

**MINUTES
OCTOBER 8, 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 DEP approving a copy of the Borough's proposed noise ordinance.

Letter from Governor Christie's office, thanking the Borough for supporting Assembly Bill #1857, which would provide that the President of the Municipal Clerk's Association of New Jersey serve as a member of the Government Records Council, and stating his reasons for vetoing the bill.

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 September 24, 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 September 24, 2013.

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

RESOLUTION #3

A RESOLUTION TO ESTABLISH HALLOWEEN CURFEW

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, The Commissioners are of the opinion that it is necessary for the protection of property and the citizens of the Borough of Allenhurst that regulations and restrictions be imposed during the Halloween period, in order to prevent vandalism and to preserve law and order in the Borough of Allenhurst during said period of time;

NOW, THEREFORE, BE IT RESOLVED, AND PROCLAIMED By the Board of Commissioners of the Borough of Allenhurst as follows:

I. That no persons under the age of 18 years shall be permitted in any public place, public street, or public property in the Borough of Allenhurst between the hours of 8:00 P.M. and 6:00 A.M., prevailing time, on each and every day during the period from October 30 through November 1, 2013, inclusive, unless such person shall, during said hours, be returning from work, night school, fraternity, church, social or school meeting, or en route to and returning from a physician's office or dentist's office where treatment is to be rendered or has been rendered by such physician or dentist, or is accompanied by his or her guardian or parent over the age of 18 years.

That during said hours and days, no person shall wear any appliance for the purpose of covering

any portion of his or her face, or partial mask, in any public place, public street or public property in the Borough of Allenhurst.

II. That all persons, regardless of age, excepting those who are attending minor children, who shall participate in the traditional Halloween activity of "Trick or Treat", within the Borough of Allenhurst on October 31, 2007, shall be in costume, and, shall curtail all "Trick or Treat" activities by 8:00 PM on this date.

That any person who is a parent, guardian or standing in loco parents of any person under the age of 18 years who permits, consents or allows any person under the age of 18 years to violate the provisions of this resolution of any part thereof, shall likewise be guilty of a violation of this resolution.

That any person who shall violate this resolution shall be subject upon conviction to a fine not exceeding \$200.00 or imprisonment of not more than 30 days, or both, in the discretion of the Municipal Court of the Borough of Allenhurst.

This resolution and proclamation shall take effect immediately upon adoption and approval according to law.

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

RESOLUTION #4

A RESOLUTION TO APPROVE CONTRACTS AND 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:

Coastal NJ Fence Co. – temporary construction fence on Allen Avenue - \$1,200.00

Grecco Son Transport – purchase of 1999 Cushman - \$3,000.00

Morphotrak – maintenance agreement on fingerprint machine - \$2,633.99

Team Life – defibrillator - \$1,545.00

Home Depot – various materials and supplies, (flagpole repairs) - \$1,339.27

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

RESOLUTION #5

A RESOLUTION TO APPROVE LIQUOR LICENSE RENEWAL

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:

The Wine Concierge, Allenhurst, NJ - License No. 1301-44-001-005

WHEREAS, This license required a special ruling by the Director of the Division of ABC, which was obtained on September 20, 2013; and,

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. 1301-44-001-005 owned by The Wine Concierge, 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 AUTHORIZE LEGAL AND PRSONNEL 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 #7

A RESOLUTION TO CONFIRM BILLS AND PAYROLL (10/01/13 – 10/15/13)

Offered By: Comm.; McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payroll totaling \$295,453.16 be approved for payment; and,

BE IT FURTHER RESOLVED, That the October 8th consolidated bill list be attached hereto and made a part thereof.

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

DISCUSSION ON RESTAURANT

Comm. McLoughlin stated he thought it would be worth it to get both sets of plans for the restaurant. He would like to see what the actual construction costs would be. His intent for a second floor would be for the use of the town, such as casino night for the Fire Department, an area for the recreation kids, meetings and small rentals. The restaurant can also use it if they have events such as a wedding. They could generate some additional revenue. He does not see it as a separate rental unit that functions without the restaurant.

