

**MINUTES
JUNE 25, 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

Letter from Rose O'Connor-Myer thanking the Borough for its support of the Allenhurst Outdoor Antiques Market

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 June 11, 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 June 11, 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:

Builders' General – Fencing, decking & supplies for ABC - \$3,595.00
Coastal NJ Fence Company – Temporary Fence Panels for ABC deck - \$1,251.00
Grainger – Materials to safe off recreation area - \$2,215.52
Monmouth Building Center – latex floor paint - \$1,949.50
Shore Awning – Tables for ABC - \$5,399.00

Shore Awning – Chairs for ABC - \$2,880.00
Bryan McCarthy – Bonding for Pool - \$1,279.00
Bryan McCarthy – Bonding for Wellpoint Manifold - \$1,555.00
Bryan McCarthy – hot water heater - \$1,575.00
Atlantic Plumbing Supply – plumbing supplies for temp. snack bar - \$3,557.75
Howell Township – Range Fees - \$1,250.00
QSend – Borough Web Page - \$2,400.00

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:

Summer Sanitation

Sean O’Grady \$12.00/hr.

Security

Kiersten Glynn \$8.00/hr.

Deck

Clayton Hommel \$5.75/hr.
James Gallagher \$5.75/hr.

Poolside

Matthew Hallman \$5.50/hr.
Hayden Hawes \$5.50/hr.

Recreation

Mike Kulka \$5.25/hr.

Pool Pump Maintenance

Marc Heitmueller \$4,500.00

Sanitation

Brendan Queenan \$12.00/hr.

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

RESOLUTION #5
A RESOLUTION TO RENEW LIQUOR LICENSE

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

WHEREAS, The following have made application for renewal of liquor licenses for the 2013 - 2014 licensing year:

Hot Ice, Inc., 413-415 Main Street, Allenhurst, NJ - License No. 1301-44-003-004

WHEREAS, The Applicant has fulfilled all statutory obligations regarding such renewal; and,
WHEREAS, The Applicant agrees that all of the terms and conditions affecting said licenses shall remain the same;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough

of Allenhurst that Plenary Retail Distribution License No. 1301-44-003-004 owned by Hot Ice, Inc., is hereby renewed for the term of July 1, 2013 through and including June 30, 2014.

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

RESOLUTION #6

A RESOLUTION TO APPROVE CHAPTER 159

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, Said Director may also approve the insertion of an item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners of the Borough of Allenhurst hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$1,161.04, which item is now available as revenue from Alcohol Ed Rehab & Enforcement Fund pursuant to the provisions of Statute; and,

Section 2

BE IT FURTHER RESOLVED, That a like sum of \$1,161.04 be and the same is hereby appropriated under the caption of Alcohol Education and Rehabilitation Fund.

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

RESOLUTION #7

A RESOLUTION TO HIRE PERMANENT EMPLOYEE

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

WHEREAS, William Varian was hired as a Laborer in the Public Works Department on a full-time temporary basis; and,

WHEREAS, Douglas Caron, Public Works Supervisor, has recommended that William Varian be hired on a permanent, full-time basis;

NOW, THEREFORE, BE IT RESOLVED, That William Varian be and he is hereby employed as a Laborer in the Public Works Department on a permanent, full-time basis at an annual salary of \$27,000.00, effective July 1, 2013.

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

RESOLUTION #8

A RESOLUTION TO CHANGE MEETING DATE

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Board of Commissioners has set its meeting schedule for the year 2013; and,
WHEREAS, Governor Chris Christie has ordered a special Primary Election to be held on August 13, 2013, which is a regularly scheduled Board of Commissioner's meeting; and,

WHEREAS, The Board of Commissioners wishes to reschedule their meeting to be held the first Tuesday in August, which date will be August 6, 2013;

NOW, THEREFORE, BE IT RESOLVED, That the first Board of Commissioner meeting

for the month of August be held on Tuesday, August 6, 2013, at 7:30 PM.

