

**MINUTES  
FEBRUARY 12, 2013**

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.

**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 22, 2013, 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 22, 2013.

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

**RESOLUTION #3**

**A RESOLUTION TO APPROVE TRANSFER OF APPROPRIATION RESERVES**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following transfer of 2012 appropriation reserves be made:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Parks & Playgrounds, O.E.	MOMV	\$1,266.00

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

**RESOLUTION #4**

**A RESOLUTION TO ACCEPT 2011 AUDIT**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

**WHEREAS**, The Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and,

**WHEREAS**, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and,

**WHEREAS**, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and,

**WHEREAS**, The members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body; and,

**WHEREAS**, Such resolution of certification shall be adopted by the governing body no later than forty-five days after receipt of the annual audit, as per the regulations of the Local Finance Board; and,

**WHEREAS**, All members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New

Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

**WHEREAS**, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

"R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED**, That the governing body of the Borough of Allenhurst, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

#### **RESOLUTION #5**

##### **A RESOLUTION TO ACCEPT CORRECTIVE ACTION PLAN**

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

**BE IT RESOLVED**, That the Board of Commissioners accepts the Corrective Action Plan filed by the Chief Financial Officer in connection with the 2011 audit.

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

#### **RESOLUTION #6**

##### **A RESOLUTION TO AWARD CONTRACT FOR FRONT END LOADER**

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

**WHEREAS**, The Borough advertised and bids were received for a 2013 Articulated Wheel Loader and one bid was received on February 5, 2013 from Jesco, Inc., in the amount of \$172,000.00; and,

**WHEREAS**, The Borough Attorney has determined that the bid is in order and a contract may be awarded; and,

**WHEREAS**, Douglas Caron, Public Works Superintendent has recommended award of this contract to Jesco, Inc.; and,

**WHEREAS**, Funds for this purpose are available in the appropriation entitled, "Superstorm Sandy" and the Chief Finance Officer has so certified;

**THEREFORE, BE IT RESOLVED**, That a contract be awarded to Jesco, Inc., the only bid received for a 2013 Articulated Wheel Loader in the amount of \$172,000.00.

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

**RESOLUTION #7**

**A RESOLUTION TO AWARD CONTRACT FOR PILINGS AND UMBRELLA DECK**

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

**WHEREAS**, Bids were authorized and received for Beachfront Improvements on February 7, 2013; and,

**WHEREAS**, The following eight bids were received:

- Compass Construction, Inc. - \$170,352.00
- Shoreland Construction, Inc. - \$292,484.00
- Manzo Maroba, Inc. - \$299,000.00
- Cypreco Industries, Inc. - \$313,113.00
- Ascend Construction Management co., Inc., - \$329,100.00
- Marbro, Inc. - \$350,417.00
- McCauley Construction Co., Inc. - \$375,000.00
- Bird Construction - \$383,505.00

**WHEREAS**, The Borough Attorney has reviewed the bids for compliance and recommends the contract be awarded to Compass Construction, Inc., the lowest bidder, contingent upon compass providing a fully responsive Non Collusion Affidavit; and,

**WHEREAS**, The Borough Engineer has reviewed the bids and recommends award of the contract to Compass Construction, Inc., lowest of 8 bids received; and,

**WHEREAS**, Funds for this purpose are available in the appropriation entitled, "Superstorm Sandy", and the Chief Finance Officer has so certified;

**NOW, THEREFORE, BE IT RESOLVED**, That a contract be awarded to Compass Construction, Inc., lowest of 8 bidders on their total bid of \$170,352.00, which includes alternate #1 as an alternate to Item No. 7 in the Base Bid.

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

**RESOLUTION #8**  
**A RESOLUTION TO ADOPT POLCIIES AND PROCEDURES REGARDING**  
**POST-ASSURANCE COMPLIANCE OF FEDERAL TAX REQUIREMENTS REGARDING**  
**TAX-EXEMPT DEBT ISSUES**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, the Internal Revenue Service is now requiring issuers of tax exempt obligations to have adequate policies and procedures to monitor the arbitrage requirements and non-qualified issuer requirements; and

**WHEREAS**, the Borough of Allenhurst is subject to these requirements since the Borough annually issues tax exempt obligations; and

**WHEREAS**, the Allenhurst Borough Mayor and Borough Commission wishes to fully comply with the requirements established by the Internal Revenue Service;

