

**MINUTES
DECEMBER 11, 2012**

The Meeting of the Board of Commissioners was held on the above date with Mayor McLaughlin presiding and Commissioner McLoughlin answering the roll call. Also in attendance was the Borough Clerk. Commissioner Bolan was absent.

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

Notice from NJ Natural Gas of Public Hearing on Petition.

JIF/MEL Annual Report.

ORDINANCES

ORDINANCE #2012-07 – FINAL READING

Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

ORDINANCE #2012-07

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST,
CHAPTER II, ADMINISTRATION, SECTION 2-4, EDUCATIONAL REQUIREMENTS**

Mayor McLaughlin explained the ordinance and there were no questions or comments from the public.

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

ORDINANCE #2012-08 – FINAL READING

Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

ORDINANCE #2012-08

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST,
CHAPTER VII, TRAFFIC**

Mayor McLaughlin explained the ordinance and there were no questions or comments from the public.

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

RESOLUTION #1

A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the minutes of the regular meeting of November 27, 2012, be ratified and approved.

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

RESOLUTION #2

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the Clerk dispense with the reading of the minutes of the regular meeting of November 27, 2012.

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

RESOLUTION #3

A RESOLUTION TO TRANSFER APPROPRIATIONS

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the following appropriations be transferred:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
DPW, S&W	Beach, S&W	\$10,500.00
DPW, S&W	Gasoline	10,000.00
DPW, S&W	Recycling, O.E.	2,000.00
DPW, S&W	OASI	700.00
Administration, S&W	Finance, O.E.	700.00
Municipal Court, S&W	Municipal Court, O.E.	1,500.00
Tax Appeals, Misc.	Legal, O.E.	2,400.00
DPW, S&W	Streets & Roads, O.E.	650.00
Administration, O.E.	Telephone	<u>1,300.00</u>
TOTAL		\$29,750.00

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

RESOLUTION #4

A RESOLUTION TO CONFIRM PURCHASES

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

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:

Mid-Atlantic Truck Center, Inc., - \$12,000 for 1992 Ford Dump Truck with Snow Plow

BE IT FURTHER RESOLVED, That it was not feasible to obtain quotes on a 1992 used dump truck, but a letter with attached paperwork, estimating the value of a 1992 model Ford Dump Truck with snow plow at \$14, 250.00, was included.

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

RESOLUTION #5
A RESOLUTION TO APPROVE TRIATHLON

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

WHEREAS, Jersey Shore MultiSport has requested permission to run their Vice Versa Triathlon through the Borough of Allenhurst on July 6, 2013, with a rain date of July 7, 2013; and,

WHEREAS, Jersey Shore MultiSport has provided a parade route which is on file in the Borough Clerk's Office and will start at approximately 6:30 AM and end at approximately 9:30 AM and a Certificate of Insurance for this event will be provided; and,

WHEREAS, The Police Captain has reviewed the information given for this event and has recommended approval of same;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners, that approval is hereby given to Jersey Shore MultiSport to run their vice Versa Triathlon through Allenhurst on July 6, 2013, with a rain date of July 7, 2013, contingent upon the Borough receiving a Certificate of Insurance prior to the event.

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

RESOLUTION #6
A RESOLUTION TO APPROVE RACE

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

WHEREAS, Special Olympics New Jersey and the Jersey Shore Running Club have requested permission to run their *RunAPalooza Road Race to Benefit Special Olympics* through the Borough of Allenhurst on April 20, 2013; and,

WHEREAS, This event will be a combined fundraiser to also raise funds for to a "Run to Restore the Shore" race to benefit the Hurricane Sandy New Jersey Relief Fund; and,

WHEREAS, Special Olympics New Jersey and the Jersey Shore Running Club have provided a parade route which is on file in the Borough Clerk's Office and will start at approximately 9:00 AM and end at approximately 12 Noon and will run through Allenhurst on Ocean Avenue; and,

WHEREAS, A Certificate of Insurance for this event will be provided; and,

WHEREAS, The Police Captain has reviewed the information given for this event and has recommended approval of same;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners, that approval is hereby given to Special Olympics New Jersey and the Jersey Shore Running Club to run their *RunAPalooza Road Race to Benefit Special Olympics* through Allenhurst on April 20, 2013, contingent upon the Borough receiving a Certificate of Insurance prior to the event.

