOLUTION TO ACCEPT RESIGNATION**

Offered By: Mayor McLaughlin                      Seconded By: Comm. McLoughlin

**WHEREAS**, Jay Nye has submitted his resignation from the Borough of Allenhurst effective August 29, 2011; and,

**WHEREAS**, The finance officer has calculated vacation, holiday and overtime pay and has confirmed monies owed to Mr. Nye;

**THEREFORE, BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst, that the following benefits be paid:

Accumulated and unused vacation:

32.5 hours in overtime bank @ \$21.84 = \$709.80

7 holidays through August 29, 2011 @ \$174.69 = \$1,222.83

Total to be paid = \$3,155.46

Less overpayment of \$200 for Click It or Ticket program

TOTAL TO BE PAID - \$2,955.46

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

**RESOLUTION #8**

**A RESOLUTION TO HIRE POLICE OFFICER**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**WHEREAS**, There is an opening for a patrolman in the Allenhurst Police Department and the Chief of Police has recommended that Scott Rapolla be hired to fill the position, effective October 1, 2011; and,

**WHEREAS**, Funds for this purpose shall be provided in the appropriation entitled, Police S&W, and the Chief Finance Officer has so certified;

**NOW, THEREFORE, BE IT RESOLVED**, That Scott Rapolla be hired as a First Year (Probationary Non-PTC Certified) Officer in the Allenhurst Police Department, effective October 1, 2011, at a salary of \$37,017.00.

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

**RESOLUTION #9**

**A RESOLUTION TO APPROVE SOCIAL AFFAIR PERMIT**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**BE IT RESOLVED**, That a Social Affair Permit be granted to the Allenhurst & Ocean Township PBA #57 for an affair to be held on Saturday, October 8, 2011, with a rain date of Sunday, October 9, 2011, from 1:00 PM to 7:00 PM, at the Allenhurst Beach; and

**BE IT FURTHER RESOLVED**, That the Chief of Police and the Borough Clerk are hereby authorized and directed to execute the application for said Social Affair Permit.

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

**RESOLUTION #10**

**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

**RESOLUTION #11**

**A RESOLUTION TO APPROVE BILLS AND PAYROLL (09/01/11 - 09/15/11)**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That bills and payrolls totaling \$237,910.44 be approved for payment; and,

**BE IT FURTHER RESOLVED**, That the September 13<sup>th</sup> consolidated bill list be attached hereto and made a part thereof.

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

### **PUBLIC HEARING**

Mayor McLaughlin stated there will be a memorial for Ben Aydin of Allenhurst Cleaners on September 24, 2011 from 11 AM to 12 Noon at the gazebo.

Bob Scally, Allenhurst, congratulated the Borough for supporting the new bank in town by transferring their accounts there. He also stated that the park is in the best shape he has ever seen.

Mayor McLaughlin stated that next year, they are going to focus on the playground.

John Zazzarino, Loch Arbour Board of Trustee President, asked about plans for Halloween. Mayor McLaughlin stated that Interlaken is doing something themselves this year. Allenhurst is planning a parade and costume contest and Loch Arbour is more than welcome to participate.

There was a short discussion on raising money for improvement of the park and Cleanup Day. The Board decided they would hold Cleanup Day on March 17, 2012. There was discussion on having a 5K run to raise money.

Paul Williams, Loch Arbour Trustee, asked about rehabbing the tennis courts. Mayor McLaughlin stated that the courts are in the redevelopment zone. They are very expensive to rehab. They are too close to the railroad tracks, whose vibration causes the courts to crack. They do not want to put any money into them until they know what is going on with the Redevelopment Zone.

Mr. Williams suggested putting a dog park in that area. Comm. Bolan liked the idea a lot.

There being no further comments, public hearing was closed.

The Board recessed until 8 PM when the joint meeting with Loch Arbour was scheduled to begin.

JOINT MEETING AGENDA  
September 13, 2011 – 8:00 PM

**MINUTES**

A Joint Meeting of the Allenhurst Board of Commissioners and the Loch Arbour Board of Trustees 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.

