

**MINUTES
NOVEMBER 12, 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.

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 October 22, 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 October 22, 2013.

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

RESOLUTION #3
A RESOLUTION TO TRANSFER APPROPRIATIONS

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

BE IT RESOLVED, That the following transfer of 2013 appropriations be made:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Tax Assessor, O.E.	Elections	\$ 102.00
Parks and Playgrounds	Recycling	\$2,500.00

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

RESOLUTION #4
A RESOLUTION TO APPROVE 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:

Marine Rescue Products – 2 Rescue Boards - \$1,905.00

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

RESOLUTION #6

RESOLUTION FOR THE USE OF BEACH AREAS IN WHICH PRIVATE EASEMENTS WERE GRANTED IN CONJUNCTION WITH THE ARMY CORPS. OF ENGINEERS ATLANTIC COAST OF NEW JERSEY, SANDY HOOK TO BARNEGAT INLET, SECTION I SEABRIGHT TO OCEAN TOWNSHIP, BEACH EROSION CONTROL PROJECT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, the Borough of Allenhurst wishes to participate with the State Department of Environmental Protection (“DEP”) and the United States Army Corps. of Engineers (“ACOE”) in the implementation of the Atlantic Coast of New Jersey, Sandy Hook to Barnegat Inlet, Section I Seabright to Ocean Township, Beach Erosion Control Project (the “Project”); and

WHEREAS, in order to participate in and receive the benefits of the Project which will construct additional beach reducing exposure to damage caused by storms and erosion within the Borough, the Borough must acquire easements, which run in perpetuity, for the construction of the Project, i.e. the placement of sand and construction of beach over privately owned oceanfront properties; and

WHEREAS, in consideration of the necessary easements being given to the Borough by private property owners and in recognition of the fact that: such easements are property rights which have value; that the Borough and its citizens will benefit from the additional protection to property, life and limb that the Project will provide from storms and erosion; that the Borough and its citizens will benefit from having greater access to and ability to enjoy the beach and ocean as a result of the Project; that the Project will provide economic and other benefits to the Borough which are difficult to quantify; that the Project includes the public’s right to access and use of beach constructed in the easement areas as part of the Project, including areas where such rights may not have previously existed; and that private property owners will still be record owners of the property where the easements exist, the Borough has agreed to make best efforts to limit creating or allowing attractive nuisances in the easement areas; and

WHEREAS, easements have been granted to the Borough by 1-3 Elberon Avenue, LLC; Ezra Shaul Ashkenazi 2002 Descendants Trust; Thomas and Angelina Pecora; and Allen Avenue LLC the owners of Block 2 Lots 9 and 11; Block 2, Lot 10; Block 2, Lot 6; and Block 2, Lot 8, respectively (collectively the “Grantors” and “Properties”);

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Borough of Allenhurst that:

1. This Resolution shall remain in force and effect for as long as the easements acquired for the Project are in effect and that this Resolution shall be recorded in the chains of title of the Properties as defined above and depicted in Exhibit A annexed hereto and made a part hereof.
2. The Borough shall not place within any easement area within the Properties as described herein: any lifeguard stand; any recreational court, permanent or temporary structure (recreation or otherwise), or area, including but not limited to volleyball court, children’s playground, or equipment.
3. The Borough will rake the easement area, incidental to and concurrent with its typical beach raking operations on the other beach areas within the Borough.
 - a). Via a separate document, the Grantors shall save harmless the Borough, its agents, servants and employees from any and all liability that may arise from the performance of the beach raking on said Grantor’s property.
 - b). The Borough shall have no other maintenance obligations nor any responsibility for or arising out of the Grantor’s property, save for raking the same incidental to the Borough’s typical raking operations.

4. The Borough and its employees shall not place chairs, umbrellas, towels or other items which could attract or create an attractive nuisance within the easement areas.

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

RESOLUTION #7

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 #8

A RESOLUTION TO CONFIRM BILLS AND PAYROLL (11/01/13 – 11/15/13)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payroll totaling \$666,003.84 be approved for payment; and,

BE IT FURTHER RESOLVED, That the November 12th consolidated bill list be attached hereto and made a part thereof.

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

OTHER BUSINESS

Comm. McLoughlin asked Cpt. Schneider for his input on the speed bump. Cpt. Schneider stated he has been watching the area. He has seen an increase in speed over the bump. Initially people slowed down, but now they are using a little more speed. They haven't had a chance to test it with summer traffic, but he has seen an increase.

Comm. McLoughlin stated they have gotten some feedback. Some are for it, some against. Comm. Bolan stated there are five against it and three for it.

The Commissioners discussed a workshop meeting and decided to set one for December 17, 2013 at 10 AM.

Mayor McLaughlin stated that they had a scare over the weekend. Thank God it turned out to be unfounded. The police acted quickly and put a code red out.

Cpt. Schneider stated he was here tonight to answer any questions. When the incident happened, he was at the shooting range. He immediately sent the Sergeant back to town to work with the detective and patrolman who were in town. It wasn't until 24 hours later through interviews that they saw holes in the story and it fell apart. The Prosecutor's office was great.

Mayor McLaughlin stated that the department did a terrific job.