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

RESOLUTION #7
A RESOLUTION TO APPROVE TRIATHLON

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

WHEREAS, One More Tri has requested permission to run a Triathlon to benefit The Special Olympics of New Jersey through the Borough of Allenhurst on September 14, 2013; and,

WHEREAS, One More Tri has provided a parade route which is on file in the Borough Clerk's Office and will start at 7:00 AM and end at approximately 12 Noon; and,

WHEREAS, A Certificate of Insurance for this event has been provided; and,

WHEREAS, The Police Captain has reviewed the information given for this event and has recommended approval of same;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners, that approval is hereby given to One More Tri to run their triathlon through Allenhurst on September 14, 2013.

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

RESOLUTION #8
A RESOLUTION TO ESTABLISH A YEAR END PENALTY OF SIX (6%) PERCENT
TO BE CHARGED ON DECEMBER 31 OF EACH YEAR ON
DELINQUENCIES IN EXCESS OF \$10,000

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, NJSA 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement of discount for the late payment of taxes as provided by law; and,

WHEREAS, NJSA 54:4-67 permits the governing body to fix a penalty of 6% to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay that delinquency prior to the end of the fiscal year. The penalty so fixed shall not exceed 6% of the amount of the delinquency with respect to each most recent fiscal year only;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst that the Tax Collector has the authority to fix a 6% year end penalty to all delinquencies in excess of \$10,000.00 that have not been paid prior to the end of the fiscal year and to become effective immediately.

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

RESOLUTION #9
A RESOLUTION ESTABLISHING A YEAR END PENALTY OF SIX (6%) PERCENT TO BE
CHARGED ON THIRD PARTY LIENS ON DECEMBER 31 OF EACH YEAR WHEN THE
AMOUNT PAID BY THE LIEN HOLDER IS IN EXCESS OF \$10,000.00

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, NJSA 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement of discount for the late payment of taxes as provided by law; and,

WHEREAS, NJSA 54:4-67 has been amended to permit the fixing of said rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% to be collected against a delinquency in excess of \$10,000.00 on property that fails to pay the delinquency prior to the end of the calendar year; and,

WHEREAS, NJSA 54:4-67 permits the governing body to fix a penalty of 6% to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay that delinquency prior to the end of the fiscal year. If any fiscal year delinquency in excess of \$10,000.00 is paid by the third party lien holder of an outstanding tax sale certificate, the holder or purchaser shall be entitled to receive the amount of the penalty as part of the amount required to redeem such certificate of sale providing the payment is made by the tax lien holder prior to the end of the fiscal year. If the holder of the outstanding tax sale certificate does not make the payment in full prior to the end of the fiscal year, then the holder or purchaser shall be entitled to a pro rata share of the delinquency penalty upon redemption and the balance of the penalty shall inure to the benefit of the municipality. The penalty so fixed shall not exceed 6% of the amount of the delinquency with respect to each most recent fiscal year only;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that the Tax Collector has the authority to fix a 6% year end penalty to all third party tax sale certificates in excess of \$10,000.00 that have been paid in full by the lien holder prior to the end of the fiscal year and if not paid in full, the lien holder shall be entitled to a pro rata share of the delinquency penalty upon redemption and the balance of the penalty shall be inure to the benefit of the municipality for the 2012 tax year and to become effective immediately.

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

RESOLUTION #10
A RESOLUTION TO HIRE TECHNICAL ASSISTANCE CONTRACTOR, PUBLIC ASSISTANCE/FEMA PROGRAM SERVICES

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Borough of Allenhurst has a need to acquire Technical/Public Assistance and FEMA Assistance Specialists to help with recovery after Superstorm Sandy pursuant to the provisions of *N.J.S.A.* 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, *O'Brien's Response Management, Inc.*, holds a NJ State Contract for Technical Assistant Contractor, Public Assistance/FEMA Program Services, under State Contract #A78189 and has submitted a proposal indicating they will provide said services for the Borough in accordance with a price sheet on file in the Borough Clerk's Office; and,

WHEREAS, Funds for this purpose will be provided for in the emergency appreciation entitled, "Hurricane Sandy", and it has been represented that the cost of these services will be reimbursable through FEMA monies at a rate of 75% or more as established by the Federal government;

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 O'Brien's Response Management, Inc., as described herein.