**DISCUSSION WITH LOCH ARBOUR BOARD OF TRUSTEES ON CONSOLIDATION**

Mayor McLaughlin stated this is a continuation of a joint meeting with Loch Arbour from July. At that time, they sat with representatives from the State and they voiced some of their concerns to them. They told the towns they would come back with some kind of implementation plan.

John Zazzarino, Loch Arbour Board of Trustee President, added that they came to an agreement with the State that they need their own implementation plan.

Mayor McLaughlin stated he still felt it was a good idea to form a subcommittee consisting of three people from each town.

Comm. Bolan stated he was not at the last meeting. He is in favor of consolidation. It makes sense and is the moral thing to do. However, there are some very valid concerns. The State can decide who owes what debt. The school issue seems to be the \$64,000 question.

President Zazzarino said he was told by the State that Loch Arbour does not owe any debt to Ocean Township.

Mayor McLaughlin stated he felt better, because if there is a cost incurred, it could be paid by a specially assessed tax to Loch Arbour.

President Zazzarino agreed, stating the State told them they could segregate costs.

Mayor McLaughlin stated that one of their concerns was litigation. Ocean Township may have a different point of view when it comes to merging the two towns. He understood that the State's position is that the burden could be handled by Loch Arbour.

Comm. McLoughlin state the State is interested in this consolidation as it would be a feather in a certain Governor's cap.

President Zazzarino spoke about SAFRA, stating that they are feeling the burden and Allenhurst has the same potential for that burden. They need a strategy on how to handle SAFRA so that it doesn't come back.

Mayor McLaughlin agreed, stating that Larry O'Rourke, School Board President, has done a good job advising them. He stated one of the questions Loch Arbour had for them is whether they have talked to any other schools. He stated he would leave that to the School Board. Allenhurst is interested in being cost effective and in getting the proper approvals from the State. This is one of the things that can be reviewed by the subcommittee.

President Zazzarino stated Ocean Township did not play ball at all. They claimed they would lose adjustment aid. However, he felt a lot of their questions were related to control issues.

Mayor McLaughlin stated there were several meetings with Allenhurst, Interlaken, Loch Arbour and Deal. They were trying to work out a formula for Ocean Township. They offered cost, plus 2%. Ocean wouldn't comment on their offer, saying they wanted to think about it. They then got a letter saying Ocean was not interested.

Comm. Bolan stated that it seems the citizens of Allenhurst do not want to associate with the Ocean Township school system. It is not even being looked at. Larry O'Rourke felt that Long Branch made the most sense with a send/receive formula. At this time, there has been no offer or acceptance. If the new laws are imposed, they wanted to be ready with something in line. However, all that seems to have stalled. He stated he didn't know what would happen to what Interlaken has done. He asked if it would bring the State down on them all. He didn't know.

President Zazzarino asked how Allenhurst felt about Ocean Township's ability to win a lawsuit when they have not even made an attempt to negotiate.

Comm. Bolan stated that he had no idea, although even the filing of a lawsuit is a detriment to a small town. He thought they were going to get County and State representatives to give them an answer. He asked, "What is the next step? Should they have committee meetings? Should they ask the State to participate?"

Mayor McLaughlin suggested three people from each town. They can formulate a letter to the State with their questions.

President Zazzarino agreed, stating they want to go to the State.

There was a discussion on selling beaches, the Deal Casino and protecting the public trust and the beaches.

President Zazzarino stated there are basically two main concerns. One is that Allenhurst will get caught up in the Ocean Township school tax problem. Two is that there is no big benefit to Allenhurst.

Comm. McLoughlin stated he felt better after the State told them Loch Arbour could be assessed.

Mayor McLaughlin stated one of their residents, Paul Schechner brought up the risk/reward question. Allenhurst assumes the risk and Loch Arbour gets the reward. If the risk level were even, Allenhurst may see a benefit.

President Zazzarino stated his numbers showed a savings of about \$225,000 in tax benefits. Allenhurst's project was about \$100,000. The truth is probably somewhere in between.

There was a discussion on capital projects, in which President Zazzarino asked the Village attorney about a private charity that was willing to donate money for capital projects and whether that would be legal. Mr. Foley stated a charity can make a donation at any time.

