

**MINUTES
AUGUST 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 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

Application for CAFRA Permit for 502 Windermere Ave., Interlaken.

Notice of Increase in Health Insurance Rates.

Letter from Assemblywoman Cassagrande acknowledging receipt of Allenhurst's resolution opposing NY Commuter Tax and stating she will sponsor similar resolution for the Assembly.

Notice Stating deadline for ballot question is August 17, 2012.

ORDINANCE #2012-06 – ADOPTED

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

ORDINANCE #2012-06

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE OF THE BOROUGH OF ALLENHURST”, ADOPTED FEBRUARY 27, 2001.

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

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 July 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 July 24, 2012.

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

RESOLUTION #3

A RESOLUTION TO APPROVE CHAPTER 159

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

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 \$1,600.00, which item is now available as revenue from the Cops in Shops Program pursuant to the provisions of Statute; and,

Section 2

BE IT FURTHER RESOLVED, That a like sum of \$1,600.00 be and the same is hereby appropriated under the caption of Cops in Shops.

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

RESOLUTION #4

A RESOLUTION TO APPROVE REFUNDS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the following refunds are approved by the Board of Commissioners:

Tracey Fitzsimmons - \$36.00 (overcharged for guest book)

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

RESOLUTION #5

A RESOLUTION TO ACCEPT MEMBERS IN 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 the following:

Wallace H. Freeman
Isaac F. Shvut
Stanley Choen; and,

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

NOW, THEREFORE, BE IT RESOLVED, That the aforesaid applicants 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 #6

A RESOLUTION TO RE-FINANCE FIRE TRUCK

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

RESOLVED, Whereas the Board of Commissioners of the Borough of Allenhurst has determined that a true and very real need exists for the acquisition of the equipment described in the lease-purchase agreement presented to this meeting and has further determined that the equipment will be used solely for essential government functions and not for private business use; and,

WHEREAS, The Board of Commissioners of the Borough of Allenhurst has taken the necessary steps, including any legal bidding requirements, under applicable law to arrange for the acquisition of such equipment;

BE IT FURTHER RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that the terms of said lease purchase Agreement and Escrow Agreement are in the best interest of the Borough for the acquisition of such equipment, and the Board of Commissioners of the Borough of Allenhurst designates and confirms the following persons to execute and deliver, and to witness (or attest), respectively, Leasing 2, Inc., Lease-Purchase Agreement and Escrow Agreement and any related documents necessary to the consummation of the transactions contemplated by the Lease-Purchase Agreement and Escrow Agreement.

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

RESOLUTION #7

A RESOLUTION TO APPOINT COMM. BOLAN AS ACTING MAYOR

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, Mayor McLaughlin and Deputy Mayor McLoughlin will be out of town on Saturday, August 18, 2012; and,

WHEREAS, Comm. Bolan has agreed to act as Mayor for that date;

NOW, THEREFORE, BE IT RESOLVED, That Commissioner Terrence Bolan be and he is hereby appointed Acting Mayor for August 18, 2012, together with all of the duties and responsibilities of that title.

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

RESOLUTION #8

A RESOLUTION TO HIRE SEASONAL EMPLOYEE

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the following be employed by the Borough of Allenhurst at the Allenhurst Beach Club for the remainder of the 2012 summer season:

Security

Lydia Carpenter

\$ 8.00/hr.

Lifeguard

Zachary Kees
Mark Weil

\$ 8.00/hr.
\$13.00/hr.

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

RESOLUTION #9

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:

Edward Tire - \$1,2945.44 – tires for sanitation truck and jitney
Home Depot - \$3,008.58 for June and July bills for materials for ABC
Telx, Inc. - \$3,474.00 for new telephone system

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

RESOLUTION #10

**A RESOLUTION TO APPROVE FINAL CHANGE ORDER FOR
MAIN STREET IMPROVEMENT PROJECT**

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

WHEREAS, A contract was awarded to Fernandes Construction Co. for Improvements to Main Street, Phase II; and,

WHEREAS, The scope of work was expanded to provide for the following:

1. Traffic Stripes - \$88.00
2. Traffic Marking ‘STOP’ - \$250.00; and,

WHEREAS, Fernandes Construction Co., has submitted a request for a Change Order for the additional work in the amount of \$338.00, which request has been reviewed by the Borough Administrator and Engineer, and found to be acceptable;

NOW, THEREFORE, BE IT RESOLVED, That Change Order No. 3 in the amount of \$338.00 be approved, thereby amending the contract total to \$139,215.80.

