

**MINUTES  
JUNE 26, 2012**

The Meeting of the Board of Commissioners was held on the above date at the Allenhurst Beach Club. Mayor McLaughlin presided and Commissioners Bolan and McLoughlin answered 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**

2011 Annual Report from Monmouth County Park System.

**ORDINANCE #2012-05 – CODIFICATION - FINAL READING**

Offered By: Mayor McLaughlin                      Seconded By: Comm. McLoughlin

**ORDINANCE #2012-05  
AN ORDINANCE ADOPTING A CODE AND CODIFICATION  
OF THE ORDINANCES OF THE BOROUGH OF ALLENHURST  
IN THE COUNTY OF MONMOUTH, NEW JERSEY**

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 June 12, 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 June 12, 2012.

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

**RESOLUTION #3  
A RESOLUTION TO APPROVE INTERLOCAL AGREEMENT  
FOR PROVIDING REFUSE SERVICES TO THE BOROUGH OF INTERLAKEN**

This resolution was held to the July 10<sup>th</sup> meeting.

**RESOLUTION #4**

**A RESOLUTION TO AWARD CONTRACT FOR REAL ESTATE SERVICES**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**WHEREAS**, the Borough of Allenhurst has a need to acquire the services of a real estate appraiser as a non-fair and open contract pursuant to the provisions of *N.J.S.A.* 19:44A-20.4 or 20.5 as appropriate; and,

**WHEREAS**, the Borough Administrator has determined and certified in writing that the value of the acquisition will probably not exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is for a one year period beginning January 1, 2012 and expiring December 31, 2012; and,

**WHEREAS**, Gagliano and Company has submitted a proposal indicating they will provide real estate services for the Borough for a one year period at a rate of \$175.00 per hour for a principal appraiser, \$125.00 per hour for a certified appraiser and \$75.00 for administrative work; and

**WHEREAS**, Gagliano and Company will complete and submit a Business Entity Disclosure Certification which certifies that Gagliano and Company has not made any reportable contributions to a political or candidate committee in the Borough of Allenhurst in the previous one year, and that the contract will prohibit Gagliano & Company from making any reportable contributions through the term of the contract, and

**WHEREAS**, Funds are available for this purpose in the current budget, and the Chief Finance Officer has so certified;

**NOW THEREFORE, BE IT RESOLVED** that the *Board of Commissioners* of the Borough of Allenhurst authorizes the Mayor and Administrator to enter into a contract with Gagliano and Company upon obtaining the necessary Disclosure Certification; and,

**BE IT FURTHER RESOLVED**, That the Borough Clerk be and he 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 #5**

**A RESOLUTION TO APPROVE CHAPTER 159 FOR ALCOHOL EDUCATION FUND**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

**WHEREAS**, Said Director may also approve the insertion of an item of appropriation for equal amount;

Section 1

**NOW, THEREFORE, BE IT RESOLVED**, That the Board of Commissioners of the Borough of Allenhurst hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012 in the sum of \$1,295.11, which item is now available as revenue from Alcohol Education Rehabilitation Fund pursuant to the provisions of Statute; and,

Section 2

**BE IT FURTHER RESOLVED**, That a like sum of \$1,295.11 be and the same is hereby appropriated under the caption of Alcohol Education Rehabilitation Fund.

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

**RESOLUTION #6**

**A RESOLUTION TO APPROVE MEMBER IN ALLENHURST FIRE DEPARTMENT**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**WHEREAS**, The Membership Committee of Allenhurst Fire Co. #1 has received an application for membership from Robert A. Trask; and,

**WHEREAS**, The Membership Committee has advised the Board of Commissioners that Mr. Trask is acceptable for membership;

**NOW, THEREFORE, BE IT RESOLVED**, That Robert A. Trask is 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 applicant.