Comm. McLoughlin commented that the Borough has a stable debt. They bond every year for some sort of improvement, but they are also diligent about paying down their debt.

President Zazzarino stated he is just saying if Allenhurst feels there is not enough in it for them, the citizens of Loch Arbour may be willing to do something.

Comm. McLoughlin stated that the Commissioners do understand the value of consolidation.

Mayor McLaughlin stated he would like to take a deep breath and go slow. They are not under the 90 day deadline.

Comm. Bolan stated that if this consolidation is tethered to an answer to the school situation, it will be more palatable to the voters.

Trustee Williams stated they cannot throw this in the lap of three people who are not qualified.

Mayor McLaughlin stated that when the subcommittee brings the questions, they can get the auditors, attorneys and other professionals involved.

Trustee ? stated they are just talking about putting things on paper and going from there. They can get the experts involved later.

Comm. Bolan stated the purpose is to have both towns go to the State and get the answers to these questions.

Robert Fernicola, Loch Arbour, stated there is critical timing in the statute and they need to get the subcommittee started. This issue must be voted on at the next municipal or next general election. They would like to hold a vote in May. Loch Arbour needs to change its form of government in order to have a May election. Loch Arbour can't wait. They need to get the subcommittee together and get the questions to the State. Then they have to change their form of government.

There was a discussion on whether Loch Arbour had enough time to get a question on the ballot for the November election. There was also a discussion on changing Loch Arbour's form of government to the Walsh Act.

Cathy Cuniff, Euclid Avenue, Loch Arbour, asked how many Allenhurst children attend Asbury Park schools. After a short discussion, Comm. McLoughlin answered he didn't believe it was any, but there could be as many as two. Ms. Cuniff asked if Allenhurst had a bus and Mayor McLaughlin explained that there is a bus. They go to whatever schools a schedule will allow. Those who do not ride the bus get cash in lieu of taking the bus.

Ms. Cuniff asked if Allenhurst has been talking about sending their children to Long Branch. Comm. Bolan answered that it was one of the options the School Board was reviewing in light of the new legislation. There is nothing in stone, but it is one of the options being considered.

Mayor McLaughlin stated that Oceanport and Sea Bright have an arrangement based on a per pupil basis, plus 2% of assessed value. The School Board is better versed on this. Our School Board Secretary is also the Secretary for Long Branch.

Ms. Cuniff asked if there were problems with Asbury Park. Mayor McLaughlin stated that is a better question for the School Board. He stated that whatever is done will be done with approval from the State.

Comm. Bolan this had something to do with Asbury Park being a failed school district and in danger of being consolidated themselves.

Ms. Cuniff asked if Long Branch does become the school system for Allenhurst, will residents be willing to send their children to Long Branch? Mayor McLaughlin stated he has a son in high school and he will finish at that high school. Comm. McLoughlin stated he has a child in elementary school and one in high school and he will not change schools. He knew private school would be the best option before he moved into Allenhurst.

Ms. Cuniff asked if Allenhurst children can attend Deal school on a tuition basis and Mayor McLaughlin stated that Deal is now a charter school, therefore, Allenhurst cannot send anyone there on a tuition basis.

President Zazzarino asked if Allenhurst was willing to look at the consolidation under the option which would allow the governing bodies to vote on it.

Mayor McLaughlin stated this was too important an issue not to have the voters involved. Comm. McLoughlin and Comm. Bolan agreed.

Les ? , Loch Arbour, questioned if the worst case scenario would be that they vote on this at the next November election. Comm. McLoughlin stated that was correct.

Les ? questioned if both towns would remain a non-operating school district and again, Comm. McLoughlin stated that was correct.

Comm. McLoughlin stated that Loch Arbour has a letter which stated that Loch Arbour's ties would be severed with Ocean Township if they consolidated into Allenhurst. It does not say that once consolidated, Allenhurst will not have to go to Ocean Township.

There was a short discussion on Comm. McLoughlin's comment.

There being no further questions or discussion, Loch Arbour adjourned their portion of the meeting and Allenhurst adjourned to personnel caucus and did not reconvene.

Lori L. Osborn, RMC  
Clerk-Administrator