

**MINUTES
JANUARY 28, 2014**

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

Notice of Seminar for Elected Officials sponsored by the Board of Chosen Freeholders.

Notice of dates for Public Officials Risk Management Seminar.

CITATIONS

Mayor McLaughlin presents citations for assistance to the Allenhurst PD and for acts of bravery to Kim Hoyle, Ptl. Carafa and Ptl. DiBona.

ORDINANCE #2014-01 – SALARIES - ADOPTED

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

ORDINANCE #2014-01

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST,
CHAPTER II, ADMINISTRATION**

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

ORDINANCE #2014-02 – POLICE SALARIES - TABLED

ORDINANCE #2014-02

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST,
CHAPTER II, ADMINISTRATION**

ORDINANCE #2014-03 – REASSESSMENT - ADOPTED

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

ORDINANCE #2014-03

**A SPECIAL ORDINANCE AUTHORIZING EMERGENCY APPROPRIATION
IN THE AMOUNT OF \$40,000.00 FOR THE PREPARATION AND
EXECUTION OF A COMPLETE PROGRAM OF REASSESSMENT OF REAL
PROPERTY FOR THE BOROUGH OF ALLENHURST, INCLUDING
APPROVED TAX MAP UPDATES FOR USE OF THE LOCAL ASSESSOR**

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

ORDINANCE #2014-04 – NOISE - ADOPTED

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

ORDINANCE #2014-04

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST,
CHAPTER III, NOISE**

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 January 14, 2014 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 January 14, 2014.

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

RESOLUTION #4

**A RESOLUTION TO AWARD CONTRACT FOR APPRAISAL SERVICES FOR
REVALUATION**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The County of Monmouth has ordered that a complete revaluation of all real properties be done within the Borough of Allenhurst; and,

WHEREAS, the Borough of Allenhurst has a need to acquire the services of a Real Estate Appraisal Company and the Board of Commissioners has elected to proceed pursuant to the provisions of *N.J.S.A. 19:44A-20.5* respecting the award of professional contracts and the procedures set forth therein; and,

WHEREAS, the Borough Administrator, Lori Osborn has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, The Board of Commissioners desires to contract with Realty Appraisal, Inc., for revaluation of Borough properties; and,

WHEREAS, Realty Appraisal, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Realty Appraisal, Inc., has not made any reportable contributions to a political or candidate committee for any presently sitting elected Commissioner of the Borough of Allenhurst in the previous one year, and that the contract will prohibit Realty Appraisal, Inc., from making any reportable contributions through the term of the contract, and

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst that the Mayor and Borough Clerk be and they are hereby authorized and directed to engage the services of Realty Appraisal, Inc., for revaluation of real properties within the Borough of Allenhurst a cost not to exceed \$30,000.00; and,

BE IT FURTHER RESOLVED, That the Borough Clerk be and she is authorized and directed to publish this resolution in accordance with NJSA 40A:11-1.

BE IT FURTHER RESOLVED that the Clerk shall maintain a copy of this resolution, and the Agreement with the appointee, on file in her Office and make the same available for public inspection during regular business hours.

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

RESOLUTION #5

A RESOLUTION TO AWARD CONTRACT FOR PAID FIREFIGHTER

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Allenhurst Fire Department has requested that the Borough hire a paid firefighter/maintenance person to be stationed at the Allenhurst firehouse for a 30 hour work week between 6 AM and 6 PM, Monday through Friday; and,

WHEREAS, The Board has determined that these are extraordinary unspecifiable services, which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor as per N.J.S.A. 40A:11-2(7); and,

WHEREAS, A quote was obtained from JHH Services, LLC, in the amount of \$2,000 per month for firefighter/maintenance services, payable through monthly invoices to the Borough of Allenhurst; and,

WHEREAS, Funds for this purpose shall be provided for the first three months of 2014 in the 2014 Temporary Budget and funds for the balance of 2014 will be provided for in the budget for the year 2014 when finally adopted;

NOW, THEREFORE, BE IT RESOLVED, That a contract be awarded to JHH Services, LLC for firefighter/maintenance services at the Allenhurst firehouse at a cost of \$2,000.00, for a six month period beginning January 1, 2014 and ending June 30, 2014.

