

MINUTES
September 10, 2019

The Meeting of the Board of Commissioners of the Borough of Allenhurst was held on the above date with Mayor McLaughlin presiding and Commissioner McLoughlin and Commissioner Bolan answering the roll call. Also in attendance was the Deputy Borough Clerk 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:

-Notice from JCP&L regarding the Provision of Basic Generation Service for the Period Beginning June 1, 2020. A public hearing will take place on September 18, 2019.

ANNOUNCEMENTS:

None

ORDINANCES – FINAL READING

FINAL READING – ORDINANCE 2019-09

ORDINANCE #2019-09

**AN ORDINANCE VACATING A PORTION OF LAKE
DRIVE, IN THE BOROUGH OF ALLENHURST, COUNTY
OF MONMOUTH.**

Offered By: Mayor McLaughlin

Seconded By: Comm. Bolan

SECTION I

WHEREAS, a portion of Lake Drive located in Railroad Plaza Park has always been unimproved land; and

WHEREAS, said right-of-way to be vacated is designated as that portion of Lake Drive between Corlies Avenue and Spier Avenue as shown on the Borough of Allenhurst Tax Map; and

WHEREAS, the aforesaid portion of Lake Drive to be vacated is more particularly described in the meets and bounds description attached hereto as Exhibit A; and

WHEREAS, the Governing Body is of the opinion that this portion of Lake Drive is not needed for public purposes and can be vacated to address the needs of the community; and

WHEREAS, N.J.S.A. 40:49-6, N.J.S.A. 40:67-1b, N.J.S.A. 40:67-19, N.J.S.A. 40:67-21 provides the means whereby a municipality may vacate a street or part thereof.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the statements contained in the foregoing preamble be and are hereby incorporated into this Agreement as if more fully set forth herein at length; and

BE IT FURTHER ORDAINED that the portion of Lake Drive between Corlies Avenue and Spier Avenue as more particularly described in the meets and bounds description attached hereto as Exhibit A be and is hereby vacated; and

BE IT FURTHER ORDAINED that the effect of this Ordinance shall be to vacate all public rights to the street as depicted in Exhibit A attached hereto, except any rights or privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the Cable Television Act, N.J.S.A. 48:5A-1 et seq, to maintain, repair and replace their existing facilities in, adjacent to, over or under the portion of the street to be vacated hereby; and

BE IT FURTHER ORDAINED that the Borough Clerk is hereby authorized and directed to do the following:

1. Publish a copy of this Ordinance in an official newspaper of the municipality, together with a notice of the introduction thereof and the time and place when and where this ordinance will further be considered for final passage, such publication to be at least ten (10) days prior to the time fixed for further consideration of this Ordinance for final passage.
2. Send, by certified mail, return receipt requested a copy of this Ordinance, together with the notice of the introduction thereof, the time and place when and where this

Ordinance will be considered for final passage to the County Clerk for the County of Monmouth, Hall of Records, 1 East Main Street, Freehold, New Jersey 07728 and a copy by regular mail to Allen Weiss, Esq. Special Monmouth County Counsel, 2105 West County Line Road, Jackson, New Jersey 08527.

3. Publish in an official newspaper of the municipality notice of the passage of this Ordinance by title.

4. Within sixty (60) days after this Ordinance becomes effective, record a copy of this Ordinance, certified by the Borough Clerk to be a true copy, under the seal of the Borough of Allenhurst, together with a copy of the proof of publication thereof, in the office of the County Clerk, to be recorded in a book entitled Vacations.

SECTION II

Since this Ordinance is not legislative in nature, it need not be codified in the Code of the Borough of Allenhurst.

SECTION III

This Ordinance shall take effect upon adoption and publication according to law.

EXPLANATORY STATEMENT:

This Ordinance vacates the unimproved portion of Lake Drive in Railroad Plaza Park located between Corlies Avenue and Spier Avenue.

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)
PETER R. AVAKIAN, P.E., P.L.S., P.P.
MEHRYAR SHAFAI, P.E., P.P.
GREGORY S. BLASH, P.E., P.P.
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
WILLIAM D. PECK, P.E., P.P.
RICHARD PICATAGI, L.L.A., P.P.
JENNIFER C. BEAHM, P.P., AICP

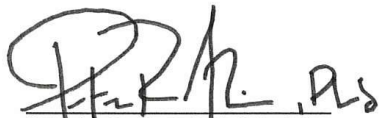
SCHEDULE "A"

Description of a portion of Lake Drive
Borough of Allenhurst, Monmouth County, New Jersey
to be vacated

