

**MINUTES
JULY 23, 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.

Mayor McLaughlin stated he had some sad news for the Allenhurst family. Bob Newman, a long-time volunteer in the fire and first aid department, passed. He gave the Board's condolences to his wife. Also, Joy More, who has been a long-time employee in the police department as a dispatcher, lost her husband, Bob as well. The Board offered her their condolences as well.

ORDINANCES

ORDINANCE #2013-08 – FIRST READING

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

**ORDINANCE #2013-08
AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST,
CHAPTER X, BEACH REGULATIONS**

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 July 9, 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 July 9, 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 and capital budgets, and the CFO has so certified; and,

NOW, THEREFORE, BE IT RESOLVED, That the following purchases and contracts are hereby confirmed:

Gen-El Safety & Industrial - \$2,064.84 for a gas meter
Lowe's Home Improvement - \$1,824.76 for various materials and supplies
Resort Contract Furnishings, Inc., - \$2,689.80 for lounges at ABC
Johnny on the Spot - \$1,240.00 for portable bathrooms
Bryan McCarthy Electric - \$2,258.36 for various electrical repairs

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

RESOLUTION #4
A RESOLUTION TO REFUND BEACH CLUB FEES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, A request was made for refund of Allenhurst Beach Club fees;

THEREFORE, BE IT RESOLVED, That after review, the Board of Commissioners has authorized the following Beach Club Refund:

Lori Elmer – Refund for Shelby Stout who was employed by Borough - \$291.00

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

RESOLUTION #5
A RESOLUTION TO APPROVE SWIM MARATHON

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Thomas Peterpaul Foundation has requested permission to conduct the sixth annual Swim Marathon and Bake Sale at the Allenhurst Beach Club on Saturday, August 17, 2013, with a rain date of Sunday, August 18, 2013; and,

WHEREAS, The Thomas Peterpaul Foundation is requesting the use of the pool for a two-hour period and a small section of the Club to sell baked goods;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners, that approval is hereby given to Tomas Peterpaul Foundation to conduct the sixth annual Swim Marathon and Bake Sale at the Allenhurst Beach Club on Saturday, August 17, 2013, with a rain date of Sunday, August 18, 2013.

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

RESOLUTION #6
A RESOLUTION TO AWARD CONTRACT FOR SUBSURFACE SOIL
AND FOUNDATION INVESTIGATION

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

WHEREAS, the Borough of Allenhurst has a need to acquire the services of a Geotechnical Engineer to perform a subsurface soil and foundation investigation for the site of the new Allenhurst Beach Club Restaurant as a non-fair and open contract pursuant to the provisions of *N.J.S.A.* 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Borough Administrator has determined that the value of the acquisition will not exceed \$17,500; and,

WHEREAS, Carlin, Simpson & Associates has submitted a proposal indicating they will perform these services for the Borough at a cost of \$4,900.00; and

WHEREAS, Funds for this purpose shall be provided for in the capital account known as 2013-02, and the Chief Financial Officer has so certified;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Allenhurst authorizes the Mayor and Administrator to enter into a contract with Carlin, Simpson & Associates as described herein.

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

RESOLUTION #7
A RESOLUTION TO AUTHORIZE PAYMENT FOR
RESTROOM CONSTRUCTION CONTRACT

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 #3 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 \$96,900.00 for work done in accordance with the Architect's report.

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

RESOLUTION #8
A RESOLUTION TO SET UP PAYMENT TO TRUST ACCOUNT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Borough of Allenhurst is sponsoring a Member's party at the Allenhurst Beach Club on Saturday, August 10, 2013; and,

WHEREAS, The party will be sponsored through the activity fee, which has been placed in the Trust Account for such purposes; and,

WHEREAS, Members wish to bring guests to the party and the Board of Commissioners have agreed, provided those guests be charged a fee of \$15.00 per person to cover expenses; and,

WHEREAS, The Chief Finance Officer has agreed that monies can be collected and placed in the Trust Fund for this purpose;

THEREFORE, BE IT RESOLVED, That Beach Club management be authorized to collect a fee of \$15.00 per guest for the Member party at the Allenhurst Beach Club to be held on August 10, 2013.

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

RESOLUTION #9

A RESOLUTION TO ESTABLISH PETTY CASH FUND

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of Petty Cash Funds in any county or municipality by application and resolution; and,

WHEREAS, The Board of Commissioners of the Borough of Allenhurst adopted a resolution on January 24, 1995, establishing the following petty cash funds:

Administration - \$100.00

Beach - \$100.00

Court - \$25.00; and,

WHEREAS, The Board of Commissioners desire to establish a petty cash fund for its Summer Recreation Program in the amount of \$500.00; and,

WHEREAS, The custodian for the summer recreation fund shall be the Borough Administrator, who is bonded, and who shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners of the Borough of Allenhurst, hereby authorizes the establishment of a petty cash fund for the Summer Recreation Program in the amount of \$500.00, for total annual expenses not to exceed \$2,500.00; and,

BE IT FURTHER RESOLVED, That two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs, for approval.

