

**MINUTES
JUNE 11, 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 were the Borough Clerk and Borough Attorney.

The meeting was called to order at 7:30 P.M. with a salute to the flag.

Mayor McLaughlin announced that the notice requirements of R.S. 10:4-18 had been satisfied by delivering the required notice to the Coaster, posting the notice on the board in Borough Hall and filing a copy of said notice with the Borough Clerk.

ORDINANCE #2013-07 – Public Hearing and Final Reading

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**ORDINANCE NO. 2013-07
AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST,
CHAPTER X, BEACH REGULATIONS**

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

Comm. McLoughlin stated that the two guest pass rule will not apply to this Father's Day weekend.

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

**RESOLUTION #1
A RESOLUTION TO RATIFY AND APPROVE MINUTES**

Offered By: Comm McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the minutes of the regular meeting held May 28, 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 held May 28, 2013.

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

RESOLUTION#3

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 purchases and contracts are hereby confirmed:

Bryan McCarthy Electric - electrical work at ABC - \$2,786.20
Diamond M Lumber – boardwalk lumber - \$6,788.80
M. Luz & Associates – painting services at ABC - \$3,280.00
S. Franford & Sons – umbrellas - \$4,730.28
Shore Awning – tent for previous snack bar area - \$4,980.00
Home Depot – supplies and materials for ABC - \$2,299.11
Diamond M Lumber – plywood for bulkheading of cabanas - \$5,310.80
Verizon – supply and install telephone pole for service at ABC - \$2,200.00

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

RESOLUTION #4

A RESOLUTION TO HIRE SEASONAL EMPLOYEES

Offered By: Comm McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the following are hereby employed by the Borough of Allenhurst for the 2013 summer season:

Pre-Season

Anthony Russo \$10.00/hr.

Security

Rachel Wade \$10.00/hr.

Pool Cleaning

Rutledge Varley \$70.00/cleaning

Deck

Brandon Kibbe \$5.75/hr.

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

RESOLUTION #5

A RESOLUTION TO APPROVE PAYMENT #2 FOR TOILET BUILDINGS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, A contract was awarded to V & K Construction, Inc., to rebuild public bathrooms, which were destroyed by Superstorm Sandy; and,

WHEREAS, The Borough Architect has reviewed the project and recommends payment #2 as provided for in the Architect's report, 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 V & K Construction, Inc., be compensated in the amount of \$69,300.00 for work done in accordance with the Architect's report.

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

RESOLUTION #6

A RESOLUTION TO APPROVE PAYMENT #4 FOR PILINGS CONTRACT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

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 Final Engineer=s Certificate #4, 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 \$24,580.24 for work done in accordance with Final Engineer=s Certificate #3.

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

RESOLUTION #7

A RESOLUTION TO APPROVE PAYMENT #1 FOR SEAWALL CONTRACT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, There was severe damage to the Seawall caucused by Superstorm Sandy; and,

WHEREAS, Bids were received and a contract was awarded to Burke Construction, Inc., to repair said seawall; and,

WHEREAS, The Borough Engineer has reviewed the project and recommends payment in accordance with Engineer=s Certificate #1, which is on file in the Borough Clerk=s office; and,

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 Burke Construction, Inc., be compensated in the amount of \$104,897.19 in accordance with Engineer=s Certificate #1.

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

RESOLUTION #8

A RESOLUTION TO AUTHORISE BEACH CLUB REFUND

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the following refund be issued for overpayment of ABC membership fees:

Patricia Englert – Deletion of Member - \$291.00

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

RESOLUTION #9

A RESOLUTION TO AUTHORIZE LEGAL AND PERSONNEL CAUCUS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

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 legal and personnel matters which are exempt from the public meeting under the Sunshine Law.

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

RESOLUTION #10

A RESOLUTION TO CONFIRM BILLS AND PAYROLL (6/01/13 – 6/15/13)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payroll totaling \$419,428.18 be approved for payment; and,

BE IT FURTHER RESOLVED, That the May 28th consolidated bill list be attached hereto and made a part thereof.

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

OTHER BUSINESS

Mayor McLaughlin stated DPW has worked extraordinarily hard since the storm and have done a tremendous job. Other towns have not done as much. There has been a lot of overtime and a lot of hard work with no complaints. When you see them, thank them.

The meeting then adjourned to legal caucus.