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

RESOLUTION #11

**A RESOLUTION TO APPROVE FINAL PAYMENT FOR
MAIN STREET IMPROVEMENT PROJECT**

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

WHEREAS, A contract was awarded to Fernandes Construction Co. for Improvements to Main Street – Phase II; and,

WHEREAS, The Borough Engineer has reviewed the project and recommended payment as provided for in Engineer=s Certificate #4, which is on file in the Clerk=s office;

WHEREAS, Funds for this purpose shall be provided for in Bond Ordinance

NOW, THEREFORE, BE IT RESOLVED, That Fernandes Construction Co. be compensated in the amount of \$7,845.93 for work done in accordance with Final Engineer=s Certificate #4; and,

BE IT FURTHER RESOLVED, That the Maintenance Bond submitted by Fernandes Construction Co., be approved as recommended by the Borough Engineer.

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

RESOLUTION #12

RESOLUTION TO REFUND OVERPAYMENT OF TAXES FOR 2012

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 an overpayment of 2012 taxes and,

NOW THEREFORE BE IT RESOLVED, that the Tax Collector is hereby authorized to refund the overpayment and charge 2012 taxes in the total amount of \$5,554.92.

BLOCK	LOT	OWNER	AMOUNT
38	5	Wells Fargo Real Estate Account of: March, Robert A & Joan L One Home Campus MACX2302-04D Des Moines, IA 50328-0001	5,554.92

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

RESOLUTION #13

A RESOLUTION TO CONFIRM BILLS AND PAYROLL (08/01/12 - 08/15/12)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payroll totaling \$778,767.02 be approved for payment; and.

BE IT FURTHER RESOLVED, That the August 14th consolidated bill list be attached hereto and made a part thereof.

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

PUBLIC HEARING

Carmine Venes, 305 Spier Avenue, stated there are five dogs next door to him, two of which are vicious. At 4:00 or 4:30 AM, the dogs start barking. He has called the police and he came to court. His neighbor filed a complaint against him for harassment.

Mayor McLaughlin asked if the officer testified also and Mr. Venes stated that he did, but nothing happened.

Comm. Bolan asked if a fine was imposed or if he was found guilty. Mr. Venes replied that the dogs are still barking. He stated that he was the one scolded for being a bad neighbor. The judge told him there was no ordinance about dogs.

Mayor McLaughlin stated there is a noise ordinance.

Mr. Venes complained that there was dog feces, weeds and garbage in the yard. He called

Code Enforcement and they cleaned it, but it is now like that again.

Doug Caron, who owns a house on the other side, stated that Mr. Leffler has said if there is a problem, call him and he will take the dogs in. The problem is, they could be calling all the time. He has also heard them early in the morning.

Bob Scally commented that he doesn't walk his dog by the property because he is afraid. The fence looks to be unsafe.

Mr. Caron stated the dogs are actually very docile if you meet them on the street. It is when they are in the backyard, that they sound so vicious.

Mr. Venes stated he has 10 grandchildren and he won't let them play in his yard.

Mayor McLaughlin asked the Business Administrator to find out what happened in court and they will take the matter under consideration.

Tim Moriarty stated there is an e-mail list for the Beach Club. He received one or two e-mails and asked if they were doing it anymore. They can use the e-mails for reminders of events at the Club.

Comm. McLoughlin stated they put out a big calendar for events.

Comm. Bolan stated it would have been great if an e-mail had gone out to remind everyone of the member party. However, there is a fine line from sending e-mails to becoming SPAM.

Mr. Caron stated they announce events at least four or five times a day over the PA system. However, it would be easy enough to do a blast e-mail.

There being no further comments, public hearing was closed.

OTHER BUSINESS

There was a discussion on yellow curbing throughout town, but especially in front of One Allen Avenue. Mr. Caron suggested putting up a "No Parking From Here to Curb" sign. Comm. Bolan stated the sign may be off-putting. He suggested it be done with an ordinance. All yellow curbing in town should be no parking.