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

RESOLUTION #6

A RESOLUTION TO AUTHORIZE ADVERTISING FOR BIDS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the Borough Clerk be and she is hereby authorized to advertise for bids for the following projects:

Electrical Work at the Allenhurst Beach Club

Decking for restaurant and/or additional decking between the existing north deck and south deck

Construction of Beach Room with sewer improvements

Furnishing equipment for the ABC Snack Bar

Construction of a new restaurant at the Allenhurst Beach Club

Furnishing kitchen equipment for the restaurant

Interior Design of the Restaurant at the Allenhurst Beach Club

Lessee for Snack Bar and/or Tiki Bar

Lessee for ABC Restaurant

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

RESOLUTION #7

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 contracts are hereby confirmed:

Security World for well monitoring services - \$1,100.04

Atlantic Plumbing for materials and supplies at ABC - \$2,890.57

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

RESOLUTION #8

A RESOLUTION TO ACCEPT SAFETY AND COMPLIANCE PROGRAM

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Borough of Allenhurst is a member of the Monmouth County Municipal Joint Insurance Fund (MONMOUTH JIF); and,

WHEREAS, It is the policy of the MONMOUTH JIF to achieve the best and most practical degree of freedom from accidents and/or injuries; and,

WHEREAS, The MONMOUTH JIF endeavors to ensure that all of their members' employees, volunteers and public are provided with a safe and healthy environment free from any recognized hazards; and,

WHEREAS, The MONMOUTH JIF's Safety Committee is made up of volunteers representing many of the Fund's municipalities, along with the professionals employed by the Fund; and,

WHEREAS, Over the past year, the MONMOUTH JIF's Safety Committee has worked hard to develop a new Safety and Compliance Program like none other in the State that will better represent the members of the Fund's needs; and,

WHEREAS, The new Program will assist all the MONMOUTH JIF's members in becoming or maintaining compliance with all Public Employees Occupational Safety and Health (PEOSH) Requirements; and,

WHEREAS, The MONMOUTH JIF has adopted the new 2014 SAFETY AND COMPLIANCE PROGRAM which should succeed in providing a safe, healthful and pleasant environment; and,

WHEREAS, The Clerk-Administrator of the Borough of Allenhurst has reviewed the SAFETY AND COMPLIANCE PROGRAM and has recommended its adoption by the Governing Body;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Monmouth County Municipal Joint Insurance Fund SAFETY AND COMPLIANCE PROGRAM be adopted by the Borough of Allenhurst.

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

RESOLUTION #9

RESOLUTION TO REFUND OVERPAYMENT OF TAXES DUE TO A STATE OF NEW JERSEY TAX COURT JUDGMENT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, the Borough of Allenhurst has received from the Tax Court of New Jersey judgment(s) reducing the assessment on certain property for the years indicated; and,

WHEREAS, the taxes on the indicated properties for the years indicated are overpaid; and,

WHEREAS, a stipulation having been filed with the judgment indicating that relief from the same be made by way of credit to the taxpayer's account; and,

NOW THEREFORE BE IT RESOLVED, that the Finance Department is hereby authorized to issue an individual check to the Borough of Allenhurst, where a credit is to be given rather than a refund, as shown below charging taxes for the year indicated in the amount of \$2,587.25.