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

RESOLUTION #9

A RESOLUTION TO AUTHORIZE BEACH CLUB REFUNDS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

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

Jane Hughes – Deletion of Member - \$291.00

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

RESOLUTION #10

A RESOLUTION TO CONFIRM BILLS AND PAYROLL (6/16/13 – 6/30/13)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payroll totaling \$231,371.67 be approved for payment; and,

BE IT FURTHER RESOLVED, That the June 25th consolidated bill list be attached hereto and made a part thereof.

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

RESOLUTION #11

A RESOLUTION TO CONSIDER MORATORIUM WAIVER REQUESTS

David Barber stated his house burned down 18 months ago. He had a battle with his insurance company and, fortunately, he endured. He would like to re-build and move back in. He needs to raze the house and he would like to go forward as quickly as possible so that he can move back in.

Mayor McLaughlin stated that they can consider a moratorium waiver to demolish the house, but to re-build, Mr. Barber would have to first go through the Planning Board. He knows that some of the neighbors are anxious to have the house taken down. He asked Mr. Barber how many days would be needed.

Mr. Barber stated they will be taking off the roof and tiles, but, altogether, he should need no more than seven days.

Comm. McLoughlin commented that even if he went through the Planning Board, he would not be able to build before mid-September. He asked why the hurry?

Mr. Barber stated he is looking at health and safety issues. He does not want to be responsible for kids playing around. Although the doors lock, they are warped and kids could possible gain entry. Also, the house is beginning to lever and will collapse sooner or later. He would like the Board to appreciate the situation he is in. If he could get in to the Board before August, he would appreciate it. He does not have the money to continue storage or to pay rent. He is still paying his mortgage and insurance.

Mayor McLaughlin stated that, legally, they can do nothing. The process is governed by State Statute.

Comm. Bolan asked if surrounding property owners were notified. Ms. Osborn stated that Mr. Barber was given the list on Friday and she could not say whether the property owners received notification as it was indicated that notice was mailed.

Mr. Barber stated he didn't know until Friday that he had to come in for a waiver. No one told him he would need a permit for demolition.

Comm. Bolan stated Mr. Barber has lived here for years and should know about the moratorium. If there is an emergency, the Board allows limited waivers. His house burned down 18 months ago. Mr. Barber received a violation notice, stating he must do something about the house now. Now, in the middle of summer, you want to take it down and re-build. The question now is whether anybody is here to object. The question is how long will it take?

Mr. Barber stated they are ready now. They told him it would be seven days.

Comm. McLoughlin asked why this couldn't have been done in April or May. Mr. Barber responded that he didn't have the money. Now funds have been released.

Mr. Barber commented that he has a tree on his property that he would like to donate to the Borough.

The Board then considered the following resolution:

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Borough has received several requests for the waiver of the provisions of the construction moratorium; and,

WHEREAS, The Board of Commissioners has reviewed the waiver requests; and,

WHEREAS, Under the provisions of granting approval for a waiver for the period ending 5 PM on July 9, 2013, the following provisions shall be adhered to:

1. No construction activities prior to 8:00 AM or after 5:00 PM daily.
2. No construction activities on weekends.
3. No construction activities on Thursday, July 4, 2013.
4. No dumpsters or heavy equipment permitted on the street.

NOW, THEREFORE, BE IT RESOLVED, That the following requests for waiver of the provisions of the construction moratorium are hereby approved:

1. David Barber – 44 Ocean Place
Demolition of House

Extension APPROVED for seven days. Administrator is to be notified by applicant when permits have been secured and work will commence.

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

OTHER BUSINESS

Peter Barnett, Tax Assessor, stated the legislature passed a five-year reassessment program. The objective is to save money. In the first year, only Monmouth County will participate. This will give the municipality a truer picture of net valuation before they adopt their budget. As of now, the deadline for tax appeals is April 1st. That is being moved to January 15th. The objective is to have all judgments decided by the beginning of April. The other major part of this legislation is that a reassessment will have to be done every year. He tried to get the County to let him do the reassessment, but they will not let him. The town must hire a company. Every year, the town must reassess 20% of the town, so that every five years, the whole town is completed.

There was a short discussion on the cost and it was decided it should cost the Borough about

\$1,500 each year.

