

**MINUTES
FEBRUARY 8, 2011**

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

Note of appreciation from Sgt. Gaul.

Letter from DOT on award of TTF grant funds in the amount of \$136,815 for Main Street improvements.

Third Quarter 2010 report from Visiting Nurse Association.

ORDINANCE #2011-02 APPROVED (Beach Fees)

Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

ORDINANCE #2011-02

AN ORDINANCE TO FURTHER AMEND "AN ORDINANCE ESTABLISHING A BEACH CLUB, REGULATING THE USE OF THE BATHING AND RECREATIONAL FACILITIES AT THE BEACHFRONT AND PROVIDING REVENUE IN THE BOROUGH OF ALLENHURST" ADOPTED BY THE BOARD OF COMMISSIONERS ON THE 16TH DAY OF APRIL, 1973.

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

ORDINANCE #2011-03 APPROVED (ABC Bond)

Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

ORDINANCE “#2011-03

BOND ORDINANCE PROVIDING FOR ALLENHURST BEACH CLUB IMPROVEMENTS, AND APPROPRIATING \$75,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$71,250 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

RESOLUTION #1

A RESOLUTION TO AMEND TEMPORARY CAPITAL BUDGET

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

WHEREAS, The Division of Local Government Services requires the adoption of a Local Capital Budget; and,

WHEREAS, The local capital for the year 2011 has not yet been adopted; and,

WHEREAS, It is desired to adopt a temporary capital budget for the year 2011;
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:

TEMPORARY CAPITAL BUDGET (CURRENT YEAR ACTION)			
2011			
<i>Planned Funding Services for Current Year 2011</i>			
<u>Project</u>	<u>Estimated Total Cost</u>	<u>Capital Improvement Fund</u>	<u>Debt Authorized</u>
Allenhurst Beach Club Improvements	\$75,000	3,750	\$71,250
Total All Projects	\$75,000	3,750	\$71,250

BE IT FURTHER RESOLVED, That the above item will be provided for in the 2011 Capital Budget; and,
BE IT FURTHER RESOLVED, That three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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

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 of January 25, 2011, 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 of January 25, 2011.

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

RESOLUTION #4
A RESOLUTION TO TRANSFER APPROPRIATION RESERVES
Offered By: Comm. McLoughlin Seconded By: Comm. Bolan

BE IT RESOLVED, That the following 2010 appropriation reserves be transferred:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Public Works, S&W	Legal, O.E.	1,250.00
Public Works, S&W	MOMV	<u>2,750.00</u>
TOTAL		\$4,000.00

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

RESOLUTION #5

A RESOLUTION TO APPROVE TEMPORARY EMERGENCIES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, An emergency has arisen with respect to operating expenses in various departments, and no adequate provision was made in the 2011 temporary budget for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of emergency temporary appropriations for the purpose above mentioned; and,

WHEREAS, The total emergency temporary resolutions adopted in the year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$1,815.00;

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all the members of the governing body affirmatively concurring), that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency appropriations be and the same are hereby made for the following:

Finance, O.E.	705.00
Unemployment Insurance	400.00
Snow, O.E.	700.00
Board of Health	10.00
TOTAL	1,815.00

2. That said emergency temporary appropriations will be provided for in the 2011 budget under the above-mentioned titles.

3. That one certified copy of this resolution be filed with the Director of Local Finance.

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

RESOLUTION #6

A RESOLUTION TO CONFIRM PURCHASES & SERVICES

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:

Coast Cities for repair of garbage truck - \$2,991.95

Burke Construction for removal of snow during December snow emergency - \$4,750.00

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

RESOLUTION #7

A RESOLUTION TO AWARD CONTRACT FOR ALCOHOL & DRUG TESTING SERVICES

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, The Borough is required to test all CDL drivers in the mandatory Random Drug and Alcohol Testing Program and there exists a need for a program administrator; and,

WHEREAS, This appointment is being made without competitive bidding because the appointment involves a member of a recognized profession, licensed and regulated by law, pursuant to NJSA 40A:11-5;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst that the Mayor and Borough Clerk be and they are hereby authorized and directed to engage the services of Valley Health Medical Group to administer the random drug and alcohol tests on all CDL drivers, in an amount of \$66.00 per CDL participant; and,

BE IT FURTHER RESOLVED, That the term of the contract shall be for one year and shall expire on December 31, 2011;

BE IT FURTHER RESOLVED, That the Borough Clerk be and she is authorized and directed to publish this resolution in accordance with NJSA 40A:11-1.