There was some discussion on whether the Board wanted to put a question on the ballot concerning the height of hedges in town. It was decided not to put it on the ballot, but there was discussion over the height requirements in the front and rear yards and of those hedges hanging over the curbs. It was suggested by Comm. Bolan that yellow tape be used to show where hedges and bushes should be cut.

There was a short discussion over whether the Board wished to apply for a DOT grant. Mr. Caron suggested the first block of Allen Avenue as it has become very eroded. They also need some drainage improvements. Maybe the electric work that is needed for the restaurant could be done at the same time.

A short discussion ensued over the grant period for taxes in which the Commissioners affirmed they felt five days was long enough. Mayor McLaughlin asked the Borough Administrator to find out about making payments on-line and by credit card.

There was a request from a local basketball league to use the basketball courts on Tuesdays, Wednesdays and Thursdays from 6 – 9 PM until September 15th. The Board agreed to give permission in writing.

The Board also discussed storage pods and whether they may want to regulate them. There were suggestions that a time limit, possibly of two weeks, may be imposed. There was also a suggestion that the Planning Board would have the authority to grant variances as these were structures.

Mr. Moriarty asked how long a dumpster could be left at a house and Mayor McLaughlin stated that they are monitored. When full, they have to be emptied. A dumpster can usually stay for the length of construction. However, no dumpsters are allowed during the moratorium.

It was agreed if a pod was left at the end of a driveway, it would be allowed.

There was a long discussion on Indian Summer in which Mayor McLaughlin stated it is supposed to be a low maintenance concept. They should only staff the Club enough to open and close the cabanas. There is no other service offered, including trash pickup. He asked Doug to get a feel for how many people are interested.

Mr. Caron stated he has done that and gotten some feedback. There are about 15 cabanas and 62 lockers interested. He stated the amount taken in last year did not even cover the payroll.

Mayor McLaughlin stated only one gate should be open. The bathrooms will have to be cleaned.

Mr. Caron stated that during the week now, the Club is not crowded. They are even starting to see a change in garbage picked up. He asked the Commissioners if they had thought about weekends only.

Mayor McLaughlin stated he did not think people wanted to pay \$100 for weekends only.

Comm. Bolan asked if there was a different level of staffing for weekends and Mr. Caron stated there would have to be more staff on weekends. To drop and clean the pool is expensive.

Comm. McLoughlin suggested the price may be too low.

Mayor McLaughlin stated that last year, they had people who said they were going to sign up, but didn't. Maybe they should collect the money earlier.

Mr. Scally asked if checks would be refunded, if the Commissioners did not go through with the Indian Summer package. Mayor McLaughlin assured him, they would refund money.

Mr. Caron stated that last year they had a storm roll in and then they had people saying the cabanas had to be brought back to the beach because they had paid for Indian Summer. They spent a lot of money trying to get back in shape after the storm.

Mayor McLaughlin agreed, stating they have to explain to everyone that if a storm comes and it is not economically feasible, the Borough will refund their money.

There was a discussion on staffing in which Mr. Caron stated they can get staffing, the question is whether it is a smart thing to do.

Comm. Bolan asked Doug how he felt and Mr. Caron stated he feels it shouldn't take place. There are threats of storms. It takes two weeks to close the Club. It is the middle of October before they get the Club squared away. Then they are not able to do any Fall projects. They are taking a risk of damaging the cabanas again.

Comm. Bolan asked about splitting the difference and going to mid-September.

Mayor McLaughlin asked that the employees take a poll of members.

Comm. Bolan again stated they should only offer two extra weeks with limited service. If there should be any storms and the Club has to close, the member assumes that risk.

Mr. Moriarty stated he did not hear there was a sign-up sheet until the other day. He did not know whether there was an informed membership.

Comm. McLoughlin suggested the e-mail blast to see if anyone is interested in a two-week

additional membership.

Mr. Caron stated a closing date of September 23rd would be better.

Mayor McLaughlin suggested a flier in each cabana and locker.

Mr. Caron stated they would do an e-mail blast which will give them more of an immediate response. They will have the employees go around with tablets and they will announce it over the PA system. They will have sign-up sheets at both gates.

Mayor McLaughlin stated if there is not a good response, maybe they won't do it.

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

Lori L. Osborn, RMC
Clerk-Administrator