**NOW, THEREFORE, BE IT RESOLVED** that the following procedures in summary, are hereby adopted and a full set of Post-Issuance Compliance Policies and Procedures for Tax-Exempt Bonds annexed hereto as Attachment A:

**I. ARBITRAGE**

- A. Obtain and retain a copy of IRS Form 8038G or 8038GC;
- B. Obtain and retain a copy of the Non-Arbitrage Certificate;
- C. Determine whether an exception to arbitrage has been met, based on the following criteria:
  - 1. Small Issuer;
  - 2. Six-month spending exception;
  - 3. Eighteen-month spending exception;
  - 4. Two-year construction exception;
- D. If not, then determine:
  - 1. Was a bond year chosen in the non-arbitrage certificate? If not, then discuss with the financial advisor and/or auditor the most advantageous period to choose;
  - 2. Should an arbitrage calculation be prepared annually, or upon the fifth anniversary of the bond year?
    - a. Consideration should be given to the fact that positive arbitrage must be rebated to the IRS 60 days after the end of each fifth bond year, or 60 days after all proceeds are expended;
    - b. Prepare, or contract to have prepared, the arbitrage calculation;
    - c. Rebate any positive arbitrage to the IRS (if unspent proceeds still exist, then only 90% of the liability must be rebated);
- E. The Chief Financial Officer shall be responsible for monitoring the above compliance, as well as maintaining receipt (including investment earnings) and disbursement records in sufficient detail, such that compliance can be met.

## II. NON-QUALIFIED ISSUE MONITORING

- A. Determine if the issue, or a portion of the issue, was used to finance local government facilities;
- B. If not, then no future monitoring is required;
- C. If “yes,” the following must be performed until the issue is fully paid:
  1. Monitor the facility that was constructed or renovated with the proceeds of the issue to determine whether any of the following conditions were met:
    - a. Sale of the facility;
    - b. Lease of the facility;
    - c. Non-qualified management contract;
    - d. Non-qualified research contract;
    - e. Special legal entitlement;
  2. If none of the conditions were met, then no further action is required;
- D. If any of the conditions were met, then the following must be addressed:
  1. Did any of the above-mentioned events, either individually or collectively, represent greater than 5% of the use of the facility?
  2. If “no,” then nothing further is required;
  3. If “yes,” remedial action (an action that causes the issue to meet the private activity test, i.e. less than 5%) must be taken;
- E. The Chief Financial Officer, in conjunction with the Administrator, will be responsible for monitoring the above compliance. Bond Counsel should be consulted when necessary.

### ATTACHMENT A POST-ISSUANCE COMPLIANCE POLICIES AND PROCEDURES FOR TAX-EXEMPT BONDS

1. Purpose. The purpose of these post-issuance compliance policies and procedures ("Compliance Policy") for tax-exempt bonds issued by the Borough Of Allenhurst (the "Issuer") is to ensure that the Issuer will be in compliance with requirements of the Internal Revenue Code of 1986, as amended (the "Code"), that must be satisfied with respect to tax-exempt bonds and other obligations ("bonds") after the bonds are issued so that interest on the bonds will be and remain tax-exempt.

2. Responsibility for Monitoring Post-Issuance Tax Compliance. The Borough Commission of the Issuer has the overall, final responsibility for monitoring whether the Issuer is in compliance with post-issuance federal tax requirements for the Issuer's tax-exempt bonds. However, the Borough Commission assigns to the Chief Financial Officer of the Issuer the primary operating responsibility to monitor the Issuer's compliance with post-issuance federal tax requirements for the Issuer's tax-exempt bonds.

3. Arbitrage  
Yield Restriction and Rebate Requirements. The Chief Financial Officer shall maintain or cause to be maintained records of:

- (a) purchases and sales of investments made with bond proceeds (including amounts treated as "gross proceeds" of bonds under section 148 of the Code) and receipts of earnings on those investments;
- (b) expenditures made with bond proceeds (including investment earnings on bond proceeds) for the governmental purposes of the bonds, such as for the costs of purchasing, constructing and/or renovating property and facilities;
- (c) information showing, where applicable for a particular calendar year, that the Issuer was eligible to be treated as a "small issuer" in respect of bonds issued in that calendar year because the Issuer did not reasonably expect to issue more than \$5,000,000 of tax-exempt bonds in that calendar year;
- (d) calculations that will be sufficient to demonstrate to the Internal Revenue Service ("IRS") upon an audit of a bond issue that, where applicable, the Issuer has complied with an available spending exception to the arbitrage rebate requirement in respect of that bond issue;
- (e) calculations that will be sufficient to demonstrate to the IRS upon an audit of a bond issue for which no exception to the arbitrage rebate requirement was applicable, that the rebate amount, if any, that was payable to the United States of America in respect of investments made with gross proceeds of that bond issue was calculated and timely paid with Form 8038-T timely filed with the IRS; and
- (f) information and records showing that investments held in yield-restricted advance refunding or defeasance escrows for bonds, and investments made with unspent bond proceeds after the expiration of the applicable temporary period, were not invested in higher-yielding investments.

4. Restrictions on Private Business Use and Private Loans. The Chief Financial Officer shall adopt procedures that are calculated to educate and inform the principal operating officials of those departments, including utility departments, if any, of the Issuer (the "users") for which land, buildings, facilities and equipment ("property") are financed with proceeds of tax-exempt bonds about the restrictions on private business use that apply to that property after the bonds have been issued, and of the restriction on the use of proceeds of tax-exempt bonds to make or finance any loan to any person other than a state or local government unit.

In particular, following the issuance of bonds for the financing of property, the Chief Financial Officer shall provide to the users of the property a copy of this Compliance Policy and other appropriate written guidance advising that:

- (a) "private business use" means use by any person other than a state or local government unit, including business corporations, partnerships, limited liability companies, associations, nonprofit corporations, natural persons engaged in trade or business activity, and *the United States of America and any federal agency*, as a result of ownership of the property or use of the property under a lease,

management or service contract (except for certain "qualified" management or service contracts), output contract for the purchase of electricity or water, privately sponsored research contract (except for certain "qualified" research contracts), "naming rights" contract, "public-private partnership" arrangement, or any similar use arrangement that provides special legal entitlements for the use of the bond-financed property;

(b) under section 141 of the Code, no more than 10% of the proceeds of any tax-exempt bond issue (including the property financed with the bonds) may be used for private business use, of which no more than 5% of the proceeds of the tax-exempt bond issue (including the property financed with the bonds) may be used for any "unrelated" private business use—that is, generally, a private business use that is not functionally related to the governmental purposes of the bonds; and no more than *the lesser of* \$5,000,000 or 5% of the proceeds of a tax-exempt bond issue may be used to make or finance a loan to any person other than a state or local government unit;

(c) before entering into any special use arrangement with a nongovernmental person that involves the use of bond-financed property, the user must consult with the Chief Financial Officer, provide the Chief Financial Officer with a description of the proposed nongovernmental use arrangement, and determine whether that use arrangement, if put into effect, will be consistent with the restrictions on private business use of the bond-financed property;

(d) in connection with the evaluation of any proposed nongovernmental use arrangement, the Chief Financial Officer should consult with nationally recognized bond counsel to the Issuer as may be necessary to obtain federal tax advice on whether that use arrangement, if put into effect, will be consistent with the restrictions on private business use of the bond-financed property, and, if not, whether any "remedial action" permitted under section 141 of the Code may be taken by the Issuer as a means of enabling that use arrangement to be put into effect without adversely affecting the tax-exempt status of the bonds that financed the property; and

(e) the Chief Financial Officer and the user of the property shall maintain records of such nongovernmental uses, if any, of bond-financed property, including copies of the pertinent leases, contracts or other documentation, and the related determination that those nongovernmental uses are not inconsistent with the tax-exempt status of the bonds that financed the property.

5. Records to be Maintained for Tax-Exempt Bonds. It is the policy of the Issuer that, unless otherwise permitted by future IRS regulations or other guidance, written records (which may be in electronic form) will be maintained with respect to each bond issue for as long as those bonds remain outstanding, plus three years. For this purpose, the bonds include refunding bonds that refund the original bonds and thereby refinance the property that was financed by the original bonds.