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

#### **RESOLUTION #7**

##### **A RESOLUTION TO APPROVE REFUNDS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following refunds are hereby approved:

Irene Joyce - \$291 as a member on her application has become an employee

Geraldine Racaniello - \$130.00 for removal of daughter

Peter Thorne - \$330.00 for removal of daughter, Sophia from recreation

Joseph Sutton – \$80.00 for beach fee charged in error

Jane Hughes - \$291 as a member on her application has become an employee

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

#### **RESOLUTION #8**

##### **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:

Monmouth County Board of Education - \$1,026.97 for election costs

West End Builders, LLC - \$4,940 for permanent cabana repairs

TRJ Graphics, LLC - \$2,781.20 for apparel

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

#### **RESOLUTION #9**

##### **A RESOLUTION TO APPROVE LIQUOR LICENSES**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, The following have made application for renewal of liquor licenses for the 2012 - 2013 licensing year:

**Hot Ice, Inc., 413-415 Main Street, Allenhurst, NJ - License No. 1301-44-003-004**

**The Wine Concierge, Allenhurst, NJ - License No. 1301-44-001-005**

**WHEREAS**, Each Applicant has fulfilled all statutory obligations regarding such renewal; and,

**WHEREAS**, Each Applicant agrees that all of the terms and conditions affecting said licenses shall remain the same;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst that Plenary Retail Distribution License No. 1301-44-003-004 owned by Hot Ice, Inc.,

and Plenary Retail Distribution License No. 1301-44-001-005 owned by The Wine Concierge, are hereby renewed for the term of July 1, 2012 through and including June 30, 2013.

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

#### **RESOLUTION #10**

##### **A RESOLUTION TO HIRE SEASONAL EMPLOYEES**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following are hereby employed by the Borough of Allenhurst for the 2012 summer season:

##### **Security**

Maria Carvalho - \$8.00/hr.

Matt Johnson - \$8.00/hr.

Julia Peterpaul - \$8.00/hr.

##### **Swim Team Assistant**

Taylor McDonnell - \$250.00/season

##### **Pool Pump Maintenance**

Marc Heitmueller - \$4,500.00/season

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

#### **RESOLUTION #11**

##### **A RESOLUTION TO APPROVE 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 #12**

##### **A RESOLUTION TO CONFIRM BILLS AND PAYROLL (06/16/12 - 06/30/12)**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That bills and payroll totaling \$151,138.82 be approved for payment; and,

**BE IT FURTHER RESOLVED**, That the June 26<sup>th</sup> consolidated bill list be attached hereto and made a part thereof.

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

**RESOLUTION #13**  
**A RESOLUTION TO CONSIDER MORATORIUM WAIVER REQUESTS**

Peter Avakian stating they are only asking for some interior work to be done in the kitchen. The cabinets are being fabricated. Their carpenter became ill and things progressed slowly. They had to do some reinforcement work in the basement. There will be no power tools or outside work. There will use only a battery drill and will be hooking up the appliances.

Mayor McLaughlin asked how many days were needed and Mr. Avakian stated they should receive the appliances in about a week. He would be comfortable with 14 days and it will probably take much less.

Comm. McLoughlin asked if the kitchen was almost done and Mr. Avakian stated it is at about 50%. They can't lay the counter tops until the cabinets are in. It is the lower cabinets only so there will be no drilling of the walls.

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

Mayor McLaughlin moved, seconded by Comm. McLaughlin, that the following resolution be approved:

**WHEREAS**, The Borough has received a request for the waiver of the provisions of the construction moratorium; and,

**WHEREAS**, The Board of Commissioners has reviewed said request; and,

**WHEREAS**, Under the provisions of granting approval for a waiver for the period ending 5 PM on July 9, 2012, the following provisions shall be adhered to:

1. No construction activities prior to 8:00 AM or after 5:00 PM daily.
2. No construction activities on weekends.
3. No construction activities on Wednesday, July 4, 2012.
4. No dumpsters on property or heavy equipment permitted. No construction debris on outside of property

**NOW, THEREFORE, BE IT RESOLVED**, That the following requests for waiver of the provisions of the construction moratorium are hereby approved:

1. Peter & Lucille Avakian - 233 Corlies Avenue  
Complete kitchen cabinet and appliance installation, including outdoor gate for security  
No outside machines or power tools.

APPROVED through July 10, 2012.

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

**REFUSE CONTRACT**

There was a discussion on the proposed refuse contract. Comm. Bolan asked Mr. Caron if he had any problem with the reporting requirement. Mr. Caron stated he did not have a problem. He can just copy the slips they receive from the landfill.

Comm. Bolan questioned paragraph 8.1.5 which related to violations concerning the behavior of Borough employees. He also questioned paragraph 8.4.1 which talks about two or more defaults. He questioned if this is something they want in the contract and asked whether it was in the prior contract.

Comm. Bolan asked if a collection day falls on a holiday, when is it collected? Mr. Caron answered that it is usually collected the next day. They talked to Interlaken about it and that is what they wanted. They guys do a double route.