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

RESOLUTION #8
RESOLUTION OPPOSING LEGISLATION KNOWN AS
“SAVE BARNEGAT BAY FUND”

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

WHEREAS, A3548 and S2470 (collectively, the “Bill”), which if enacted will be known as the “Save Barnegat Bay Act,” would establish the “Save Barnegat Bay Fund” to support and help protect, preserve, and remediate the Barnegat Bay estuary and its watershed; and

WHEREAS, the Save Barnegat Bay Fund would be supported through: (1) the dedication of a portion of the sales tax on lawn fertilizer; (2) the authorization of special Save Barnegat Bay license plates; (3) donations, including those solicited or paid at the time of application or renewal of a license to operate a power vessel; and (4) the dedication of \$1.00 of each beach tag fee collected anywhere in the State; and

WHEREAS, the Save Barnegat Bay Fund would be used exclusively for the purposes of preservation and remediation of the Barnegat Bay estuary watershed, which may include a public education campaign about the importance of protecting the Barnegat Bay and measures and actions that can be taken to preserve it; and

WHEREAS, a significant portion of the Save Barnegat Bay Fund will be collected from municipalities charging and collecting a beach badge or tag fee by requiring that \$1.00 of each such fee collected would be forwarded to the State Treasurer to be deposited into the Save Barnegat Bay Fund, and the Bill will prohibit a municipality from increasing the beach badge or tag fee solely for the purpose of offsetting its obligation to contribute to the Save Barnegat Bay Fund; and

WHEREAS, in order to ensure, monitor and account for compliance with the Public Trust Doctrine, the Borough of Allenhurst has voluntarily established a beach utility so that beach tag revenues are used only for the intended purposes of financing beach operations and not as a revenue source to be commingled with its general fund; and

WHEREAS, the Borough of Allenhurst has an extensive and reasonably priced Beach Club program as well as daily memberships to the beach, which gives the public beach users several options at reasonable prices; and

WHEREAS, as a result, the Borough of Allenhurst sells approximately 2,300 memberships to the Allenhurst Beach Club, 10,000.00 guest tickets and \$3,085 daily beach passes per year and the annual revenue from same is used to offset property taxes as well as finance beach operations so that the Borough of Allenhurst beaches are opened to the public, accessible to the handicapped, are adequately guarded and protected, and kept clean at all times; and

WHEREAS, the charge of \$1.00 on each beach tag will cost the Borough of Allenhurst over \$15,000.00, which will have to be financed from the general fund and will thus use up a majority of the tax levy increase permitted under the 2% levy cap; and

WHEREAS, while the Borough of Allenhurst recognizes the importance of Barnegat Bay as a vital estuary and watershed, the pollution is not caused by beach users anywhere in the State and is caused by mainland communities through the use of fertilizers and other agricultural products, stormwater runoff, boaters and other reasons, but it does not emanate from beach users and beach communities; and

WHEREAS, the bill would in essence be an unfair and disproportionate tax on beach communities, and the method of imposing this tax has no rational relationship to its purpose and further taxes different beach communities disproportionately and discriminatorily; and

WHEREAS, although some components of the bill which target the source of pollution as well as permit voluntary contributions to the Save Barnegat Bay Fund, the unfair tax on beach

communities is reason for the Borough of Allenhurst's opposition to the bill and therefore cause for this resolution in opposition.

NOW, THEREFORE, BE IT RESOLVED By the Mayor and Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, as follows:

1. The Mayor and Commissioner do hereby oppose A3548 and S2470 (the "Bill"), and urges and encourages the New Jersey Senate and Assembly to defeat the Bills.

2. If passed by the Legislature, the Mayor and Council also urges and encourages Governor Chris Christie to veto the Bill.

3. That a copy of this resolution be forwarded to Assemblyman David Rible, Assemblywoman Mary Pat Angelini, Senator Sean Kean, and Governor Chris Christie.

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

RESOLUTION #9

A RESOLUTION TO AMEND PERSONNEL ORDINANCE

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, In accordance with Section 2 of Ordinance #2006-13, the Personnel Policy of the Borough of Allenhurst may be amended from time to time by resolution; and,

WHEREAS, There have been changes in the State Health Benefits plan and to benefits currently received by Borough employees and the Personnel Ordinance has been amended to reflect those changes;

THEREFORE, BE IT RESOLVED, That the Board of Commissioners adopts the Borough of Allenhurst Personnel Policy, amended as of 2/08/11; and,

BE IT FURTHER RESOLVED, That a copy of the amended Personnel Policy be distributed to every employee and that a signed receipt of said policy shall be placed in each employee's personnel file.

