

**MINUTES**  
**MARCH 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 were the 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**

Letter received from Sen. Sean Kean supporting the Borough's opposition to the Save Barnegat Bay Fund, which would dedicate \$1.00 from beach badge fees for the fund.

**ORDINANCE #2011-04 APPROVED**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**ORDINANCE #2011-04**

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE TO REGULATE FISHING AT THE ALLENHURST BEACH CLUB", ADOPTED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST ON MAY 8, 1973 AND AMENDED ON AUGUST 28, 1973**

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

**ORDINANCE #2011-05 APPROVED**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**ORDINANCE #2011-05**

**AN ORDINANCE TO FURTHER SUPPLEMENT AN ORDINANCE ENTITLED, AAN ORDINANCE TO ESTABLISH, MAINTAIN, REGULATE AND CONTROL A POLICE DEPARTMENT OF THE BOROUGH OF ALLENHURST AND PRESCRIBING RULES AND REGULATIONS RESPECTING SUCH DEPARTMENT FOR THE GOVERNMENT AND DISCIPLINE THEREOF, ADOPTED FEBRUARY 1, 1926, AND THE VARIOUS AMENDMENTS THEREOF AND SUPPLEMENTS THERETO.**

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

**ORDINANCE #2011-06 APPROVED**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**ORDINANCE #2011-06**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

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 February 22, 2011, 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 February 22, 2011.

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

## RESOLUTION #3

## 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 \$3,125.00;

**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:

Group Insurance	\$5,050.00
Fire Hydrant	<u>1,510.00</u>
<b>TOTAL</b>	<b>6,560.00</b>

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 #4

## A RESOLUTION TO TRANSFER 2010 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>
Celebration of Public Events	Tax Assessor, O.E.	160.00
<b>TOTAL</b>		<b>\$160.00</b>

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

## A RESOLUTION TO HIRE SEASONAL EMPLOYEES

Seconded By: Comm. Bolan

**THEREFORE, BE IT RESOLVED**, That the following are hereby hired for the 2011 beach season:

\$12.00/hr.

\$8,200.00 for the regular season

\$15.00/hr.

\$7,500.00

Seconded By: Comm. McLoughlin

Seconded By: Comm. Bolan

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

**RESOLUTION #8**

**A RESOLUTION TO AWARD CONTRACT FOR REPLACEMENT OF POOL COPING**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, There is a need to replace the pool coping and tile around the wading pool at the Allenhurst Beach Club; and,

**WHEREAS**, Four quotes were secured and the Beach Manager recommends award of the contract to the lowest quote; and,

**WHEREAS**, Funds for this purpose will be provided for in the capital account known as “Beach Club Improvements – 2011-03”, and the Chief Finance Officer has so certified;

**THEREFORE, BE IT RESOLVED**, That a contract be awarded to Fortunato Concrete Pool Restorations, Inc., in the amount of \$7,250.00 for replacement of the pool coping and tile in the wading pool, the lowest of four quotations received.

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

**RESOLUTION #9**

**A RESOLUTION TO APPROVE TRIATHLON**

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

**WHEREAS**, The Sandy Hook Triathlon Club and Split Second Racing have teamed up and are proposing the first annual Jersey Triathlon on Saturday, July 9<sup>th</sup>, 2011; and,

**WHEREAS**, They have asked permission to conduct a portion of the bike course through the Borough of Allenhurst;

**NOW, THEREFORE, BE IT RESOLVED**, That permission is hereby given to run the bicycle portion of the first annual Jersey Triathlon through the Borough on Saturday, July 9<sup>th</sup>, 2011, with the requirements that a Certificate of Insurance, indemnifying the Borough, be provided prior to the race

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

**RESOLUTION #10**

**A RESOLUTION TO APPROVE 2011 SALARIES**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following salaries be and are hereby approved for officials and employees of the Borough of Allenhurst for the year 2011:

Borough Clerk/Registrar	78,591.00
Borough Administrator	23,460.00
Deputy Borough Clerk/Registrar	5,000.00
Deputy Treasurer	1,000.00
Finance Clerk	54,060.00
Public Works Supervisor	102,000.00
Recycling Coordinator	2,000.00
Right-To-Know Coordinator	500.00
Tax Collector	5,000.00
Tax Assessor	3,945.00
Chief Finance Officer	14,408.00
Code Official	5,000.00
Fire Official	3,000.00
Zoning Officer	4,000.00
Court Administrator, includes 2 court sessions/mo.	55,590.00
Municipal Court Judge, includes 2 court sessions/mo.	20,950.00
Chief Public Defender	3,305.00
Assistant Public Defender	1,545.00
Planning Board Attorney	4,904.00
Planning Board Secretary	6,396.00