There was some discussion on how the assessments are done. Comm. McLoughlin asked where the savings come in and Mr. Barnett stated they will have a more accurate picture. If there are tax appeals and refunds, it will be before the budget is adopted and the town will not have to foot the bill for a refund that includes county and school taxes. Also, with a reassessment every year, there is greater equity and there should be fewer appeals and fewer awards.

Mayor McLaughlin asked if Mr. Barnett thought this was a good move and Mr. Barnett said that he did. In past years, the Tax board has tied their hands. Comm. McLoughlin asked if this was a mandate and Mr. Barnett replied that it was a mandate.

There was a discussion on the clock on Main Street which needs repairs and Comm. Bolan suggested that Mrs. Chera speak regarding a donation she and others would like to make. Mrs. Chera stated that Marilyn Falack loved Allenhurst and since she passed, they would like to do something in her name. She loved the beach and they wanted to do something there. If that is not possible, they will do whatever the Board suggests. There are a lot of people involved who want to be a part of this.

There were some suggestions made, including a proposed park on Allen Avenue and the broken clock and fountain on Main Street. Comm. Bolan commented that he would be more amenable to dedicate a park rather than a part of the Beach Club facilities.

Mrs. Chera stated the fountain sounded like a good idea and they will be in contact with Ms. Osborn.

There was a discussion with Chief Richter concerning the Borough's noise ordinance. Mayor McLaughlin asked what the procedure was when a noise complaint comes in. Chief Richter answered that when someone calls, they respond to the property and ask the homeowner to turn the music down. If they do, all is okay. If not, a summons is issued.

Comm. McLoughlin asked if a resident has to sign the complaint in order for a summons to be issued. Chief Richter responded that if it can be heard throughout the neighborhood, they will sign the complaint. If they do not feel it is too loud, but the homeowner still does, the homeowner can sign the complaint.

After some discussion, Chief Richter stated the ordinance is too objective as to what one person considers loud.

Comm. Bolan stated they should give the DJ a ticket. Some homeowners will take 10 tickets. His sister was told she would have to sign a complaint. She did not want to sign a complaint. She should not have to come to court.

Chief Richter asked the Commissioners if they wanted the police to sign something they do not agree with.

Comm. Bolan answered, no. They just don't want the officers to tell residents they have to sign a complaint. There should be no confusion. It is upsetting to him. Amplified music has no time limits. This is for neighbors who have parties every weekend with loud music. It is that simple.

Chief Richter asked what was considered way too loud. It is objective.

Comm. Bolan stated he would at least like to see it on the police report. They can put on it that the officer answered the complaint, felt it was not loud and did not sign a summons. He asked how many tickets have been issued to the Adjmi house and Chief Richter responded a few. He does not know the exact number.

Mayor McLaughlin asked how construction noise was handled and Chief Richter stated they give one warning and if they have to go a second time, they issue a violation.

PUBLIC HEARING

Mr. Moriarty suggested a decibel meter. Comm. McLoughlin stated they do not want to use a meter. They have to train the officers and it has to be calibrated.

Mr. Scally asked if there was a structure for fines and Comm. McLoughlin answered, yes.

ALLENHURST BEACH CLUB STATUS

Doug Caron and Chris Rogers gave a status report on projects at the Beach Club. Renosys kept telling them they were coming, but showed up at 4 PM, told him they would be back at 5 PM and he has not seen them. He has learned that they plan to come back at 5 AM tomorrow morning.

Mr. Caron talked about a problem with the fill line on the north side of the pool. They had a leak and when they jackhammered the concrete, they found that the stainless steel box has to be replaced. They took pictures and sent them to Peter Avakian and he agreed it would have to be replaced. They have Burke Construction working on it and they anticipate it will take 1½ days. Also, there are three leaks in the pipe in the sand and they cannot get prime. Burke will also come in and collar those. One of those leaks will require him to move cribbing to get to it. Fortunately, this work will not depend on the tides.

Comm. McLoughlin stated that come Friday, they need to have water in the pool. If things aren't perfect, it has to be as good as it gets.

There was some discussion on dates for the member party.

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

Lori L. Osborn, RMC
Clerk-Administrator