2. The state has e-mailed us from the DCA's office stating that there is no mechanism for one municipality to pay down another's debt. That was the sole purpose I had in sending what I knew to be a flawed plan to the state. To get that answer in writing. Shockingly, they came to that answer by contacting OUR bond counsel. I expected the answer to come from the state not from our counsel but that is where the state went to get it's answers. Moreover, in each discussion, the topic of selling our municipal property particularly the beach club was brought up as a work around because:
3. The legislative bill that we discussed only came out of committee and never made it to either the Senate or the Assembly. In fact, it is dead now as the legislative session is over and if it is to be revived has to begin all over again. I believe it may have just been reintroduced as Senate Bill 316. This flies contrary to what was said by the woman from Courage to Connect at the firehouse meeting; and what was suggested by the Loch Arbour Commissioners at the same meeting that it was well on its way to passage.
4. The school assumptions are more than a little off. Importantly, the state said that if assumptions were to be made than those assumptions should be tied to worse case scenarios not best case scenarios which is what the current plan is suggesting with only 2 children going to public school. The DCA suggested that we should "presume" that all 22 kids go to Asbury schools to account for a worst case scenario and to look at their current allocation of school funding to get a better idea of costs.
5. When asking about the bifurcation process and could the parents of the LA children sue, I was told that a lawsuit is a costly proposition but that yes they could sue. Whether an injunction could be issued, The DCA would not speculate and I am not a lawyer. On the plus side, even in the event of some sort of an injunction, the special taxing district would be responsible which has been clearly stated but brings me to point #
6. If such an occurrence happened and we do not know if it will, how could a special taxing district cover the pay down of the 5 million debt, continue paying Ocean potentially and cover the costs of a lawsuit?
7. In order for taxation after a consolidation, both town's properties would need to be assessed at 100%. Neither town is. How would that happen and are their re-val costs over and above the 40k we just bonded? This has not even been discussed between the two towns and more importantly our CFO and town auditor have not even weighed in on this plan.
8. Lastly, the Commissioners of Loch Arbour believe that there is a strong vocal minority calling for us not to proceed and I could not disagree with them more. I have had a large number of people quietly approach me outside the meeting room and who are normally not outspoken at all, speak to me about not wishing to proceed or in some cases the the best case for Loch Arbour, asking me to possibly explore consolidation but not to move forward with this particular plan because it is so flawed. There may be benefits to consolidation but due to the onerous tax burden, Loch Arbour is insistent that it move, and move now. The Princeton's took 50 years and over 100,000 dollars in studies to get where they are and although I understand Loch Arbour's need for speed, I cannot be forced to move that quickly. If we proceeded at Loch Arbour's time frame and something goes awry, there is no downside to them as I cannot see how they can be worse off than they currently are. On the contrary, should something go wrong, the ramifications for Allenhurst could be devastating. I feel like Alice in Wonderland and am being repeatedly asked to jump down the rabbit hole because surely it will be fine. The Loch Arbour Commissioners tell us we will figure it out along the way. I am sorry but I will always want to see what's on the other side of the rabbit hole before proceeding and to ask me to do otherwise is wrong.

Mayor McLaughlin stated he originally voted no on sending the current plan to the State. He didn't think the plan was sound. The plan that was sent to the residents has a budget that is frozen in time. They spend about \$200,000 a year in capital improvements. There is nothing built in regarding increases in health care benefits or employee salaries. The plan also included sending two children to public school which is an estimate. There are 24 children who go to public school in Loch Arbour. No poll was taken of those parents to see how many would send their children to Asbury Park. Five million dollars is not necessarily a 21% tax savings. To get a true number would be to spend more than \$5,000 on a preliminary study.

Mayor McLaughlin continued, stating they were told that children would no longer go to Ocean Township schools. That is not the case. He found out through the State that the towns would consolidate first and the children would be allowed to finish the school year in Ocean. They knew this plan would not work and when they asked the State for help, it was suggested they do a land swap and sell the Beach Club to Loch Arbour for \$5,000,000. When they consolidate, they would get it back. This is not a solution. This is a serious proposal. It is not putting in a new street light. To go ahead with this plan without doing further study is reckless.

Comm. Bolan stated he is friends with Mayor McLaughlin and friendly with Comm. McLoughlin and friends with a lot of the people sitting in the audience. The plan they are proposing is so far away from a plan they would consider adopting. If the State were to change one sentence of the plan, by operation of law, they would have to vote again to resubmit it. This they know. Let's get a formal response. All they were voting on was to take the first step. The reaction they received from several people was vocal and vehement. There was a private meeting with the threat of a recall petition. He did not go. Nothing they do could remove the power of the vote for both Loch Arbour and Allenhurst. He is just trying to find out if these issues could be addressed by the State. What he would like to hear is could they stop the passive-aggressiveness. If you don't want this, no matter what, just say it. He would hate to see the Loch Arbour Commissioners come back again and again if, at the end, the voters don't want this. Be honest. The people of Loch Arbour deserve your honesty. To him, expanding the town's borders and beachfront is a no-brainer.

Debbie Higgins, Allenhurst, stated she agrees with what Chris and Dave said. You can do things intellectually or sympathetically. If they go forward and it is wrong, they are screwed. This should be investigated. Her vote would be no.