Being known and designated as that portion of Lake Drive (40' R.O.W.) between Corlies Avenue and Spier Avenue as shown on the Borough of Allenhurst Tax Map, and being more particularly described as follows:

Beginning at a point in the northerly line of Corlies Avenue (60' R.O.W.) said point being 80 feet more or less westerly from the intersection of said northerly line of Corlies Avenue and the westerly line of the New York & Long Branch Railroad (101' R.O.W.), and proceeding:

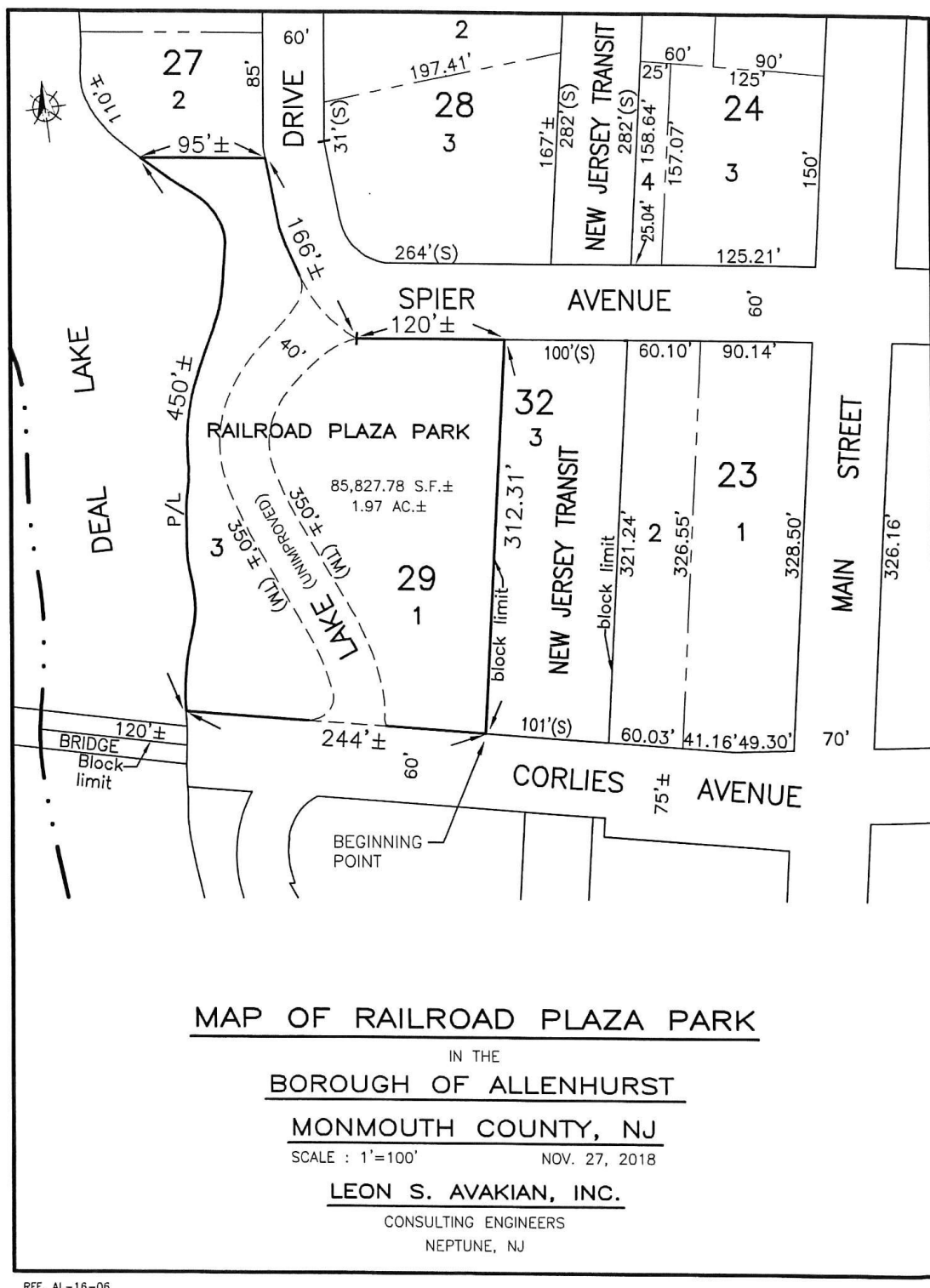
1. Northerly along the westerly line of Lot 1 in Block 29 on curve to the left, then on a tangent, then on a curve to right a total distance of 350 feet more or less to a point in the southerly line of Spier Avenue (60' R.O.W.); thence
2. Westerly along the southerly line of Spier Avenue on a curve to the right a distance of 46 feet more or less; thence
3. Southerly along the easterly line of Lot 3 in Block 27 on curve to the left, then on a tangent, then on a curve to right a total distance of 350 feet more or less to a point in the northerly line of Corlies Avenue (60' R.O.W.); thence
4. Easterly along the northerly line of Corlies Avenue a distance of 44 feet more or less to a point; said point being the POINT OR PLACE OF BEGINNING.



