

**MINUTES  
FEBRUARY 14, 2012**

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 were the Borough Clerk, Deputy Borough Clerk, Public Works Superintendent, Allenhurst Tax Assessor and Monmouth County Tax Assessor.

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**

Letter from NJ State Police approving Allenhurst's Emergency Operations Plan.

Letter from Clean Ocean Action on beach sweeps to be held on April 21 and October 20, 2012.

**ORDINANCE #2012-01 FINAL READING**

Offered By: Mayor McLaughlin                      Seconded By: Comm. McLoughlin

**BOND ORDINANCE NO. 2012-01**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO MUNICIPAL BUILDINGS AND GROUNDS, AND APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500 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**

**Public Hearing**

There was no response to Mayor McLaughlin's request for public comments.

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

**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 January 24, 2012, 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 January 24, 2012.

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

## 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 contract is hereby confirmed:

Diamond M Lumber - \$1,954.80 – wood for boardwalk repair

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

## RESOLUTION #4

## A RESOLUTION TO REFUND OVERPAYMENT OF TAXES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst that upon the recommendation of the Tax Collector, the taxes shown below be refunded to the taxpayer shown below due to a State Tax Court Judgment for the years indicated; and,

**BE IT FURTHER RESOLVED**, That the Tax Collector is hereby authorized to refund the overpayment and charge 2011 taxes in the total amount of \$7,971.90:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>YEAR</u>	<u>AMOUNT</u>
37	1	Michael I Schneck, Trustee for Adjmi, Richard & Gladys 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	2011	\$1,598.45
37	2	Michael I Schneck, Trustee for Adjmi, Richard 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	2011	717.44
37	5	Michael I Schneck, Trustee for Alex Adjmi Marital Trust 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	2011	4,819.93
35	2	Michael I. Schneck, Trustee for Gammal, Steven & Jane 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	2011	836.08

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

## RESOLUTION #5

## A RESOLUTION TO HIRE EMPLOYEES FOR BEACH CLUB SEASON

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS,** There is a need for Beach Club personnel for the 2012 beach season; and,

**WHEREAS**, Funds for this purpose shall be provided for the first three months of 2012 in the 2012 Temporary Budget and funds for the balance of 2012 will be provided for in the budget for the year 2012 when finally adopted;

**THEREFORE, BE IT RESOLVED,** That the following are hereby hired for the 2012 beach season:

**PRE-SEASON**

Matt Griffin	\$12.00/hr.
Andrew Cohen	\$12.00/hr.
Rutledge Varley	\$12.00/hr.
Ron Harrison	\$12.00/hr.
Donald Deibert	\$12.00/hr.

**POOLSIDE**

Donald Kessler	\$6.00/hr.
Doug Gatta	\$6.00/hr.
Thomas Gironda	\$6.00/hr.
Ryan Wade	\$5.50/hr.
Alex Krenkel	\$5.50/hr.
John Price	\$5.50/hr.
Christian McLaughlin	\$5.50/hr.
Sean McLoughlin	\$5.50/hr.
Mary Manfredi	\$5.50/hr.
Steven Becker	\$5.50/hr.
Brianne Leys	\$5.50/hr.
Devin Wade	\$5.50/hr.
Lyndsay Ryan	\$5.50/hr.

**BATHROOM**

Tesfaye Deressa	\$10.00/hr.
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**RECREATION/SWIM COACH**

Warren Towns	\$5,000.00 recreation per season
	\$2,300.00 swim per season

**CABANAS**

John McLaughlin	\$6.25/hr.
Alex Lamberti	\$6.00/hr.
Michael Lamb	\$6.00/hr.
Pat Harvey	\$6.00/hr.
Connor McDonell	\$6.00/hr.
Chris Donato	\$6.00/hr.
Anthony Russo	\$6.00/hr.

**DECK**

Kyle Gittleson	\$5.75/hr.
Ben Harvey	\$5.75/hr.
Evan White	\$5.75/hr.
Jake Schuler	\$5.75/hr.
Joe Bagarozza	\$5.75/hr.
Brandon Kibble	\$5.75/hr.