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

RESOLUTION #10

A RESOLUTION TO HIRE SEASONAL EMPLOYEE

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

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

POOLSIDE

Ryan McLoughlin

\$5.50/hr.

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

RESOLUTION #11

A RESOLUTION TO AUTHORIZE LEGAL 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 matters which are exempt from the public meeting under the Sunshine Law.

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

RESOLUTION #12

A RESOLUTION TO CONFIRM BILLS AND PAYROLL (7/16/13 – 7/31/13)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payroll totaling \$264,414.33 be approved for payment; and,

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

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

RESOLUTION #13

A RESOLUTION TO CONSIDER MORATORIUM WAIVER REQUESTS

Leonora Sutton, 510 Page Avenue, stated she has water in her basement. She couldn't do what she wanted before the moratorium. Her husband wasn't well. She has found someone now who will do the work and she is requesting a waiver. She has someone who lives in the basement and she is afraid of mold. The contractor told her it would take two days and will require a jackhammer and cement mixer.

Comm. McLoughlin asked how long she has lived in Allenhurst and Mrs. Sutton replied that it has been four years. Comm. McLoughlin asked if there was a down side to waiting until after Labor Day and Mrs. Sutton stated she will not be there then. She has a person living in the basement and it seems like a health hazard. Comm. McLoughlin asked if there were any other bedrooms that could be used and Mrs. Sutton stated that her children come down and use the other bedrooms.

Mayor McLaughlin explained that the waivers are only for dire emergencies. The moratorium has been voted in place by the public twice. Mrs. Sutton is asking to use heavy equipment. He also has a damp basement and uses a humidifier.

Mrs. Sutton commented that she had to wear boots to do her laundry.

Comm. McLoughlin stated that she knew there was a problem since last year. He doesn't see the emergent necessity when Labor Day is only a month away.

Mrs. Sutton's contractor stated it would take them four to five hours with a jackhammer in the basement. He will have to have a compressor outside.

Mayor McLaughlin stated that a resident, who received notice, came up to him with some concerns. These months are very special to the residents.

Comm. Bolan agreed and stated that a lot of houses have the same problem. This is not what the waiver was designed for. It is a tough call.

Mrs. Sutton stated that none of her neighbors had any objection.

Bill Capik, 307 Hume Street, stated he did not get a notice and perhaps he lives beyond 200 feet, but he is concerned. The compressor will make a good bit of noise. There is also a mixer involved. He is sympathetic, but they have all dealt with it. He has no problem with any work after September 3rd.

A waiver was also filed by Stanley Harper, 40 Ocean Avenue, but no one was present regarding that application.

After deliberating, the Commissioners considered the following resolution:

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

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

WHEREAS, The Board of Commissioners has reviewed the following waiver requests:

1. Leonora Sutton – 510 Page Avenue
Basement waterproofing, (French drains). Constant seepage is causing a mold problem. Tools include jackhammer and drill in basement, cement mixer. Request is for two days.
2. Stanley Harper – 40 Ocean Avenue
Request for immediate emergent relief to reinstall gutters on home. No notice has been given. Violation notice is pending as contractor has put up illegal dormer and third floor balcony without proper construction or Planning Board approvals.

THEREFORE, BE IT RESOLVED, That the Board has found that the above requests are not emergent in nature and shall be denied.

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

OTHER BUSINESS

Rose O'Connor offered a proposal for the member party at the Allenhurst Beach Club. She would like to give back to her neighbors and proposes a treasure hunt in the sand. She would cordon off sections of the beach and have contestants dig for treasure. Prizes will be gift certificates, old postcards of Allenhurst, etc. She will take care of all arrangements.

Chris Rogers, Beach Manager, stated that he spoke to Mrs. O'Connor and they have no problem as long as there is not a lot of work involved as they will be busy preparing for the party.

The Commissioners thanked Mrs. O'Connor and commented that it was a great idea.

PUBLIC HEARING

Leah Habert, 302 Allen Avenue, stated she was here to discuss her arborvitae. She lost some of them due to Hurricane Sandy and wanted to replace them at the same height of 10-12', but was told she could not replace them with anything higher than 4 feet. Chris finally allowed her to replace them, but she would like a variance to allow them to remain at that height.

Comm. McLoughlin explained that she would have to come before the Planning Board to request a variance and asked her to be in touch with Lori Osborn who will help her through the process.

Bob Scally stated he thought a police dog was a good idea. He also read an article in the Coaster stating the Commissioner of Education will allow Loch Arbour to send their children to Asbury Park schools if they merge with Allenhurst. He asked what would prevent the next Commissioner from changing that.

Comm. Bolan stated it is not a merger, but a consolidation. Loch Arbour will cease to exist and will be absorbed by Allenhurst. They are saying it will not affect the current relationship with Asbury Park schools. The big concern is what happens if the existing students in Loch Arbour want to continue their education in Ocean Township and wish to do so until they graduate. That doesn't seem to be workable.

Mr. Scally stated Ocean Township will lose a tremendous amount of money. What would stop them from appealing?