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

RESOLUTION #11
A RESOLUTION TO APPROVE PERSONNEL CAUCUS

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

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; Mayor McLaughlin-AYE

RESOLUTION #12
A RESOLUTION TO CONFIRM BILLS AND PAYROLL (12/01/12 - 12/31/12)

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That bills and payroll totaling \$232,083.65 be approved for payment; and,

BE IT FURTHER RESOLVED, That the December 11th consolidated bill list be attached hereto and made a part thereof.

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

PUBLIC HEARING

Tim Moriarty had a question on the races which were approved. Mayor McLaughlin answered.

Joan March, 5 Cedar Avenue, stated she read in the newspaper about Loch Arbour and consolidation. It was news to her. They had had a big meeting at the firehouse last year and most of Allenhurst was opposed. She asked why we were talking about it again.

Mayor McLaughlin stated the paper caused a little bit of a misconception. The Borough held a meeting in July and it was not a good deal for Allenhurst. They talked with the Department of Community Affairs and that didn't go anywhere. Loch Arbour has had two elections and a change in government. They came back to Allenhurst and asked if they would consider looking into consolidation under a different Statute. They were agreeable to talking and appointed a subcommittee. They have held a number of meetings and came back to the Board of Commissioners with suggestions. They were trying to make it more attractive to Allenhurst. They have been waiting to hear something they would be willing to take to the public. They want no liability whatsoever. They wanted a tangible benefit for Allenhurst. One of the ideas was for Loch Arbour to pay down Allenhurst's debt. Mayor McLaughlin explained how this could be done through a special taxing district. Allenhurst also wants immunity from pre and post-consolidation liability, in case Ocean Township were to sue. Right now, there is nothing binding. When you look at the numbers, there can be a significant savings to Allenhurst of \$950,000.00 a year. They must at least explore this. Loch Arbour has been told that this is not a popular idea in Allenhurst. They have put together a draft plan and submitted it to the DCA to get their feedback. If the DCA agrees, they may do a cost analysis. If it is not worthwhile, it will not go anywhere.

Mrs. March asked the Mayor to make sure people in town know what is going on. They have not received any newsletters or any information.

Comm. McLoughlin commented that there is nothing at this point to bring to the public.

Mrs. March commented that she hope they don't hold the election in February when everyone is away.

Comm. McLoughlin stated that before any vote, they have to hold public hearings and joint public hearings. If the Board is not satisfied, it will not even get that far.

Randy Sternberg, One Cedar Avenue, stated if they combine with Loch Arbour, they will not be Allenhurst any longer.

Mayor McLaughlin stated that if the Board decides to hold a vote and the answer from the residents is a resounding no, it will go no further.

Sandra DeMurley, 45 Ocean Avenue, stated it is a communication problem. The meetings at the firehouse left a lot of unanswered questions. She asked that the public be kept informed.

Russell McIver, 305 Hume Street, asked if there was a priority list in recovering from the storm damage.

Mayor McLaughlin stated they have. The cabanas, the well points and pool, the restaurant and snack bar are all priorities.

Ms. Osborn stated they have a list of 16 projects and they are prioritized. They know what need to be addressed in order to have the Club up and running for the summer.

Ed Dowling, 232 Spier Avenue, addressed what he felt was a safety concern, stating stop signs on Page are being ignored, especially in the summer. He asked the Board to talk to the Chief, maybe put out a newsletter. The police are not writing tickets. There was some discussion about speed bumps. Mayor McLaughlin stated he would talk to the Chief.

There being no further comments, public hearing was closed and as there was no further business, the meeting adjourned to caucus and did not reconvene.

Lori L. Osborn, RMC
Clerk-Administrator