Sewer Operator	5,011.00
Violations Clerks	\$12.50/hr and \$100.00 for court
Matron	\$50.00 callout and \$12.50 for every hour over two hours
Chief Car	4,800.00
Police Chief	113,130.00
Emergency Management Coordinator	1,500.00
Certified Pool Operator	1,000.00
Treasurer	1,500.00
Administrative Clerk	13.75/hr.
Beach Manager	56,100.00
Mayor	1,750.00
Commissioner	1,500.00

#### Public Works

Vandevort	32,000.00
Quinn	63,224.00
Duchatkiewicz	45,390.00
Heitmuller	50,490.00
Nye	12.00/hr.

#### Communication Officers

More	60,690.00
TAC Officer	2,500.00
Henry	48,450.00
Duerr	43,350.00
Carafa	25,000.00

#### Class I Special Police Officers

Eric Scamporino	13.00/hr.
Scott Rapolla	10.00/hr.

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

### **RESOLUTION #11**

#### **A RESOLUTION TO APPROVE SELF-EXAM FOR 2011 BUDGET**

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

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

**WHEREAS**, Pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Allenhurst has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meet the necessary conditions to participate in the program for the 2011 budget year, so now therefore

**BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. Are fully met. (Complies with the \_CAP\_ law.)

3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated;
- b. Items of appropriations are properly set forth
- c. In itemization, form, arrangement, and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That other applicable statutory requirements have been fulfilled.

**BE IT FURTHER REQUIRED,** That a copy of this resolution be forwarded to the Director of the Division of Local Government.

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

#### **RESOLUTION #12**

#### **A RESOLUTION TO APPROVE BILLS AND PAYROLL (03/01/11 - 03/15/11)**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED,** That bills and payrolls totaling \$410,807.34 be approved for payment; and,

**BE IT FURTHER RESOLVED,** That the March 8<sup>th</sup> consolidated bill list be attached hereto and made a part thereof.

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

#### **PUBLIC HEARING**

Mayor McLaughlin stated that the Borough has received a copy of the ordinance introduced by the Village of Loch Arbour proposing that the Village consolidate with the Borough of Allenhurst. As of yet, the Board has done nothing. Loch Arbour feels a consolidation will help them save money on taxes. If Loch Arbour adopts this ordinance, the Borough will have to do some due diligence to see whether this is something Allenhurst wants to do. They do not want to get tied up in the school tax situation. They do want to see what the benefits to Allenhurst may be. Mayor McLaughlin continued, stating he would like to appoint a joint committee with members from each town to do some fact finding. If Loch Arbour adopts this ordinance, they have seven days to send it to Allenhurst and Allenhurst then has 120 days to take action. If the Board of Commissioners decides to introduce and adopt their own ordinance, a question will be placed on the ballot in both towns. The voters will make the final decision. However, the Board wants to give the public the information they need to make a decision.

Robert Scally stated he thought Loch Arbour should have sent us a letter first. Mayor McLaughlin stated that they knew Loch Arbour was discussing the issue. Mr. Scally asked if Allenhurst would be drawn into the problems with the school system. He asked what would be the advantage to Allenhurst.

Mayor McLaughlin replied that there are a lot of things to look at. They can't answer some of these questions tonight. They want to provide the public with the clearest picture

possible. Comm. McLoughlin added that without having crunched numbers yet, they do not know.

Anthony Mauro asked where the Borough was with their school situation and Mayor McLaughlin answered that right now, everything is on hold. There is no funding for the studies the State was going to do. There is nothing happening.

Mr. Mauro asked if it could rear its head again and Mayor McLaughlin stated it could.

Sandra DeMurley stated her concern is the beach. She asked if Allenhurst would build new lockers in Loch Arbour. What about the non-residential members? Also, there are 10 times as many children in Loch Arbour. She asked about the private beaches in between.

Mayor McLaughlin stated that everyone can walk along the water's edge and some people do sit at those beaches. He stated as far as the beach club, it is one of those things they will have to think about. He stated that the Borough will not have to hire any new police officers, but they may need to hire a Class II officer for the Loch Arbour beach during the summer.

Mr. Mauro stated his concern would be getting caught up in the school issue.

Comm. Bolan stated that since Loch Arbour would cease to exist, it would seem to him that issue would disappear.

Dave Laughlin, Borough Attorney, stated that Loch Arbour has just introduced the ordinance. This governing body has 120 days from the Loch Arbour's adoption of the ordinance to introduce their own. If the ordinance does not pass, it is a dead issue. If it does pass, it has to go to public vote by both towns at the next election. It will have to pass by a majority in both towns. At that point, the Director of the Department of Community Affairs has to sit with both the Mayor of Allenhurst and President of the Board of Trustees of Loch Arbour to see when this consolidation would take place. He acts as a mediator.