Attorney Laughlin answered, nothing would stop them. Ocean will lose \$2,000,000 a year.

Comm. Bolan stated they are trying to work out something that will make everybody happy. That is more difficult than it should be. The issue is on the back burner, however, as they have been

trying to get the Beach Club up and running. They need to know what financial affects the storm had on both towns.

Tim Moriarty stated at the last meeting he asked about updating information on the ABC website. There is a race coming up Saturday. There is no closing date on the calendar. There are things missing. More attention should be given to it.

Mayor McLaughlin thanked Mr. Moriarty for his comments.

PROPOSAL FOR NARCOTICS CANINE

Cpt. Schenider stated that the Department hired Anthony Carafa as a Communications Officer in 2010. He was then sworn in as a Class II Officer and now as a Patrolman. Ptl. Carafa has been a canine trainer for the last nine years and has a narcotics dog. The Captain reached out to a couple of people and received donations totaling \$6,000. This will outfit a car for the dog, plus allow for transmission repairs. The Borough would be responsible for the care of the dog.

Ptl. Carafa stated he has a female German Shepard. He stated Allenhurst is stuck between two heavily trafficked drug areas. This will increase the number and quantity of seizures. Ptl. Carafa explained how it would work with the dog.

Comm. Bolan asked about lending the dog to other towns and Capt. Schneider stated they would only consent to it when Ptl. Carafa is on duty and they can spare him. They will not leave Allenhurst unprotected. One of the benefits of this is that they will get a percentage of any seizure in which the dog had a role.

Mayor McLaughlin stated that now he has heard the whole picture, he is very much in favor of this program.

Comm. McLoughlin asked about vet bills, stating if the dog were to become ill, it could become very expensive.

Comm. Bolan stated they could put a cap on expenses and Cpt. Schneider stated they can put all of the guidelines in writing.

ADDITIONAL PUBLIC HEARING

Richard Yenesel stated there has been loud music coming from One Elberon Avenue. He has put speakers on the beach and he blasts music so that no one can sit there. He called the police and he did turn it down, but it happens frequently.

Cpt. Schneider stated this is a problem that has been going back for years with the same homeowner. They have sent summonses out and there have been heated exchanges. They have received a lot of calls from Allenhurst and Loch Arbour beachgoers.

Comm. Bolan asked how many summons had been issued and Cpt. Schneider stated none this year. When an officer goes to the address, he lowers the music.

Comm. Bolan stated they have had discussions with the Chief. They may not be able to use the noise ordinance, but they can use the nuisance ordinance. This is troubling to him. He should have been issued multiple summonses.

Cpt. Schneider stated the Chief has put out a direct order. After one call, a summons is issued.

Comm. Bolan stated this homeowner is doing this to keep people off his beach. It is purposeful.

Doug Caron stated that the Club had a band on the beach the other night and he worried that it was too loud. Is there a certain level?

Comm. McLoughlin stated they can adopt the DEP Ordinance, which sets a certain level, but they have been trying to avoid that as they would have to purchase meters and train officers. They wanted to use a “Common Man” approach, but that is not good enough in New Jersey.

Cpt. Schneider stated they do take the noise ordinance very seriously. This homeowner has paid heavy fines.

Mayor McLaughlin asked if the officer can walk to the backyard to hear the music and Cpt. Schneider stated it is what the officer should be doing.

Mark Horowitz stated the speeding in front of his house has gotten out of control. Sometimes it’s in excess of 50 mph. He brought this issue to the Chief’s attention, but he hasn’t seen any change. He feels this is a serious issue.

Cpt. Schneider stated speeding is always a problem on Corlies Avenue in the summer. The vast majority of summonses issued are on Corlies Avenue.

Comm. McLoughlin agreed with Mr. Horowitz, stating he sits on his porch and sees it as well. He has suggested rumble strips in the past.

Cpt. Schneider stated he would have to look into it. They have been trying to address the problem on Corlies.

Comm. McLoughlin suggested cameras that catch speeders and Comm. Bolan suggested “Children Playing” signs.

Mayor McLaughlin stated there should be zero tolerance for speeders. He suggested temporary speed bumps.

Cpt. Schneider stated those can be a liability issue and Comm. Bolan stated his concern would be that they could cause a car to lose control.

Cpt. Schneider stated they have issued more tickets this June than in July and August combined last year. There is a stepped-up effort.

Mayor McLaughlin suggested borrowing a speed wagon and Cpt. Schneider stated he would see if the County had any. He will also look into refurbished units.

There was a discussion regarding allowing Mister C’s to stay open after Club hours and Mr. Caron stated it could work if they hired a Borough employee to escort people from the Corlies Avenue gate, past the pool and to the bathrooms. It would have to be a Borough employee because it would be the Borough’s liability.

There being no further comments, public hearing was closed and the Board adjourned to caucus. After reconvening, Comm. McLoughlin moved, seconded by Comm. Bolan, that the meeting be adjourned at 10:05 PM. Motion carried.

Lori L. Osborn, RMC
Clerk-Administrator