

**MINUTES
APRIL 23, 2013**

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

Letter from Assemblywoman Caroline Casagrande stating she will not vote for Assembly Bill #1196 on Worker's Compensation.

Receipt from Monmouth County Planning Board of Ordinance #2013-03 – Fences.

Resolution from Monmouth County Board of Freeholders supporting the NJ Rate Council's opposition to JCP&L notice for rate increase.

SWEAR-IN POLICE OFFICER

Mayor McLaughlin swears in Ptl. Anthony Carafa. Ptl. Carafa's grandmother held the Bible and he was accompanied by his parents.

ORDINANCE #2013-03 ADOPTED

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**ORDINANCE NO. 2013-03
AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST,
CHAPTER XXVI, DEVELOPMENTAL REGULATIONS**

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

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

ORDINANCE #2013-04 APPROVED

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**ORDINANCE NO. 2013-04
AN ORDINANCE SUPPLEMENTING THE CODE OF THE BOROUGH OF ALLENHURST,
CHAPTER XIV, FLOOD DAMAGE PREVENTION**

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 held April 9, 2013 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 held April 9, 2013.

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

RESOLUTION#3

A RESOLUTION TO AUTHORIZE TEMPORARY EMERGENCIES

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

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 \$392,880.00 for current account and \$3,500.00 for Sewer Account;

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, S&W	4,000.00
Administration, O.E.	3,200.00
Finance, S&W	7,000.00
Finance, O.E.	1,000.00
Tax Collector, S&W	200.00
Director, Revenue & Finance	60.00
Tax Assessor, S&W	200.00
Legal	1,300.00
Tax Appeals	20.00
Planning Board, O.E.	500.00
Code Enforcement, S&W	400.00
Workman's Compensation	38,000.00
Group Insurance	12,600.00
Other Insurance	28,600.00
Police, S&W	40,000.00
Mayor, S&W	100.00
Municipal Prosecutor	1,200.00
Refuse & Recycling (Interlaken)	4,500.00
Board of Education (Interlocal)	800.00
Director of Public Buildings	60.00
Sanitation (Loch Arbour)	3,300.00
Board of Health	3,000.00
Telephone	2,000.00
OASI	3,100.00
DCRP	30.00
PFRS	180,100.00
Municipal Court, S&W	<u>3,500.00</u>
TOTAL	338,770.00
 Sewer, S&W	 3,500.00

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; 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 purchases and contracts are hereby confirmed:

Century Office Products - \$2,152 for maintenance of copy equipment

Lanigans - \$2,283.60 for police vests

Power House Sign Works - \$1,585 for lettering on rescue truck

Bryan McCarthy Electric - \$2,287.50 for electrical repairs due to Hurricane Sandy

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

RESOLUTION #5

A RESOLUTION TO AUTHORIZE MAYOR AND CLERK TO SIGN CONTRACT ACCEPTING BEACH REPLENISHMENT

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, The wind and tidal surge associated with Hurricane Sandy has caused significant damage to the recreational beach facilities along the beachfront as well as beach protection structures along the entire Allenhurst oceanfront; and,

WHEREAS, As a result of this damage, FEMA has developed a plan to replenish the beaches along the coast of New Jersey from Sandy Hook to Cape May; and,

WHEREAS, It appears that the entire coast will be covered by a Federal Grant that should result in little or no cost to each municipality accepting this proposal; and,

WHEREAS, The preliminary proposal requires only public access to the beach every one-half mile of beach front and unrestricted parking in the area of beach access; and,

WHEREAS, Oceanfront property owners will have to grant access to the contractor to apply the sand and to beach visitors who wish to use this beach according to the rules that apply; and,

WHEREAS, The Board of Commissioners, after consulting with the Borough Engineer and Borough Attorney have decided that, subject to the final proposal for beach replenishment and an agreement with oceanfront property owners, they agree to commit to this program as required;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners, that a preliminary agreement be made, subject to a discussion with the oceanfront property owners, where applicable for the acceptance of beach replenishment.

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

RESOLUTION #6

A RESOLUTION TO ENDORSE SUBMISSION OF RECYCLING TONNAGE GRANT

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and,

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and,

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and,

WHEREAS, A resolution authorizing Allenhurst Borough to apply for such tonnage grants for calendar year 2013, will memorialize the commitment of Allenhurst to recycling and to indicate the assent of the Board of Commissioners to the efforts undertaken by the Borough and the requirements contained in the Recycling Act and recycling regulations; and,

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that Allenhurst hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Douglas Caron, Recycling Coordinator, to ensure that the application is properly filed; and,

BE IT FURTHER RESOLVED, That the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

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

RESOLUTION #7

A RESOLUTION TO AUTHORIZE MAYOR AND CLERK TO SIGN AGREEMENT FOR DIRECT PAYMENT PROCESSING SERVICES

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, The Board of Commissioners, upon recommendation of the Beach Manager, desires to offer on-line payment services to Beach Club members; and,

WHEREAS, The Chief Financial Officer has vetted the company and recommends award of a contract for direct payment services to Metavante Corporation; and,

WHEREAS, Metavante Corporation will charge the Beach Club members a convenience fee for the ability to pay on-line and no charge will be assessed against the Borough;

THEREFORE, BE IT RESOLVED, That the Mayor and Clerk be authorized to sign an agreement with Metavante Corporation for direct payment processing services.