The records to be maintained are to include:

- (a) the official Transcript of Proceedings for the original issuance of the bonds;
- (b) records showing how the bond proceeds were invested, as described in 3(a) above;

(c) records showing how the bond proceeds were spent, as described in 3(b) above, including purchase contracts, construction contracts, progress payment requests, invoices, cancelled checks, payment of bond issuance costs, and records of "allocations" of bond proceeds to make reimbursement for project expenditures made before the bonds were actually issued;

(d) information, records and calculations showing that, with respect to each bond issue, the Issuer was eligible for the "small issuer" exception or one of the spending exceptions to the arbitrage rebate requirement or, if not, that the rebate amount, if any, that was payable to the United States of America in respect of investments made with gross proceeds of that bond issue was calculated and timely paid with Form 8038-G timely filed with the IRS, as described in 3(c), (d) and (e) above; and

(e) records showing that special use arrangements, if any, affecting bond-financed property made by the Issuer with nongovernmental persons, if any, are consistent with applicable restrictions on private business use of property financed with proceeds of tax-exempt bonds and restrictions on the use of proceeds of tax-exempt bonds to make or finance loans to any person other than a state or local government unit, as described in 4 above.

The basic purpose of the foregoing record retention policy for the Issuer's tax-exempt bonds is to enable the Issuer to readily demonstrate to the IRS upon an audit of any tax-exempt bond issue that the Issuer has fully complied with all federal tax requirements that must be satisfied after the issue date of the bonds so that interest on those bonds continues to be tax-exempt under section 103 of the Code.

6. Education Policy With Respect to Federal Tax Requirements for Tax-Exempt Bonds. It is the policy of the Issuer that the Chief Financial Officer and his or her staff, as well as the principal operating officials of those departments of the Issuer for which property is financed with proceeds of tax-exempt bonds should be provided with education and training on federal tax requirements applicable to tax-exempt bonds. The Issuer recognizes that such education and training is vital as a means of helping to ensure that the Issuer remains in compliance with those federal tax requirements in respect of its bonds. The Issuer therefore will enable and encourage those personnel to attend and participate in educational and training programs offered by, among others, the Washington Municipal Treasurers Association and the Washington Finance Officers Association with regard to the federal tax requirements applicable to tax-exempt bonds.

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

**RESOLUTION #9**

**A RESOLUTION TO CONFIRM APPOINTMENT OF SECOND ASSISTANT FIRE CHIEF**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**BE IT RESOLVED**, That the following duly elected, named members of the Allenhurst Fire Company #1 and First Aid Squad be granted municipal approval for the positions indicated, for the year 2013:

**Second Assistant Chief**

Michael Powers

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

**RESOLUTION #11**

**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 contracts are hereby confirmed:

Armstrong Tree Service - \$2,600.00 for Tree Removal

Renosys - \$1,200.00 for diagnostic for pool

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

**RESOLUTION #12**

**A RESOLUTION TO AUTHORIZE CONTRACT FOR REPLACEMENT OF POOL LINER**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, The pool liner in the main pool at the ABC was damaged during Superstorm Sandy; and,

**WHEREAS**, Aquatic Renovations, the original installer of the liner, was called to make an assessment of the damage and it was their recommendation that the liner be replaced in the deep end of the pool; and,

**WHEREAS**, Funds for this purpose are available in the appropriation entitled, "Superstorm Sandy", and the Chief Finance Officer has so certified;

**THEREFORE BE IT RESOLVED**, That a contract be awarded to Aquatic Renovations in the amount of \$27,470.00 to replace the liner in the deep end of the main pool.

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

### **RESOLUTION #13**

#### **A RESOLUTION TO OPPOSE A-1196 AMENDING WORKERS' COMPENSATION LAW**

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

**WHEREAS**, Public safety employees and volunteers should be adequately compensated for on-duty accidents and illnesses; and,

**WHEREAS**, New Jersey's current Workers' Compensation law is already one of the broadest in the county; and,

**WHEREAS**, A-1196 as currently written will make it almost impossible to contest claims from injuries and illnesses caused off-the-job; and,

**WHEREAS**, This bill places the burden of proof on governmental employers to establish that an injury or illness, such as cancer, heart attack or hypertension did not occur on the job; and,

**WHEREAS**, The actuary for the Municipal Excess Liability Joint Insurance Fund (MEL) has estimated that A-1196 could easily double municipal Workers' Compensation expense of \$400 million per year; and,

**WHEREAS**, The MEL has offered to sit down with the supporters of this legislation to develop less expensive ways of improving the compensation to first responders;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst that the legislature be urged to reject A-11896 and urges the supporters of this legislation to work with the MEL and representatives of other units of government to develop less expensive ways to improve compensation to first responders; and,

**BE IT FURTHER RESOLVED**, That the Municipal Clerk shall send copies of this resolution to the Senate President, Assembly Speaker, members of the legislative delegation representing the municipality, and the Governor.

