

**MINUTES
MARCH 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.

COMMUNICATIONS

Notice from NJDEP of an application for replacement of Main Street bridge and improvements to Crawford Circle.

ORDINANCE #2013-02 – FINAL READING

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

BOND ORDINANCE NO. 2013-02

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND CAPITAL ACQUISITIONS, AND APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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

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

RESOLUTION #1

A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the minutes of the special meeting held February 19, 2013 and the regular meeting of February 26, 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 special meeting held February 19, 2013, and the regular meeting held February 26, 2013.

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

RESOLUTION#3

A RESOLUTION TO AUTHORIZE TEMPORARY EMERGENCY APPROPRIATIONS

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 2013 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 2013 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$21,205.00;

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:

Administration, O.E.	\$ 80.00
Group Insurance	15,500.00
Snow, S&W	1,125.00
Legal, O.E.	2,000.00
Tax Appeals	<u>2,500.00</u>
TOTAL	21,205.00

2. That said emergency temporary appropriations will be provided for in the 2013 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 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:

Gutter Master - \$2,240.00 – change in materials for PW Roof contract
Reliable Wood - \$1,125.00 – brush
Home Depot - \$2,432.99 – Materials for recovery after Sandy

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

RESOLUTION #5

A RESOLUTION TO AWARD CONTRACT FOR CONSTRUCTION OF TOILET/STORAGE FACILITIES AT ALLENHURST BACH

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, Bids were authorized and received for construction of toilet/storage facilities at the Allenhurst Beach on March 7, 2013; and,

WHEREAS, The following eight bids were received:

V & K Construction, Inc.	\$293,300.00
Shorelands Construction, Inc.	307,500.00
G. Koustas Painting & Construction	325,000.00
Cypco Industries, Inc.	359,000.00
Santorini Construction	383,000.00
McCauley Construction Company, Inc.	395,000.00
J & M Quality Contracting	427,000.00
West End KB, LLC	457,925.00

WHEREAS, The Borough Attorney and Borough Architect have reviewed the bids for compliance and recommend the contract be awarded to V & K Construction, Inc., the lowest bidder; 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 V & K Construction, Inc., lowest of eight bidders on their total bid of \$293,300.00 for construction of toilet/storage facilities at the Allenhurst Beach.

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

RESOLUTION #6

A RESOLUTION TO AWARD CONTRACT FOR REPAIR OF SEAWALL

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

WHEREAS, Bids were authorized and received for Repairs of the Seawall for the Borough of Allenhurst on March 7, 2013; and,

WHEREAS, The following five bids were received:

Burke Construction, Inc.	\$125,927.00
Precise Construction, Inc.	137,000.00
Compass Construction, Inc..	137,500.00
H & G Contractors, Inc.	275,000.00
Sparwick Contracting, Inc.	331,000.00; and,

WHEREAS, The Borough Attorney and Borough Engineer have reviewed the bids for compliance both recommend the contract be awarded to Burke Construction, Inc., the lowest bidder; 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 Burke Construction, Inc., lowest of five bidders on their total bid of \$125,927.00.

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

RESOLUTION #7

A RESOLUTION TO CONFIRM MEMBERSHIP IN ALLENHURST FIRE DEPARTMENT

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, The Membership Committee of Allenhurst Fire Co. #1 has received an application for membership from Scott Rapolla; and,

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

NOW, THEREFORE, BE IT RESOLVED, That Scott Rapolla is approved for membership in Allenhurst Fire Co. #1, pending a criminal history check; and,

BE IT FURTHER RESOLVED, That the Borough Clerk be and is hereby authorized to execute the necessary paperwork on behalf of the aforementioned applicant.

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

RESOLUTION #8

A RESOLUTION TO AUTHORIZE PAYMENT #1 FOR PILING CONTRACT

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, A contract was awarded to Compass Construction, Inc. to replace broken and missing pilings at the Allenhurst Cabanas, due to Superstorm Sandy; and,

WHEREAS, The Borough Engineer has reviewed the project and recommended payment as provided for in Engineer=s Certificate #1, which is on file in the Clerk=s office;

WHEREAS, Funds for this purpose shall be provided for in the appropriation entitled, Superstorm Sandy, and the Chief Finance Officer has so certified;

NOW, THEREFORE, BE IT RESOLVED, That Compass Construction Inc., be compensated in the amount of \$27,802.60 for work done in accordance with Engineer=s Certificate #1.