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

RESOLUTION #8

A RESOLUTION TO HIRE SEASONAL EMPLOYEES

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, There is a need for Beach Club personnel for the 2013 beach season;

THEREFORE, BE IT RESOLVED, That the following are hereby hired for the 2013 beach season:

Special Police, Class I

Thomas A. Dowling	\$10.00/hr.
Ryan E. Boyle	\$10.00/hr.
Sean Edson	\$10.00/hr.

Pre-Season

Jeff Mansfield	\$10.00/hr.
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VOTE: Comm. McLoughlin-AYE; Mayor McLaughlin-AYE

RESOLUTION #9

A RESOLUTION TO PURCHASE OUTDOOR CAMERA SYSTEM FOR ABC

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, The Board of Commissioners desires to install a video camera system at the Allenhurst Beach Club for both security and informational reasons; and,

WHEREAS, A quote was obtained from Midwest Surveillance for the following equipment:

2 - AXIS P3364-VE 6mm Network Camera – Axis P3364-VE HDTV
720p Vandal Resistant Outdoor Camera with LightFinder - \$863.10 ea.

2- AXIS P3346-VE Network Camera – The Axis P3346-VE is a 3-megapixel day and night fixed dome network camera that offers superb video performance - \$1,043.10 ea.; and,

WHEREAS, Funds for this purpose shall be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 when finally adopted;

NOW, THEREFORE, BE IT RESOLVED, That the cameras quoted above be purchased from Midwest Surveillance at a total cost of \$3,845.05, including shipping.

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

RESOLUTION #10

A RESOLUTION TO AWARD CONTRACT FOR CREATION OF ABC WEBSITE

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, The Board of Commissioners wishes to create a website for the Allenhurst Beach to inform members and beachgoers of inclement weather and to disseminate other important information regarding the beach and Beach Club; and,

WHEREAS, A quotation was obtained from Crabnet for the following:

1. Manage domain name service (DNS) for abc1897.com
2. Create new abc1897.com website
3. Create and maintain abc1897.com e-mail accounts for club operation and billing.
4. Create advertising web space for additional revenue
5. Install calendars, photo galleries, etc., as requested by Borough; and,

WHEREAS, Funds for this purpose shall be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 when finally adopted;

NOW, THEREFORE, BE IT RESOLVED, That a contract be awarded to Crabnet in the amount of \$1,475 for said services for the 2013 beach season.

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

RESOLUTION #11

**A RESOLUTION TO AWARD CONTRACT FOR NEW BILLING
AND E-MAIL SYSTEM FOR ABC**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, The Board of Commissioners desires to provide a billing and e-mail system for its Beach Club Members and the following quotation was obtained from Crabnet:

1. Create e-mail billing system for members to update their account information and edit online.

2. Send out e-mail blasts at various points to keep member application and billing process flowing.
3. Upgrade Borough program with new fields and tracking data.
4. Repair and replace damaged or missing items from storm.
5. Install commercial grade wifi extenders in pool and cabana area.
6. Install web accessible cameras for club website.
7. Upgrade membership verification system with new features and refinements.
8. Create computerized sales system for guest tickets and daily ticket sales with daily reporting and auditing capabilities; and,

WHEREAS, Funds for this purpose shall be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided for in the budget for the year 2013 when finally adopted;

NOW, THEREFORE, BE IT RESOLVED, That a contract be awarded to Crabnet in the amount of \$2,095 for billing and e-mail system at the Allenhurst Beach Club.

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

RESOLUTION #12

A RESOLUTION TO AUTHORIZE PAYMENT #3 FOR PILINGS 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 #3, which is on file in the Clerk=s office;

WHEREAS, Funds for this purpose shall be provided for in Capital Ordinance #2013-02, known as, 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 \$48,046.46 for work done in accordance with Engineer=s Certificate #3.

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

RESOLUTION #13

A RESOLUTION TO CONFIRM BILLS AND PAYROLL (4/16/13 – 4/30/13)

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That bills and payroll totaling \$334,652.33 be approved for payment; and,

BE IT FURTHER RESOLVED, That the April 23RD consolidated bill list be attached hereto and made a part thereof.

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

RESOLUTION #14

A RESOLUTION TO APPROVE CHANGE ORDER FOR PILING CONTRACT

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, A contract was awarded to Compass Construction, Inc., for replacement of broken and missing pilings at the Allenhurst Beach; and,

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

1. Raise bathroom framing to meet base flood elevations - \$11,824.00; and,

WHEREAS, Compass Construction, Inc., has submitted a request for a Change Order for the

additional work in the amount of \$11,824.00, which request has been reviewed by the Borough Administrator and Engineer, and found to be acceptable;

NOW, THEREFORE, BE IT RESOLVED, That Change Order No. 2 in the amount of \$11,824.00 be approved, thereby amending the contract total to \$194,426.00.