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

RESOLUTION #10

A RESOLUTION TO ADOPT CONTRACT FOR BUS DRIVER SERVICES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, N.J.S.A. 40:8A-1, et seq., authorizes any municipality to enter into a contract with another government entity 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 Allenhurst Board of Education desire to enter into an agreement whereby the Borough of Allenhurst will provide to the Allenhurst Board of Education a school bus driver;

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 Allenhurst Board of Education 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 #11

A RESOLUTION TO APPROVE BILLS AND PAYROLL (02/01/11 - 02/15/11)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$155,152.27 be approved for payment; and,

BE IT FURTHER RESOLVED, That the February 8th consolidated bill list be attached hereto and made a part thereof.

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

PUBLIC HEARING

In response to Mayor McLaughlin's request for public comments, Ryan Correia spoke about an ordinance for his business. He stated he wanted to open a tattoo studio in Allenhurst.

Lori Osborn, clerk-Administrator and Planning Board Administrator, explained the procedure for a use variance and stated that he must make application to the Planning Board. Because this business is not listed as a permitted use, a use variance will have to be granted in order to allow a tattoo studio.

MISCELLANEOUS DISCUSSIONS

Chief Robert Richter spoke regarding digital radios. Asbury Park, Deal and Ocean are the only towns in Monmouth County to have digital radios and, unfortunately, Allenhurst cannot hear or communicate with them. Eventually the County will go to digital and everyone will have to follow. He got prices for digital radios that were \$94,000. However, he spoke with Angel from A.R. Communications and is waiting for a price on a console and two or three radios which would allow them to talk to the surrounding towns by translating the analog radios into digital. This system would only cost from \$13,000 to \$19,000 and can be upgraded to digital when the time comes.

Mayor McLaughlin stated it sounds good and when the quote comes in, the Borough will bond the money.

Comm. McLoughlin agreed that this is a better solution.

There was a discussion on whether the Borough should put two new cabanas on the beach this summer. Mayor McLaughlin was for the idea and Comm. McLoughlin was against the idea. Comm. Bolan stated he would agree with the Mayor. Mayor McLaughlin asked the Administrator to have the Beach manager get prices.

Mayor McLaughlin brought up the subject of renting the deck in the evenings for private events. The deck would be reserved through a member, a contract would be signed and a Beach Club employee would have to be hired to keep an eye on things. This could be a good source of income for the Borough.

Comm. McLoughlin asked about what would happen with the pool cleaning, how would we ensure clean-up of the area and what about music?

Christine Brown, CFO stated the Borough could take a deposit as well as the rental. The deposit would be placed in the trust account and a check written back to the member after the party.

Comm. McLoughlin stated he would like to think about it and discuss it at the next meeting.

Mayor McLaughlin talked about the old school bus and the ordinance that changed the rates to pay for a driver to pick up beach members and take them to the Club. There was a discussion on the number of hours needed to perform this service and it was decided that the driver would work Memorial Day, Fourth of July, Labor Day and Saturdays and Sundays beginning June

18th until labor Day at 8 hours per day, from 11:30 AM to 7:30 PM with lunch from 3:30 PM to 4:30 PM.

Mayor McLaughlin stated he wanted a letter to go to all the business owners in town asking if they would like to place an ad on the bus for \$200.00. After some discussion, it was decided that the business would provide a magnetized ad to be placed on the bus.

The Commissioners discussed implementing a boardwalk replacement program. They will replace one-fourth of the deck at the Beach Club end for the 2011 season. The Manager was directed to obtain quotes.

In regard to this new program, the Commissioners decided they would like an ordinance barring the use of spikes on the boardwalk. The fishermen who use the jetty, wear spikes and the boardwalk has become chewed up.

There was a discussion regarding the appointment of a Qualified Purchasing Agent. Ms. Brown stated that there is legislation slashing the bid and quote thresholds for those towns that do not have a QPA. Ms. Osborn stated that the Borough would save time and money in appointing a QPA.

Comm. McLoughlin moved the following resolution, seconded by Mayor McLaughlin:

RESOLUTION #12
A RESOLUTION TO APPOINT QUALIFIED PURCHASING AGENT

WHEREAS, Legislation has passed which lowers the quote and bid threshold for towns which have not yet appointed a Qualified Purchasing Agent; and,

WHEREAS, In order to run the Borough more efficiently, the Board is desirous of appointed a Qualified Purchasing Agent; and,

WHEREAS, Funds for this purpose will be provided in the temporary budget and will be provided in the 2011 budget, when finally adopted;

NOW, THEREFORE, BE IT RESOLVED, That Christine Brown be and she is hereby appointed as a Qualified Purchasing Agent at a salary of \$2,500.00 for 2011.

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

The Commissioners then discussed various matters, including salaries and expenses for 2011 in a budget workshop. The workshop will continue to the February 22nd meeting of the Board of Commissioners. The Budget is scheduled to be introduced at the March 8th meeting.

There being no further business, the meeting was adjourned at 9:50 PM.

Lori L. Osborn, RMC
Clerk-Administrator