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

RESOLUTION #9

A RESOLUTION TO ROLLOVER BOND ANTICIPATION NOTE

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, A Bond Anticipation Note is due to Central Jersey Bank in the amount of \$707,275.00, on March 22, 2013; and,

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners of the Borough of Allenhurst wish to rollover that a lesser amount for a one year period and the Bond Attorney is hereby authorized to receive quotes for said Bond Anticipation Note in the amount of \$621,370.00, for a one-year period to expire on March 22, 2014.

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

RESOLUTION #10

A RESOLUTION TO OPPOSE LEGISLATION FOR EARLY VOTING

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, Senate Bill S-2364 and Assembly Bill A3553 propose to create a system of early voting in the State of New Jersey; and

WHEREAS, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; and

WHEREAS, these bills would in reality increase workloads, add more costs to the election process, and ultimately serve to confuse voters more than it would accommodate their needs; and

WHEREAS, these bills would require for each primary and general election a public facility, except a public school, located in each municipality in an area of a high concentration of population to be open and available to registered voters starting 15 days before an election for early polling, possibly conflicting with if not pushing out other important uses for these buildings, causing inconvenience to residents; and

WHEREAS, these bills require retraining of poll workers and dramatically increased hours, as well as chain of custody requirements to protect the voting process, despite the fact that recruiting and training polls workers is already a difficult process; and

WHEREAS, these bills would increase costs to municipalities, including overtime pay for workers; and,

WHEREAS, although these bills allow municipalities to request reimbursement for extra costs and provide an appropriation, the appropriation does not outline a specific amount nor dedicated funding, only that which the State Treasurer and the Director of the Division of Budget and Accounting deem necessary, and they do not outline the procedure for a municipality whose reimbursement request is denied; and,

WHEREAS, the opportunity for “Early voting” already exists in the State of New Jersey through the Vote by Mail ballot process;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Allenhurst, in the County of Monmouth, does hereby oppose S2364 and A3533; and,

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Borough of Allenhurst does hereby call upon its representatives in the State Legislature to oppose the adoption of this bill; and,

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be sent to the Office of the Governor, Senate president Sweeney, Senators Gill and Whelan, sponsors of S2364, Speaker Oliver, Assemblymen Wisniewski, Diegnan, Benson Conway, and Coughlin, sponsors of A3553, our State Senator and Assembly representatives, the County Board of Elections, and the New Jersey League of Municipalities.

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

RESOLUTION #11

A RESOLUTION TO HIRE PRE-SEASON EMPLOYEE

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, There is a need for pre-season labor to prepare the Allenhurst Beach Club for the 2013 beach season;

THEREFORE, BE IT RESOLVED, That the following are hereby hired as pre-season labor at the Allenhurst Beach Club for 2013:

Donald Deibert
Patrick Harvey

\$12.00/hr.
9.00/hr.

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

RESOLUTION #12

A RESOLUTION TO ACCEPT RESIGNATION

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, Gina Kneser has tendered her resignation with the Borough of Allenhurst, effective March 22, 2013;

THEREFORE, BE IT RESOLVED, That it is with regret that the Board of Commissioners accept her resignation; and,

BE IT FURTHER RESOLVED, That the Board wishes Mrs. Kneser success in her future endeavors.

Comm. McLoughlin wished Gina well and thanked her for her years with the Borough. Mayor McLaughlin wished her good luck.

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

RESOLUTION #13

A RESOLUTION TO CONFIRM BILLS AND PAYROLL (3/01/13 – 3/15/13)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payroll totaling \$257,238.34 be approved for payment; and,

BE IT FURTHER RESOLVED, That the March 12th consolidated bill list be attached hereto and made a part thereof.

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

PUBLIC HEARING

Lori Osborn gave a status report on projects at the Allenhurst Beach. Joseph Tomaino, architect, gave a status report on the cabana and bathroom projects.

Mayor McLaughlin stated that June 14th will be the official opening of the Club. They may try to do a soft opening for Memorial Day weekend.

Chairman Tomaino stated that they may need to enlarge the pumps room. He will check with the Construction Official.

Doug Caron, Public Works Supervisor, stated he met with JCP&L. They had the Borough's electrician there. They wouldn't turn on the main box until they checked the transformer. They are supposed to do that this week although the weather may have delayed them.

Bob Scally, resident, asked if the board had considered the painting around the pool area. It is gray now, but it used to be red. Mayor McLaughlin stated they would think about it.