After reconvening, Mayor McLaughlin stated that Mr. Insabella came before them at the last meeting. He was very graceful and polite. He stated these cabana rules are not something they were dying to do. The taxpayers of Allenhurst wanted these rules. With the cabanas destroyed and the taxpayers footing the bill, they felt they should have the use of the cabanas. The process that has been in place has not been perfect. It was at the whim of the each Commissioner. It has been a very difficult task. Former Commissioners have told them not to go near it. When they opened 10 new cabanas, everyone came out of the woodwork. They came up with these rules and the User Agreement. Unfortunately, in the Insabella case, the principal passed away. The facts are that the principal was never changed. There was never a clerical error. The staff would only change the principal if directed by the Board of Commissioners. Mr. Insabella asked that the application be sent to him, but it did not change who the principal was.

Comm. Bolan stated he has lived in town for 25 years. He has never been a member of the Allenhurst Beach Club. He ran on a platform that he would serve as long as he had nothing to do with the Beach Club. He is disappointed because this year Larry O'Rourke and others came to them saying the taxpayers are footing the bill and they asked them to do something to refresh the membership. That resonated with him. They tried to make some general rules in the interest of fairness. They tried to balance the needs of the residents against the membership. For that, they have been called corrupt, etc. Their attorney has advised them that if they go forward now, they are subject to legal attack. It does not mean they would lose, but they would have to spend taxpayer money to defend it. They will not make any decisions this year. What they will do when they have the gift of time is to look at it further. Comm. Bolan apologized to Larry O'Rourke and the other residents that they could not get anything done this year. Next year, all licenses will be evaluated under the new standards. He urged everyone to come to the meetings and share their thoughts. He stated there are no property rights with these cabanas. He is grateful that people care, but is disappointed in all the name calling. He personally doesn't know anyone who cares more for this town than Dave McLaughlin. They are going to be fair. There is no self-interest here.

Mayor McLaughlin stated the Board has worked very hard on this. He is also disappointed about the name calling. He asked the members for their feedback on these rules.

Comm. Bolan stated they are not revoking anyone's membership. It is a license to hold a cabana for the summer. They sent out a letter saying a membership was revoked. It was wrong. They are not kicking anyone out. They have made these rules and they are inviting people to give

them their ideas. He apologized to Mr. Wimpfheimer and stated he was a great guy.

Mayor McLaughlin stated a letter went out to him in error saying his membership was revoked. Mr. Wimpfheimer is a great guy. The person using his cabana is a great guy also. They are lovely people.

PUBLIC HEARING

Stephanie Reynolds stated she would like to put up hooks and cover the back of her cabana door as it is very rough.

Mayor McLaughlin stated their concern is that they don't want people painting the inside of the cabanas, changing locks to removing the showers. If you want to change something, write it down and submit it. Anything of a permanent nature may be a problem.

Mrs. Reynolds asked about the banning of soap and shampoo and Mayor McLaughlin stated it is a requirement of the DEP. The showers are for rinse-off only.

Frank Peterpaul stated he appreciated everything being done. However, he is concerned with the hold harmless clause in the User Agreement. It puts a burden on the licensee.

Comm. Bolan stated it is unenforceable. Mr. Peterpaul stated it is there. He asked the Board to consider removing it.

Robert Fernicola stated their cabana is in their mother's name. The house is now in a trust. He needed clarification as to what he should do. He would like to switch the principal.

Thomas Gironda asked for an explanation of the word, "principal", stating he tried to change his locker and the Commissioners told him he could not. His is the only signature on the application. It has been in his family for 20 years.

Comm. Bolan stated what Tom wanted to do was kick Frank out.

Mr. Gironda stated it is his locker. He wanted to bring in another family, who are members, but want to share with him.

Comm. Bolan stated they would look into it.

John Insabella thanked the Board for hearing his appeal. He is very glad they will have a cabana this season. He did hear what the Commissioners were saying about negativity and name calling. He has always been very positive about the Board.

Mayor McLaughlin agreed, stating Mr. Insabella has been nothing but a gentleman.

Frank Fischer thanked the Board for their hard work. He was a Commissioner and he understands. The fact that they have cabanas at all is a miracle.

Mrs. Reynolds stated the drop-off is quite precarious and asked if the sand would be graded.

Doug Caron, Public Works Supervisor, stated it was done today. There is quite a difference now.

Mayor McLaughlin stated things may not be perfect. The bathrooms are not quite ready, but they have provided deluxe portajohns. The awnings will be going up starting tomorrow.

Comm. McLoughlin stated the well points are going in. They should have water on Friday. They are talking to the contractor about the electric for the cabanas. They may not have electric for the first week or so.

Gerry Varley asked if the new awnings will keep the sun out as the awnings on the “L” should be angled lower. Mayor McLaughlin stated they will have to see.

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

Lori L. Osborn, RMC
Clerk-Administrator