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

### **RESOLUTION #14**

#### **A RESOLUTION TO APPROVE SOCIAL AFFAIR PERMIT**

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

**BE IT RESOLVED**, That a Social Affair Permit be granted to the Greater Ocean Township Chamber of Commerce for an affair to be held on Thursday, February 28, 2013, from 5:00 PM to 7:30 PM, at the Shore Antique Center, 413 Allen Avenue, Allenhurst, NJ; and

**BE IT FURTHER RESOLVED**, That the Chief of Police and the Borough Clerk are hereby authorized and directed to execute the application for said Social Affair Permit.

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

**RESOLUTION #15**

**A RESOLUTION TO CONFIRM BILLS AND PAYROLL (2/01/13 – 2/15/13)**

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

**BE IT RESOLVED**, That bills and payroll totaling \$671,381.19 be approved for payment; and,

**BE IT FURTHER RESOLVED**, That the February 12<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 #16**

**A RESOLUTION TO AUTHORIZE PERSONNEL AND CONTRACTUAL 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 and contractual matters which are exempt from the public meeting under the Sunshine Law.

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

**PUBLIC HEARING**

Mayor McLaughlin stated he has heard rumors and has read things on Facebook regarding cabana memberships. He stated that at the last meeting, a couple of residents had some valid concerns about the cabanas and Beach Club. It is residential dollars that go towards the maintenance of the Beach Club. Due to the storm, all of the cabanas were destroyed. The day after the storm, the Commissioners met and put together a bond to start to rebuild the Club. That money will come from the Borough taxpayers. Some of those taxpayers were saying that they have been on a waiting list for years, but have not gotten cabanas. He understands that. Commissioner Bolan asked those residents to put their concerns in writing and come up with some suggestions, which they have done. Rumors started circulating that the Commissioners were kicking all non-residents out. They are not going to do that. The Borough currently maintains two lists, one for residents and one for non-residents. In 2003, the Borough started giving all open cabanas to residents, according to the resident list. Some residents moved out of town and it is a sore point for some. He has also heard a rumor that taxes will

go up. The truth is, they don't know that yet. Non-residents can expect rates to go up. There was serious damage and the Borough funded a lot of money. The new cabanas will be constructed so that they can come off the beach if they are threatened with a major storm, otherwise they will be strapped down on pilings. They will have the same footprint as the old cabanas. A lot of people are upset, but they have to look at things from a resident's standpoint. They have put together a number of rules regarding the cabanas. No matter what they do, someone will be unhappy.

Comm. Bolan stated the rules are still a topic for discussion. No decisions have been made at this time. It is good that everyone has come to give their thoughts. The rules will be prospective and not retrospective. He feels confident they will have the Beach Club open. The cabanas will be here and the pool will be open. They will not have the restaurant this year. He stated it will be the member's responsibility if they have guests to get guest passes. They started cracking down last year. There will be a user agreement for each cabana. The cabanas belong to the town and not to those using them.

Patty Englert asked if the Commissioner said that property taxes hadn't been raised, because they have. Mayor McLaughlin clarified that County taxes have gone up, but municipal taxes were flat for 2012.

Ms. Englert asked what the percentage of residents versus non-residents were for the Club and was told they were about 1/3 resident and 2/3 non-residents. She then asked why the windows at the restaurant were not boarded up and Comm. McLoughlin stated they were advised not to. The frames were not secure and the flying plywood could have caused more damage.

Comm. Bolan stated it was discussed at several meetings. The front facade was not in the best condition and there was nothing to anchor plywood to.

Edward Dowling asked about the stairs at the end of Spier Avenue and Mayor McLaughlin stated they will be removed. That was the suggestion of the sub-committee. Mr. Dowling stated that would eliminate an emergency exit. Mayor McLaughlin disagreed, stating they can either use the jetty ramp or the handicapped ramp. He added that the new cabanas will take up more space and they need to remove the stairs so that they can be placed.

Robert Fericola stated that a lot of homes are held in trust and asked how the Commissioners would define a tax-paying resident. How do you define one cabana per household?

Frank Fisher asked about FEMA money. He also asked about sand replenishment. Mayor McLaughlin stated that money has been set aside so that every shore town will get sand. If they are able, they will put more cabanas along the wall.