PUBLIC HEARING

Josephine Mahon, 305 Cedar Avenue stated that recently her house was burglarized and her car stolen. She would like to thank the Allenhurst police, especially Cpt. Schneider and Det. Lipari for their perseverance. They came to her house many times to make sure she felt safe. They went above and beyond the call of duty. She would also like to thank the Asbury Park Police Department for the speedy recovery of her car.

Pat McGinnis, 15 Corlies Avenue, stated she is not happy with the speed bump. She feels it is harmful to her car. She took her car in for inspection and found that her stabilizer bar was broken. Her mechanic told her it could have been because of a speed bump. She is not putting in a claim as it is an old car, but she is not happy. She avoids Corlies Avenue, even though she lives there. She understands what they are trying to do, but wonder if there is another way to do it.

Ed Dowling, 232 Spier Avenue, asked about the RFP for the restaurant. Mayor McLaughlin stated that they are having a workshop meeting and they will be working on it.

Mr. Dowling asked when they were going to look at the cabana rules and Mayor McLaughlin stated it will not be tonight as they have other things to discuss, but they will be getting to it. Mr. Dowling asked if there is anything on the website. Comm. Bolan stated they want to work on it early. They have come a long way toward crafting the rules, but they do need some tweaking. They are trying to facilitate a turnover so that long-time residents will have an opportunity at a cabana. However, nothing is in stone.

Mayor McLaughlin stated that they will not be asking for a cabana deposit next year. The agreements are enough to ensure that the cabanas will be maintained and the rules will be followed.

Mr. Dowling stated he would specifically like to know about smoking and noise, (music). Are there rules?

Comm. McLoughlin answered that you can only smoke on the sand. Mayor McLaughlin stated that the Board adopted a noise ordinance, which will require noise meters and that should take care of any loud noise or music.

Mrs. McGinnis asked about the beach replenishment and Mayor McLaughlin explained that it will probably occur in late summer or fall of 2014.

Al Cheswick, Loch Arbour Commissioner, asked the Board if they voted on Resolution #5 and Comm. McLoughlin stated they will vote after caucus.

There was a short discuss on the new benches for the boardwalk in which the Commissioners stated they will be all white.

Mayor McLaughlin stated they will be putting the restaurant plans on the Borough's website. Mrs. McGinnis asked if there will be a public meeting and Mayor McLaughlin stated that the plans will be reviewed by the Planning Board and the public will be allowed to comment at that time.

Mr. Dowling asked when the Commissioners thought this would go out to bid and Mayor McLaughlin stated they are hoping for January.

Comm. Bolan commented that they will have a new snack bar for next year. It will be located at the front entrance.

There was a short discussion on the snack bar and placement in which Mayor McLaughlin stated that they are considering a separate entrance to the beach off of Allen Avenue. Mayor McLaughlin stated that the restaurant will be one floor with a usable deck. There will be an elevator and interior and exterior stairs. There will be an extra set of bathrooms outside for the members.

Mrs. McGinnis stated there was a great party last year at the pool. The band played on the deck facing the ocean. The music could not be heard from her house. If there is a deck, will there be music on the roof? That would be unpleasant. Mayor McLaughlin stated the Board will police what goes

on the deck. It will not be a nightclub atmosphere. Comm. Bolan stated he doesn't anticipate that the restaurant will use it much and he doesn't anticipate amplified music or bands up there. The Commissioners are sensitive to the fact that it is a residential area.

There being no further comments, the Commissioners adjourned to caucus.

After reconvening, the following resolution was considered:

RESOLUTION #5
A RESOLUTION AUTHORIZING CONTRACT FOR CONSULTANT TO PREPARE
FINANCIAL ANALYSIS FOR PROPOSED CONSOLIDATION OF LOCH ARBOUR INTO
THE BOROUGH OF ALLENHURST

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Borough of Allenhurst and the Village of Loch Arbour wish to engage the services of a Consultant to prepare the financial analysis of the potential consolidation of the Village of Loch Arbour into the Borough of Allenhurst, and prepare a report of the same to the respective governing bodies; and,

WHEREAS, Funds for this purpose shall be provided for in the appropriation know as Legal Fees and the Chief Finance Officer has so certified;

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

1. The Board of Commissioners is hereby authorized and directed to engage the services of Reagan Burkholder of the firm Summit Collaborative Advisors, LLC of Summit, NJ for the preparation of a fiscal analysis of the potential consolidation of the Village of Loch Arbour into the Borough of Allenhurst, at the total cost of \$5,000, shared equally by the Borough of Allenhurst and Village of Loch Arbour and attendance at meetings at the rate of \$500 per meeting, if attendance is requested.
2. This appointment is made for a period not to exceed two months or until the report of the fiscal impact of the consolidation is issued.
3. This appointment is made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law, and is therefore exempt under N.J.S.A. 40A:11-5.
4. A copy of this resolution shall be published within 10 days of its passage as required by law.

BE IT FURTHER RESOLVED, That a certified copy of this resolution shall be supplied to the Chief Financial Officer and Reagan Burkholder of the firm Summit Collaborative Advisors, LLC of Summit, NJ.

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

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

Lori L. Osborn, RMC
Clerk-Administrator