**SECURITY**

Steven Rogers	\$10.00/hr.
Khelan Rodgers	\$9.00/hr.
Amanda Dunn	\$8.00/hr.
Daniel Holmes	\$8.00/hr.
Charles Holmes	\$8.00/hr.
Samantha Conti	\$8.00/hr.
Catherine Gilmore	\$8.00/hr.
Gianna Trattino	\$8.00/hr.
Allison Bevel	\$8.00/hr.
Rachel Wade	\$8.00/hr.
Taylor McDonnell	\$8.00/hr.

Lauren Hughes	\$8.00/hr.
Cole Mehr	\$8.00/hr.
Judith Lamb	\$8.00/hr.
Catherine McIver	\$8.00/hr.

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

#### **RESOLUTION #6**

##### **A RESOLUTION TO REJECT BIDS FOR SWIMMING POOL IMPROVEMENTS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, Bids were advertised and two bids were received for installation of a PVC pool liner at the Allenhurst Beach Club pools; and,

**WHEREAS**, The Bids were reviewed by the Borough Attorney, who recommended rejection of the bid received by Aquatic Renovation Systems, Inc., as a Consent of Surety was not received with their bid documents; and

**WHEREAS**, The Planning Board Engineer has recommended rejection of the second bid received by Stoneridge, Inc., as their bid price was \$29,000 over the Engineer's cost estimate and there are not sufficient funds to cover said project; and,

**WHEREAS**, The Board of Commissioners is desirous of re-bidding this project;

**THEREFORE, BE IT RESOLVED**, That the bids received from Aquatic Renovation Systems, Inc., and Stoneridge, Inc., be rejected and the project be re-advertised for bid.

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

#### **RESOLUTION #7**

##### **A RESOLUTION TO APPROVE MEMBERSHIPS IN ALLENHURST FIRE DEPARTMENT**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**WHEREAS**, The Membership Committee of Allenhurst Fire Co. #1 has received applications for membership from Philip C. Cherry and Kathleen McBain; and,

**WHEREAS**, The Membership Committee has advised the Board of Commissioners that the applicants are acceptable for membership;

**NOW, THEREFORE, BE IT RESOLVED**, That Philip C. Cherry and Kathleen McBain are approved for membership in Allenhurst Fire Co. #1, pending a criminal history check; and,

**BE IT FURTHER RESOLVED**, That the Borough Clerk be and is hereby authorized to execute the necessary paperwork on behalf of the aforementioned applicants.

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

#### **RESOLUTION #8**

##### **A RESOLUTION TO CHANGE DATE FOR TRIATHLON**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**WHEREAS**, Eneractive Solutions was granted a request to run a triathlon through the Borough of Allenhurst on September 30, 2012; and,

**WHEREAS**, Eneractive Solutions has requested that the date be changed to September 23, 2012 due to a conflict; and,

**WHEREAS**, The Police Captain has reviewed the request and has recommended that it be granted; and,

**WHEREAS**, Eneractive Solutions must provide a Certificate of Liability Insurance and must make arrangements with the Allenhurst Police Department to conduct the event;

**NOW, THEREFORE, BE IT RESOLVED**, That permission is hereby given to Enerractive Solutions to run the “One More Tri” triathlon through the Borough of Allenhurst on September 23, 2012, pending the receipt of a Certificate of Insurance and coordination regarding safety concerns with the Allenhurst Police Department; and,

**BE IT FURTHER RESOLVED**, That the Mayor and Commissioners wish Eneractive Solutions much success with their event.

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

#### **RESOLUTION #9**

##### **A RESOLUTION TO RENEW CONTRACT FOR DRUG AND ALCOHOL TESTING**

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 Dynamic Testing Service to administer the random drug and alcohol tests on all CDL drivers, in an amount of \$45.00 for urine drug screen, \$35.00 for breath alcohol and \$210.00 for split specimen testing; and,

**BE IT FURTHER RESOLVED**, That the term of the contract shall be for one year and shall run from April 1, 2012 to March 31, 2013;

**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 #10**

##### **A RESOLUTION TO SUPPORT NO PASSING ZONE**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**WHEREAS**, The New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 71 in the Borough of Allenhurst; and,

**WHEREAS**, NJDOT recommends a revision to the centerline pavement markings on Route 71 to create a “No Passing Zone” in the vicinity of Corlies Avenue for safety reasons; and,

**WHEREAS**, This project will create safer driving conditions in this area of Route 71;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, and State of New Jersey, that it supports the use of a “No Passing Zone” on Route 71 in the Borough of Allenhurst as recommended by DOT; and,

**BE IT FURTHER RESOLVED**, That a certified copy of this Resolution shall be forwarded to NJDOT as requested.

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

## **RESOLUTION #11**

### **A RESOLUTION TO AUTHORIZE SPECIAL MEETING DATE**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst, that a special meeting of the Board of Commissioners be held on March 6, 2012, at 7:30 PM for the purpose of awarding bids for installation of a PVC pool liner at the Allenhurst Beach Club pools.