Jim Caulfield asked if the Commissioners had checked with the First Aid Squad as far as the second set of steps went. They do use those stairs for access. Mayor McLaughlin stated they will ask them.

Chris Rogers asked if someone has a cabana now and moves out of town, what will happen? People who already live out of town can move 10 times and not lose their cabana. If he moved last week, he would be okay, but if he moves in the future, he will lose his cabana.

Comm. McLoughlin answered, "Possibly, yes." Not everyone is going to be happy with their decisions.

Chris Rogers stated he is the only one with a cabana who has a house for sale in the Borough.

Comm. McLoughlin stated there are residents on the list, who have not had the opportunity to have a cabana.

Mr. Rogers replied that everyone had had a chance to put their names on the list.

Mrs. Ncnamara asked if the wall would be reinforced and Mayor McLaughlin stated that it has been evaluated and bids will go out to reinforce the wall.

Josephine Mahon asked what would happen if she rents her house for the summer. Comm. McLoughlin answered that she would have to pay an out of town rate. They have made no decisions yet. In his opinion, she would keep her cabana, but if she is not here in the summer, she would have to pay an out of town rate.

Comm. Bolan stated that if the question is, do the tenants become members, that is a decision they will have to make.

Mayor McLaughlin stated they have people who rent in town, get a membership and then do not rent in town again. In the past, they have retained their memberships. Going forward, they will lose those memberships.

Mayor McLaughlin stated a suggestion was made to kick everyone out and rent only to residents. He does not feel this is a good idea. There have been neighboring towns who have tried that, and it did not work out. They are not in favor of that, they are trying to be fair.

Ed Dowling asked what the process would be for the new rules and Mayor McLaughlin stated they will put it in writing, get public input and then adopt them by resolution. Mr. Dowling asked when and Mayor McLaughlin stated it will be done by Memorial Day.

Mr. Dowling asked if he moved, would he lose his cabana, and Comm. McLoughlin answered, yes. Mr. Dowling then asked if all non-residents would be removed and Comm. McLoughlin stated they will be prospective and not retroactive.

Comm. Bolan stated they are trying to prevent sub-leasing of the cabanas. If someone moves far away and does not come to the beach, they should not have a cabana. It is still a process and they have not decided yet how to go about it.

Mr. Dowling asked if someone were to downsize and move from town because they could not afford to stay, would they lose their cabana?

Comm. Bolan stated it is a good point. Maybe they will look at whether that person will still be an active member of the Club.

Maryanne Dowling asked what happens if the principal dies. Mayor McLaughlin stated that in the past, they have made the surviving spouse the principal.

Ed Dowling asked what if the children are already residents, and Comm. McLoughlin stated that is the point they made before. The children, as residents, would get it.

Patty Englert stated they will not make everyone happy and Mayor McLaughlin stated it is an imperfect system that they are trying to improve upon.

Michelle Petti stated names have been on the list since 2000. Will the changes made, open it up? Mayor McLaughlin stated they can't tell at this point.

Mrs. McNamara asked about the cabanas themselves and Mayor McLaughlin stated they will be put on pilings with fasteners. They will only be removed if they have notice of a serious storm.

Rick Sullivan asked if they could extend the pilings and put more cabanas on and Mayor McLaughlin stated the State was generous in telling them they could build on the same footprint. They cannot expand upon it.

Evelyn Papageorge asked if the guidelines would be decided upon before the Club opens and Mayor McLaughlin answered, yes. Mrs. Papageorge asked if a decision had been made to raise the rates and Mayor McLaughlin stated they will have to look at what insurance and FEMA covers and what the town will have to cover. It may take a while before they know how much more the town will have to foot.

Mr. Fisher asked if there would be two changing areas as opposed to one and Mayor McLaughlin stated they are keeping the same footprint as the original cabanas.

Mrs. Papageorge asked about plans for the snack bar and Mayor McLaughlin stated they are still discussing it.

Mayor McLaughlin stated that both stairways will be kept open in the main Club and they will be connecting the decks.

Mr. Moriarty asked about the loss in revenue if the Commissioners kick out of towners out. Mayor McLaughlin stated that no one is kicking the non-residents out. It is not being considered.