Mayor McLaughlin stated the Board has to look at issues such as debt, assessments and others.

Mr. Laughlin stated that the Commissioner of Education must be consulted on redistricting. There is nothing in the law that says what that means. To him, it is an area of concern.

Comm. McLoughlin stated they will have to have those answers locked up before they would consider introducing their own ordinance.

Adele Gannon stated she thinks the consolidation would bring the school situation to the forefront. She stated the population in Allenhurst has dropped from 718 to 496.

Mr. Laughlin stated that the concern may end up being nothing. Allenhurst pays a per student charge under the law.

Comm. Bolan stated there is nothing to prohibit the Director of Education from saying, "Now that you have more students, you should send them to Ocean Township."

Mr. Laughlin added that Ocean Township will not be happy to lose 1.6 million dollars in revenue. They would have to have some assurance from the Department of Education.

Frank Renideli, Loch Arbour, stated he attended all of the Loch Arbour meetings. They have done a lot of research which led to the introduction of this ordinance. They have a letter from the Attorney General stating that if they were to merge with Allenhurst, Loch Arbour would cease to exist and they would now be part of the non-operating school district of Allenhurst. They would become part of the Asbury Park School System. Mr. Renideli gave an extensive history of Loch Arbour and their school taxation formula.

Mayor McLaughlin stated that when and if the ordinance is adopted in Loch Arbour, they will form a committee to start the review process. They will present all of their findings to the

public. They will hold a meeting at the firehouse.

Comm. Bolan stated that, "Rest assured, we will not go into this lightly. We will get a certainty from the Department of Education before the Board of Commissioners will agree to introduce an ordinance."

Mr. Renideli stated it was refreshing to see an open Board.

Mrs. Gannon asked if a consolidation has happened in any other state and Mr. Laughlin stated that would not help them as they have to deal with the laws of the State of New Jersey.

There being no further comments, public hearing was closed.

### **DISCUSSION ON PAID FIREFIGHTER**

Will Reng handed out information to the Commissioners regarding the hiring of a paid driver for the Fire Department. They need a paid driver or a paid maintenance person. He would like to know the Borough's position on this issue. In the past, they have asked for a 40 hour a week man. They know with the budget constraints and the economy, it is not possible. They are proposing a 30 hour a week person with no pension or benefits. For 100 years, they have served the borough with volunteers. In the 30's and 40's, they had a paid man. When he retired, it ended. They are constantly getting routine calls where there is no fire. The volunteers are from different areas. It used to be that they all lived in town. Their mutual aid agreements allow them to function now. Deal has a paid man 24/7, but Allenhurst is not looking for that. Ideally, they are looking to cover from 6 AM to 6 PM. The paid man can get on the scene right away and make his assessment. The other part is a maintenance person. They pay a lot of money to keep their equipment maintained. A maintenance person could also help Public Works.

Comm. Bolan asked if the burden would be shared by the three towns.

Ptl. Reng stated that they could do it that way. However, if he were to provide maintenance for all three towns, it may be spreading him thin.

Comm. McLoughlin stated if the three towns contributed, he would just be a Fire Department employee. He asked what they propose as a salary and Ptl. Reng stated he thought \$15 - \$18 per hour.

Comm. Bolan stated that if the town does not want a pensionable employee, what stops someone from creating a company and contracting with the Fire Department for 30 hours per week and billing the Borough.

Mayor McLaughlin suggested a stipend for a public works employee. Chief Manfredi stated that they would have to put in 300 hours and take a State test. This idea is used in every department in the area.

Mr. Scally stated that during February, he was hospitalized twice and his wife once. They are very lucky to have this First Aid Squad and fire Department. He felt the Borough should do anything they can to help them out.

There was a discussion on implementing something by June 1<sup>st</sup> and charging the other towns after their budgets have been set.

Ptl. Reng brought up the question of worker's compensation for someone with their own business.

Ms. Osborn stated that the person would not be covered under the Borough's Workers Compensation unless they were employed by the Borough.

Comm. Bolan stated that in the contract, it would have to state that while responding to a call, the employee is acting as a member of the volunteer fire department or first aid squad. However, during the maintenance portion, they would not be covered.



Comm. McLoughlin stated that if the Borough implements and pays for a person from June until the end of December, it will give them six months to prepare documentation to use when talking to Interlaken and Loch Arbour.

There being no further comments, the discussion was ended and as there was no further business, the meeting was adjourned.

Lori L. Osborn, RMC  
Clerk-Administrator