Mr. Caron stated that the front wall facing the ocean was sand blasted. It came out very well. They will stain it so that it won't have to be painted every year. He stated a lot of people have been slipping coming up from the beach. He would like to sandblast half the pool deck. This will correct the slip situation. They can do the other half next year. This way it won't have to be painted every year.

Mayor McLaughlin asked about the lattice work and Mr. Caron stated that the frame is in place. They just have to place the lattice, but they are set and ready to go.

Tim Moriarty asked if they will be able to use the beach on Memorial Day weekend and Mayor McLaughlin stated the beach is always open. The construction equipment should be off by then.

Mayor McLaughlin spoke about the Seas It event, stating that Allenhurst should sponsor it as a Borough event.

Maryann Dowling stated that after the last meeting, she was approached by a non-resident. She said she felt that her daughter was entitled to her cabana because she has been a member longer. She asked if cabanas can be passed on. It needs to be addressed.

Comm. McLoughlin stated that at the last meeting, the Commissioners said they would allow cabanas to be passed down as long as that person was a resident taxpayer in town.

Mayor McLaughlin stated he spoke to someone at Monmouth Beach. They had a situation where a mother and father passed away. They will not let the children continue in the cabana. The question is a good one and they will have to look at it. They will try to be as fair as possible.

Mrs. Dowling stated there is a mentality that it is a right and not a privilege.

Frank McCann stated he is from out of town. His family has had a membership since the

1930's. In Monmouth Beach, those people were told well in advance what the situation was. For years it was the non-residents that supported the Beach Club with cabana memberships. Residents did not want them because they were already close to the beach. It would be a shame to kick these non-residents out.

Kathy Caulfield stated that the thing that concerns her is the bonding of \$5,000,000. She heard there is a problem with getting insurance and FEMA money. She doesn't feel her taxes should have to go sky high. She feels the out-of-towners should pay more.

Mayor McLaughlin stated it is a good point and one they are thinking about. Rates will have to go up. They have given everyone fair notice that this will happen.

Mr. McCann stated it would make sense to make the snack bar accessible to the beach.

Comm. Bolan stated it was an interesting topic and asked if Mr. DeCapua was in the audience. There was no response.

Mr. Scally commented that there used to be a snack bar at the cabanas.

Donna Clause wondered if the assessments should not be made per person instead of by facility. Comm. McLoughlin stated he sees her point, but a lot of those members are children and they will not have a count until all members have paid.

Mayor McLaughlin stated one of the things they were thinking about was to use two tickets for adults on holidays.

Mary Pat ? agreed with that. The July 4th weekend was very overcrowded.

Jack Lehman suggested also charging two tickets for weekends before or after holidays as it is very crowded because people take the whole week as a vacation.

Comm. Bolan stated they will be discussing whether to use two tickets on weekends also.

Kathy Caulfield asked if there was a possibility of getting parking revenue at the train station. Mayor McLaughlin stated he would discuss it with the Chief. Mrs. Caulfield stated the money could be used for the park.

Paul Williams, Loch Arbour, commended the Commissioners on their work in getting everything in shape. He was a Trustee in Loch Arbour from 2008 – 2011. He was the only one not in favor of the merger between Allenhurst and Loch Arbour. He was happy to hear the Mayor's comment, after the meeting in Trenton, that the issue was dead. He asked if anything had changed.

Mayor McLaughlin stated nothing has changed from Trenton.

Comm. Bolan disagreed, stating it had changed. He went to a meeting with Mayor Fernicola and the Department of Education. The Department was very enthusiastic in trying to make this happen. However, they couldn't offer any certainties. They will help to make it work in whatever way they can. The statement about a new school district was taken out of context. They are back to square one. With the storm, it has become a bigger challenge to figure out the financial impact. Allenhurst is always willing to listen. At their meeting, the Commissioners stated they were not going to spend money on a financial analysis before they had some answers.

Mr. Williams stated a few days after a meeting with State officials, the Mayor said the issue was dead. Comm. Bolan came to a Loch Arbour meeting and it sounded like it was still a possibility.

Mayor McLaughlin stated his comment was based on Allenhurst having to form a new school district. The State has said they are willing to work it out. They are willing to listen.

Mr. Williams commented that he had suggested in the past that Allenhurst use their tennis courts as a dog walk.

There being no further comments, public hearing was closed and as there was no further business, the meeting was adjourned.

Lori L. Osborn, RMC
Clerk-Administrator