## **STATUS OF PROJECTS**

### **CABANAS & UMBRELLA DECK**

We will be receiving bids on February 14<sup>th</sup> and will award at a special meeting on February 19<sup>th</sup>

### **CABANA BATHROOMS AND PUBLIC BATHROOMS**

These will be advertised for bid on February 18<sup>th</sup> and will be opened on March 7<sup>th</sup> and hopefully awarded on March 12, 2013.

### **SNACK BAR/BANDSTAND**

Mr. Tomaino had a preliminary sketch that will be shown to the Board of Commissioners and a bid package will be prepared.

### **RESTAURANT**

Restaurant will be demolished on February 19<sup>th</sup>.

### **SEA WALL**

Mr. Avakian's office will put this project out to bid with an award date of February 26<sup>th</sup>.

### **BOARDWALK & RAILINGS**

Once SeaWall is repaired, the boardwalk can be repaired.

### **PUMP ROOM**

Damage is still being assessed and prices will be obtained.

### **POOL**

The liner at the deep end of the pool will be replaced in March.

### **WELL POINTS**

The Board received two quotes. One for a new well point system and one to repair the broken well points. After review by the Borough Engineer, the Commissioners will make a decision.

### **UNDERMINING OF POOL DECK**

They will shore this up when the pump room is done.

Mr. Avakian stated this is an extreme number of projects that started with debris removal.

Mr. Tomaino stated they will address the awnings after the cabanas have been placed on the beach. They will not have them for the beginning of the season.

Comm. Bolan asked about the handrail at the end of Allen Avenue and Mr. Avakian stated he would take note.

Sandy Steckbeck asked if everyone will have to come down the handicapped ramp and Mayor McLaughlin answered, yes.

Rose O'Connor asked about the merger with Loch Arbour, stating she heard that it was not off the table.

Mayor McLaughlin stated that they are parked and are doing nothing at this point. It is on Loch Arbour to get the answers they need and to come back to the Borough.

Comm. Bolan stated Loch Arbour's Mayor is trying to reverse some commentary he heard from the State. However, no one knows what their budgets will look like in the wake of the storm. The issue is not dead, but it is complicated.

Mr. Fisher stated he thought a second floor on the restaurant was a good idea and asked the Commissioner to also include a sun deck.

There being no further comments, public hearing was closed.

#### **RESOLUTION #10**

#### **A RESOLUTION TO AUTHORIZE SPECIAL MEETINGS**

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

**BE IT RESOLVED**, That a special meeting be scheduled for February 19, 2013, for the purpose of awarding a contract for bids for modular cabanas at the Allenhurst Beach and for going into contractual caucus, and a budget workshop meeting be scheduled for March 4, 2013, at 7:30 PM.

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

Mayor McLaughlin announced that the Board would go into caucus to discuss personnel matters. A resolution is expected to be adopted. The meeting then adjourned to caucus. After reconvening, the following resolution was adopted:

#### **RESOLUTION #17**

#### **A RESOLUTION TO APPROVE 2013 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 2013:

Borough Clerk/Registrar	81,766.00
Borough Administrator	24,408.00
Deputy Borough Clerk/Registrar	5,000.00
Deputy Treasurer	1,000.00
Finance Clerk	56,244.00
Public Works Supervisor	106,121.00
Recycling Coordinator	2,000.00
Right-To-Know Coordinator	500.00
Tax Collector	5,202.00
Tax Assessor	4,104.00
Chief Finance Officer	21,990.00
Qualified Purchasing Agent	2,500.00
Code Official	5,100.00
Fire Official	3,060.00
Zoning Officer	4,080.00
Court Administrator, includes 2 court sessions/mo.	57,836.00
Municipal Court Judge, includes 2 court sessions/mo.	21,369.00
Chief Public Defender	3,371.00
Planning Board Secretary	6,524.00
Sewer Operator	5,111.00
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	117,701.00
Emergency Management Coordinator	1,500.00
Certified Pool Operator	1,000.00
Treasurer	1,500.00
Administrative Clerk	14.25/hr.
Beach Manager	58,366.00
Mayor	1,750.00
Commissioner	1,500.00
<u>Public Works</u>	
Vandevort	33,293.00
Quinn	65,778.00
Duchatkiewicz	47,224.00
Heitmueller	52,530.00
<u>Communication Officers</u>	
More	63,142.00
TAC Officer	2,500.00
Henry	50,407.00
Duerr	45,101.00
Carafa	26,010.00

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

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

Lori L. Osborn, RMC  
Clerk-Administrator