Peter R. Avakian, P.E., L.S., P.P.
N.J. License No. 28142

PHONE (732) 922-9229

FAX (732) 922-0044



There were no public comments.

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

FINAL READING – ORDINANCE 2019-10

BOND ORDINANCE NO. 2019-10

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO CORLIES AVENUE, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 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

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

BE IT ORDAINED by the BOROUGH BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Allenhurst, in the

County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$500,000, said sum being inclusive of all appropriations heretofore made therefor, including \$275,000 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT). No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of a down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$500,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of various improvements to Corlies Avenue, including, but not limited to, partial curb replacement, handicap ramps, drainage improvements, and pavement milling and reconstruction, together with all purposes necessary incidental or apparent thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$500,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$500,000, which is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$500,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget

and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

There were no public comments.

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

RESOLUTIONS

RESOLUTION #2019-208

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 13, 2019 be ratified and approved.

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

RESOLUTION #2019-209

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 special meeting of August 13, 2019.

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

RESOLUTION #2019-210

A RESOLUTION TO AWARD CONTRACT FOR IMPROVEMENTS TO CEDAR AVENUE

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

WHEREAS, The Clerk advertised for bids for the Improvements to Cedar Avenue ; and,

WHEREAS, The following 2 bids were received:

Fernandes Construction LLC \$338,471.72

Earle Asphalt Company 376,813.13

WHEREAS, The Borough Attorney and Borough Engineer have reviewed the bids for compliance and recommend the contract be awarded to Fernandes Construction LLC, the lowest bidder; and

WHEREAS, Funds for this purpose are available in the appropriation entitled "2018-14 Cedar Avenue Improvements", and the Chief Finance Officer has so certified;

NOW, THEREFORE, BE IT RESOLVED, That a contract be awarded to Fernandes Construction LLC, the lowest of two bidders on their total bid of \$338,471.72, for construction of the ADA improvement to Railroad Plaza Park.

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

RESOLUTION #2019-211

A RESOLUTION TO APPROVE 2018 AUDIT

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

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

WHEREAS, The Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and,

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments
Recommendations and,

WHEREAS, The members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and,

WHEREAS, Such resolution of certification shall be adopted by the governing body no later than forty-five days after receipt of the annual audit, as per the regulations of the Local Finance Board; and,

WHEREAS, All members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

"R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, That the governing body of the Borough of Allenhurst, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

RESOLUTION #2019-212
A RESOLUTION TO HIRE SEASONAL EMPLOYEES
Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the following be hired:

<u>Dance Coordinator</u>		
Heather Wanner	1730.00	per season
<u>Poolside</u>		
Patrick Olenski	\$9.00	Per Hour
Christian Revolinsky	\$9.00	Per Hour
<u>Cabana</u>		
Sean McLoughlin	\$9.00	Per Hour

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

RESOLUTION #2019-213

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;

NOW, THEREFORE, BE IT RESOLVED, That the following contracts are hereby confirmed:

Law Soft, Inc.	\$3,500.00	CAD System Support
Party Perfect	\$1,535.50	Chair/Table Rental for Member Party
Stryker Flex	\$5,611.46	Cott Payment
Antonio's	\$3,035.00	Member Party Food
Fireflow Services	\$2,168.75	Annual Pump Testing – Fire Dept

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

RESOLUTION #2019-214

A RESOLUTION TO APPROVE 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 legal/contractual matters which are exempt from the public meeting under the Sunshine Law.

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

RESOLUTION #2019-215

A RESOLUTION TO APPROVE BILLS (8/16/2019 to 9/15/2019)

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

BE IT RESOLVED, That bills totaling \$544,597.62 be approved for payment; and,
BE IT FURTHER RESOLVED, That the August 31, 2019 and the September 15, 2019 consolidated bill lists be attached hereto and made a part thereof.

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

ITEMS FOR DISCUSSION:

None

PUBLIC COMMENTS

Tim Moriarty asked if there was any word on the Cell Tower. The Mayor responded that the Borough has heard nothing.

There being no further business or comments, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting move to executive session at 7:45PM. Motion carried.

After reconvening, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting be adjourned at 8:12 PM. Motion carried.

Donna M. Campagna, RMC
Borough Clerk/Administrator