## **PROJECT UPDATES**

Peter Avakian, Borough Engineer, talked about the Main Street Improvement Project, stating they were also able to re-route a drain and do some sidewalk repairs. The project went well.

Mr. Avakian also spoke about the CDBG grant, stating they Borough has submitted for ADA improvements to Railroad Park. These improvements include parking lot and handicapped spaces.

Comm. McLoughlin asked about sump pump and sewer connections and Mr. Caron stated they have done a lot of the canvassing and are making lists, but they have been very busy and will probably finish up in the Fall.

Mr. Avakian stated that they could request internal inspections. He suggested sending a letter to the homeowners and Comm. McLoughlin stated he would like to get a letter out this summer when people are home.

Mr. Avakian talked about the pool, stating the work is complete. There are a few minor issues to be resolved, but all in all, it has been a success.

## **PUBLIC HEARING**

Tim Moriarty stated the Commissioners had talked about reducing the number of people in a locker and asked if there was any thought given to how many guests someone can bring? Some people bring in many guests.

Mr. Caron stated that has only happened if someone has a party. The Club has 2,500 members. Residents are allowed membership, even if there are no facilities available. These people bring many guests who are changing in the aisles, the bathrooms or the showers.

Mayor McLaughlin asked if these were summertime renters and Ronnie Dahl, answered, "Some."

It was decided that if someone does not have a locker, they will not be able to purchase guest books. Those already purchased can be used, but they cannot buy any more.

Mrs. Dahl asked if the gates could be closed if the Club gets too crowded and Mayor McLaughlin replied that he didn't like it as people have paid their memberships and should not be excluded.

Comm. McLoughlin stated he would like to limit new members to 8 per facility.

There was some discussion on summer renters who are automatically renewed as Beach Club members for the next season. It was decided that they are not entitled to a renewal, unless they are renting again in Allenhurst.

Mayor McLaughlin stated that no new people will be allowed in at this point.

Mr. Caron presented a letter he proposed to send to the cabana people. There was a discussion on closures for inclement or dangerous weather and Comm. Bolan stated that it is a liability issue to make everyone leave the beach. He suggested if people do not leave, their cabanas are closed and they are told their belongings will stay there as employees will be leaving the Club. If they choose to stay, it is at their own risk.

Mayor McLaughlin stated that umbrellas without points should be banned as these fly around in windy weather.

There was a short discussion on people staying in the Club until closing and then using their lockers or showering so that it is past closing time when they leave. This is not fair to the staff who does not get compensated for staying past closing time. Comm. Bolan suggested that people be warned that they will be suspended if they are not out of the Club by closing time. If you suspend one or two people, word will get around.

Dennis Donato asked what will happen if he leaved this earth. Will his wife get his locker? Mayor McLaughlin stated that the Board allows the spouse to take over a facility.

Mr. Moriarty stated members are supposed to control their guests. However, they are not following the rules. He has been asking about having the rules posted and again, would like it considered.

Mayor McLoughlin responded that people should be aware of the rules and Comm. Bolan added that action can be taken against members who are not following those rules.

There was some discussion regarding the Fisher party at the end of the season. This issue will be continued.

Mr. Caron spoke about purchasing an ATV for not only the handicapped, but those who have trouble walking down the ramp or steps. He has had several people ask and it would be a great help. The Commissioners agreed that an ATV can be purchased. Comm. McLoughlin stated that he would like to see that only responsible drivers use it. Doug assured him that it will be driven only by those he trusts.

There was some discussion on a Mother's helper program for 4 – 5 year olds. Comm. Bolan felt it was daycare and they should stay out of it.

There was some discussion on hiring Taylor McDonnell to assist the swim team for \$250.00. Comm. McLoughlin moved, seconded by Mayor McLaughlin, that it be added to the Resolution #10. Motion carried.

Doug then spoke regarding a stipend for Marc Heitmueller. Marc knows the pool pumps and has responded at all hours. The pool company does not touch the pumps. He felt it was better if it was in one person's hands. They hired Marc last year to maintain the pumps and gave him a stipend. Sometimes they lose prime in the middle of the night and Marc has to come in. Every time he comes in, he receives two hours of overtime. He would prefer to see Marc get a stipend of \$4,500.00. Comm. McLoughlin moved, seconded by Mayor McLaughlin, that this be placed on Resolution #10. Motion carried.

There being no further business, the meeting adjourned to caucus and did not reconvene.

Lori L. Osborn, RMC  
Clerk-Administrator