Comm. Bolan stated it is a big number to put out a second set of plans. They still don't know what they will recoup from insurance. The primary purpose of the restaurant was for summer. They can create something in the lease that will allow for Borough functions. In the off-season, the restaurant is not that busy. Having an elevator and stairways will compromise the use of the first floor.

Mayor McLaughlin stated the estimates to build the cabanas were high and they were able to do them for less. He would like to do a second floor. He has spoken to people in town and they feel there is a need. The numbers for both plans are astronomical. He would like to build something that people can use. Have an elevator and a second floor deck, but no enclosure. It is what was there before. If they feel there is a need, they can put a temporary enclosure up there. Some town employees have told him there is a need. He was told they can distribute the cost through membership fees. They have gone back and forth on this. He has called around to see if the estimates that Joe Tomaino received were on the mark and it seems as if they are.

Comm. McLoughlin stated that would require new plans and Mayor McLaughlin stated they can take the plans and modify them. They will still need accessibility for the second floor, which will require an elevator as well as interior and exterior stairs. They can bring it back to what it was originally.

Comm. McLoughlin stated that historically, the town makes decisions that are penny-wise and pound-foolish.

Mayor McLaughlin stated it is a Catch 22. It is a residential area.

Comm. Bolan stated he had no problem with a rooftop use which will expand the Beach Club. They can restore it to its original use. The restaurant originally had a deck that could be used. Once you go for an enclosure, that is where the extra money comes in. He likes the idea of roof accessibility.

Mayor McLaughlin stated he can see the uses for a second floor, but the return to pay for it will be very expensive.

Comm. McLoughlin stated a second floor can be used for things they can't even foresee. He thinks it is worthwhile to explore the option.

Robert Scally, 310 Cedar Avenue, asked what types of things employees thought it would be good for and Mayor McLaughlin stated for community events and things normally held at the firehouse. Mr. Scally stated they can argue it both ways. Years ago, the restaurant had a deck.

Marianne Dowling, 232 Spier Avenue, asked if the building could be built as one story with the option of putting on a second story. This way, they can see what they get back from insurance. Comm. Bolan stated it would be better to build two stories now, than to do that. They would have to move the HVAC systems and they would have to be able to heat and cool both floors. The current restaurant lessees have advised them that a banquet facility is not feasible unless you seat 150 people. They don't want that kind of crowd. There is no parking. In the off-season, the restaurant itself can be used. He feels that expanding the use is significant.

Comm. McLoughlin asked about the old snack bar and Mayor McLaughlin stated he has gotten feedback that people like it open. Comm. McLoughlin asked where they will put the recreation kids. It is good and bad that the current proprietors were here. They are looking after their own interests.

Comm. Bolan stated they were nothing but open. They were not being duplicitous.

Comm. McLoughlin stated that everyone is saying it will cost four million dollars and that may be. If it is four million dollars, he will agree that they shouldn't do a second floor. However, if the costs come in at two million dollars, he would be for it.

Mayor McLaughlin stated time is ticking. He would like to speak with Mr. Tomaino regarding the soft costs.

Comm. McLoughlin offered that they proceed with drawing two sets of plans contingent upon approval of costs to go out to bid.

Mrs. Peterpaul asked how far out they are to the actual bids and Mayor McLaughlin stated they are not far.

Donna Clause, West Allenhurst, asked how much input the Planning Board would have. Mayor McLaughlin stated the plans have to go before the Board for review and they can make any suggestions, but the ultimate decision is the Board of Commissioners.

Mayor McLaughlin seconded the motion made by Comm. McLoughlin. The motion was approved on the following vote: Bolan-NO; McLoughlin-AYE; McLaughlin-AYE.

PUBLIC HEARING

Mr. Scally asked about speed bumps and Comm. McLoughlin stated they are sending out a newsletter. It will mention the speed bumps and will ask residents to e-mail the Borough and let them know if they want one on their block.

Mayor McLaughlin stated the Borough is slated for beach replenishment in the Fall of 2014. It will be the last phase along with Elberon, Deal and Loch Arbour. It will be at no cost to the Borough.

There being no further business, the meeting adjourned to caucus and did not reconvene.

Lori L. Osborn, RMC
Clerk-Administrator