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

## **RESOLUTION #12**

### **A RESOLUTION TO APPROVE BILLS AND PAYROLL (02/01/12 - 02/15/12)**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That bills and payrolls totaling \$615,144.64 be approved for payment; and,

**BE IT FURTHER RESOLVED**, That the February 14<sup>th</sup> consolidated bill list be attached hereto and made a part thereof.

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

## **DISCUSSION ON COUNTY TAXES**

Mayor McLaughlin stated Allenhurst received a big increase in County taxes. The Monmouth County Freeholders have been telling everyone that their tax rate has been flat. He asked Peter Barnett, Allenhurst Tax Assessor, to walk them through the process.

Mr. Barnett stated that in 2009, Allenhurst has a total assessed value of \$586,306,091 at 100% ratio, in 2010, Allenhurst's assessed value was \$587,876,291, at 99.18% ratio, and in 2011 the assessed value was \$585,310,403 at 88.42% ratio. When Commissioner Bolan asked why, Mr. Barnett answered that when the market improves, the ratio drops and when the market declines, the ratio goes back up. Comm. Bolan asked if this was normal and Mr. Barnett stated you need to look at municipalities individually. The State of NJ annually conducts a sales ratio study in which Tax Assessors participate.

Comm. McLoughlin stated there are 346 homes in Allenhurst and of those only three to five go up for sale each year. Some of those are transfers of title. His concern is that between 2009 and 2011, about 12% of homes or 41 homes appealed their taxes. The Borough lost 3.6 million dollars in assessed value. His concern is that their last revaluation was at the height of the market and then the market collapsed. He asked if they would be better off doing another revaluation because the market has dropped. The County taxes have gone up \$400,000 in three years. They are still assessed at the height of the market.

Mr. Barnett stated that no Assessor would say no to a revaluation. It guarantees current data. The problem is the lack of sales in town.

Comm. McLoughlin stated a house is assessed at 1.6 million and when they go to the bank for a loan, the bank assessment comes in at 1.2 million. Wouldn't it be in Allenhurst's favor if the municipal value were decreased?

Matthew Clark, Monmouth County Tax Assessor, stated that County taxes are based on a percent of the pie. Allenhurst has a very small footprint, but a very large value. Recent sales are in excess of their assessments. That drives the ratio. This town is hyper-sensitive to a small number of sales. He agreed with the position that a revaluation fixes a lot of problems; however, it doesn't know if it will fix this problem.

Comm. Bolan asked why they are maintaining their value when other towns are losing theirs and Mr. Clark answered that what Allenhurst is experiencing is an exception to what is being experienced world-wide. The ratio should have gone to 105%, 110%, 120% and it did not. The Assessor is duty-bound to do his due diligence. It is that handful of sales for the past two years that are setting the ratio. It is that equalized valuation that the County taxes are based on.

Mayor McLaughlin asked if there were any other towns in Monmouth County that are going through reassessments and Mr. Clark stated there are six towns in the County that are now going through a revaluation. Mayor McLaughlin asked if there were any in this area and Mr. Clark stated there were not.

Mayor McLaughlin spoke about the strict land usage in Allenhurst and asked if the same formula for assessment was used everywhere. Mr. Barnett stated it was. Mayor McLaughlin responded that due to the restrictive nature of the zoning, the land values are out of whack. The taxes are on property that they can't do anything on.

Mr. Clark replied that at the end of the day, it means nothing. How you assess the land and improvements means nothing. It is the total assessment that counts. The taxes are being driven by its market value.

Comm. McLoughlin stated the winning appeals say something. Mr. Clark stated they use the percentage of appeals in their calculation. The Commissioners are talking about doing a revaluation to bring the town up to market value. You are there now. There is a bill pending that will address the biggest problem of refunding taxes. What is in place now is archaic. What is being proposed is that the appeal process comes before the budget process. Doing a revaluation at this time may or may not fix the problem. If there is a lack of uniformity, you will be forced to do a revaluation.