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

RESOLUTION #15

A RESOLUTION TO APPROVE SPECIAL MEETING

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

BE IT RESOLVED, That the Borough Clerk send the required notice to the Borough's official newspapers for a special meeting to be held by the Board of Commissioners on Thursday, May 2, 2013, at 7:30 PM to discuss easements for beach replenishment.

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

RESOLUTION #16

A RESOLUTION TO APPROVE PERSONNEL CAUCUS

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

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

PUBLIC HEARING ON PROPOSED 2013 BUDGET

Ed Dowling stated there are all kinds of rumors floating around about FEMA. One of them is that they are saying anything below the tidal waters will not be covered.

Mayor McLaughlin explained that they have raised the flood plain. The DCA would not let the Borough build the bathrooms below that plain and they will have to be raised 23" to meet the new requirements.

Comm. McLoughlin added that the Borough has held rates flat this year as they won't know the budget impact until next year.

Lori Osborn, Borough Administrator, explained what they had heard regarding FEMA's determination and what they were doing to make sure the Borough would receive relief from FEMA.

PUBLIC HEARING

Mayor McLaughlin gave a status report on the many projects and their stages at the Allenhurst beach. The cabanas are currently being built and will begin to be moved to the beach in early May. He explained that the second set of steps at the north end of the beach will remain.

Kevin Reynold asked how raising the bathrooms would affect handicap access and Mayor McLaughlin explained that they would have to have ramps.

Mr. Dowling questioned sand replenishment and Mayor McLaughlin stated they have learned the sand will be coming directly off-shore. The State is requiring easements from all oceanfront property owners. They will start the replenishment project south and work their way up. The State has placed 1.8 billion dollars in the budget for this project. Deal, Loch Arbour and Allenhurst did not participate in the first replenishment project and they are being done as a separate group. They are hoping to be included in the Asbury Park portion of the project.

Al Walker asked if the Borough would be going forward with this and Mayor McLaughlin stated they just passed a resolution authorizing the Mayor and Clerk to sign the required easement.

There was a discussion concerning the replenishment I which Rick Henderson, a resident of West Allenhurst and a Beach Club member, stated Allenhurst was fortunate. He stated the beach replenishment has robbed Allenhurst of some value. The surfing community has been against this because they have not seen a profile or an analysis of the grain size. Since the last sand replenishment, the pool has never been the same. He would recommend forgetting the salt water pool and go with a fresh water pool. He has never seen the algae cleaned up. The last time the Corps came down, they took the "T" down. The normal sand drift comes from the south to the north. These are the largest beaches they have ever seen. Allenhurst would become a public beach. There is more flooding in Loch Arbour after the sand replenishment. They should at least try to get the Corps to extend the "L" jetty. Engineered beaches have suffered the worst damages.

Mayor McLaughlin thanked Mr. Hendrickson for his comments. He stated the jetties will not be notched. Mr. Hendrickson stated they should be extended and gave a history of the jetties in Allenhurst.

Richard Lees, Long Branch, stated he agreed with extending the groins. The DEP is telling everyone the replenishment will be to pre-Sandy conditions. He gave the Commissioners some technical data regarding replenishment, stating if they do this in the summer, there may be a precipitous drop-off. It also destroys the fishing habitat. There will also be silt with the sand. He stated the DEP may not fund this for Allenhurst at 100%. If the Borough has a 9' elevation, it could have unintended consequences.

Comm. McLoughlin stated they will be Phase III at best and may even be Phase IV.

Comm. McLoughlin stated Renosys will have the pool liner repaired by May 24th. Mr. C's will be running a snack bar at the Club. They are hoping to go out to bid on the restaurant and snack bar by July or August.

Ed. Dowling asked when the RFP's would go out for operation and Comm. McLoughlin stated after the construction bids, they will do the RFP's for operation.

Mayor McLaughlin commented that they will also put the reconstruction of the old snack bar building out to bid at the same time. Construction may occur on weekdays, but not on weekends.

Mr. Dowling asked about the new flood plain regulations and how it will affect rebuilding the restaurant. Mayor McLaughlin explained that the restaurant is above the flood plain, as is the old snack bar.

Mr. Moriarty asked about the layout of the bar and whether that would have to be raised. Mayor McLaughlin stated that the general thought, although this is very preliminary, was that the front half of the restaurant would be lower. It will have the same nautical theme and feel. They are still a long way from any decisions on design. The construction should take about a year.

Bob Scally asked if the Board would consider a BYO as opposed to a lessee with a liquor license. Mayor McLaughlin stated it was too early to say. Comm. McLoughlin stated they can get more rent from an establishment with a liquor license. Mayor McLaughlin commented that this will be a restaurant with a bar, not a bar with a restaurant.

Mrs. Petti asked if any progress had been made on cabana rules. Mayor McLaughlin replied, not yet, they are still working on it. They will try to have the rules by opening day. He urged everyone to e-mail any suggestions.

There being no further comments, the Commissioners adjourned to caucus and did not reconvene.

Lori L. Osborn, RMC

Clerk-Administrator