Comm. McLoughlin stated the property in Allenhurst is restrictive in that you cannot subdivide or build up to any more than 20%.

Mr. Barnett stated they look at comparable sales which are in the same zoning. They are not comparing outside of town.

Mayor McLaughlin asked about municipal property which is assessed at around \$20,000,000. Mr. Clerk stated that is exempt. The County does not charge for it.

Mayor McLaughlin asked what they can do. Their taxes have gone from 1.4 to 1.8 million dollars.

Mr. Clark stated the County levy is flat. The apportionment rate is not really flat. The bill to Allenhurst says how well you are doing compared to other neighbors. If your assessment stays the same and your neighbors go down, you are picking that up.

In response to a question from the Mayor, Mr. Clark explained how the formula is used.

Mr. Barnett stated that the prudent thing to do would be to visit this next year.

Mayor McLaughlin asked if Deal went through a revaluation and Mr. Barnett replied that they did and they went down 20%. Mayor McLaughlin stated the two towns are similar and Mr. Barnett disagreed, stated Allenhurst has been holding its value. Deal went too crazy, but that has not happened in Allenhurst.

Mayor McLaughlin stated if they wait, County taxes could go to 1.9 or two million dollars. Mr. Clark stated that was correct. The process is a constitutional mandate. You are saying you are overvalued, but the evidence does not support that. What Allenhurst has lost in appeals is significantly lower than what your neighbors are experiencing. Some towns have had to pass emergencies to deal with the amount of tax refunds they are charged with. If there were a solution, he would be shouting it from the roof. The single best solution is to change the appeals process. He had a similar discussion with Spring Lake who is in the same position as Allenhurst. They are staying stable, if not appreciating.

Mayor McLaughlin asked if any towns had every appealed County taxes and Mr. Clark stated they would not be able to as it is Constitutional.

Larry O'Rourke, resident, asked how sales are processed, spoke about arm length sales and asked Mr. Barnett if he looked at each sale. Mr. Barnett replied that he looked at all sales. When asked if it has been consistent over the last three years, Mr. Barnett answered that it has been consistent. He has about five or six useable transactions per year. Mr. Clark stated that a lot of information can be found on the Monmouth County Tax Board's public information website. Mr. Barnett added that the State reviews everything he does. Mr. Clark explained the flow, beginning with the County Clerk who receives the deed.

There was a short discussion on investigation of sales prices.

Mr. O'Rourke asked about the method of revaluation and assessment. Mr. Clark stated that the method that must be adhered to is from the Division of Taxation. There are controls and standards coming from the State down. A lot of the method is market driven.

Mayor McLaughlin thanked Mr. Clark and Mr. Barnett for coming to the meeting, especially on Valentine's Day.

### **PUBLIC HEARING**

Bernard Tillis and Lou Riccardi spoke regarding the removal of the bocce ball court. A number of them depend on the bocce court for recreation. Five of them are retired vets and they feel they deserve a bocce court.

Mayor McLaughlin thanked the men for their service and stated that, unfortunately, the Borough Attorney has advised that the bocce court cannot remain within the Club. There is too much liability when the Club is closed.

Mr. Tillis stated they are only interested in playing in the summer.

Comm. Bolan suggested putting the court in the park. There was limited space in the Club. If there is interest in the park, they will consider it.

Mr. Tillis stated if it is at the park, they can't jump in the water to cool off.

Mayor McLaughlin mentioned the bus and Mr. Riccardi stated it would be a waste of time, they won't use it.

Comm. McLoughlin stated at this time, the only alternative is the park. They have 2,200 members to consider versus the 7 or 8 who play bocce.

Comm. Bolan added that the reality was the court was failing and was becoming a hazard. It is regrettable. If the men could propose a remedy, they will take it into consideration.

Mr. Tillis spoke to Mr. Riccardi stating, "This is how they treat veterans." Comm. Bolan objected, stating using veteran status for something this silly is an embarrassment. He was in the Military Police and he was embarrassed they would say something like that.

There being no further business, Comm. McLoughlin moved, seconded by Mayor McLaughlin, that the meeting be adjourned. Motion carried.

Lori L. Osborn, RMC  
Clerk-Administrator