Loch Arbour Mayor Paul Fernicola stated he appreciated the comments from Dave and Chris. He received a response this afternoon to questions sent on January 17th. Before the plan gets to the Local Finance Board, a meeting has to take place and they would discuss changes to the plan. Both towns would have to adopt new resolutions before the three meetings took place. The DCA and Department of Education would be present at those meetings. They can withdraw at any time prior to the Local Finance Board meeting. The Bond Counsel has been working on a mechanism to allow Loch Arbour to pay \$5,000,000 to Allenhurst. He is not upset that she reached out to their bond counsel. It is a very special area of expertise. Also, there was no misrepresentation concerning the Bill. The cost of litigation can be borne by a service district.

Tony Mauro, Allenhurst, asked if they sit back and do nothing, can the State come along and redistrict. If that is true, maybe they can do something to control their own destiny.

Mayor McLaughlin stated that Sea Bright is in a similar circumstance as far as being a non-operating school district. The intent of the law is not to devastate a town, but to devise a formula that works for everyone. As far as what the State will do, they don't know.

Larry O'Rourke, Allenhurst, stated that Allenhurst is a non-operating school district. There was not going to be a consolidation of school districts. They were going to be assimilated into the school district they are already attending. The funding wasn't there and it didn't happen. There was and will never be a consolidated district with a formula such as Loch Arbour has with Ocean Township. When Christie became Governor, it was decided not to fund the study. It is in a holding pattern.

Paul Vignone, Allenhurst, thanked Mayor Fernicola for the letter. He wouldn't have known this subject was going to be discussed. He and a number of other residents are against the consolidation. His personal reason is the extended liability given the vulnerability of Loch Arbour to storms and the vulnerability that there will be an equalization in terms of property values. He feels Allenhurst will suffer. There is also the inequality of Loch Arbour's taxes going down 70% and Allenhurst's going down 21%.

Sandra DeMurley, Allenhurst, stated she was in favor of considering consolidation. The one thing they can count on is change. This is not the Allenhurst she knew in high school. It is not the Allenhurst her daughter knew in school. She is not against change because it is change.

Richard Fernicola, Allenhurst, strongly agreed with Mr. Vignone's comments. That doesn't mean something cannot be worked out. If there is a concern with being forced to go forward, let's stop it now. He has not heard a discussion on some of the issues that will affect Allenhurst. He thought it was dangerous to rescind the resolution tonight.

Al Walker, Allenhurst, stated he is definitely opposed to the issue. With all due respect to Mayor Fernicola, he has let the genie out of the bottle and they should put it back. Stop now.

Tom Glynn, Allenhurst, thanked the Commissioners for their service. It seems there is a risk of fiduciary liability that may come back and haunt them.

Comm. Bolan stated they are not voting on whether to end discussions. He wanted opinions. He does not have a clear sense of the majority.

Mr. Glynn stated he doesn't know whether it is good or bad. He needs more answers.

Mayor McLaughlin stated he thinks they have a fiduciary responsibility to the town. They should explore and get as many facts as they can. The State has come back with answers. The feedback is that it can't be done. They are looking for ways to do this, but have come up with nothing yet. It is dangerous territory to submit something without facts. The State is not going to look at the ramifications for the two towns. They have to carve their own destiny.

Comm. McLoughlin stated he was taking a lot of information at face value instead of getting the answers himself and for that, he apologizes. He has no problem exploring this further. He understands why Loch Arbour wants to move fast.

Comm. Bolan stated when they voted to submit the plan, they knew it was not going to be approved by the State. They asked the State for a written procedure. There is none. It is clear that they would have to approve any changes. He did not feel that the vote at the last meeting was dangerous.

Pat McGinnis, Allenhurst, thanked Comm. McLoughlin for the research he did. Two weeks ago, the sentiment from the public was to not submit the plan. They should rescind the resolution.

Comm. Bolan asked what it would take for Ms. McGinnis to vote for consolidation. Ms. McGinnis answered that she would be more in favor if it was two equal towns coming together. The benefit should be to both. She didn't think \$5,000,000 was a good figure. She thinks there are risks and for those reasons, she would be opposed.

Stanley Harper, Allenhurst, stated he liked the first paper he got on the project. If it is just a prospectus, it needs further work. He would say go ahead with it.

Bernie Costello, Allenhurst, stated that for something this big, regardless of how sure you are that the State would change the plan, it is something that shouldn't be submitted. What if they don't change it?

Comm. Bolan stated they knew that wasn't going to happen.

Mr. Costello stated they have their answer. Comm. Bolan disagreed, stating Allenhurst did not send the plan to Trenton. They don't have their answers.

Mr. Costello stated he is against consolidation based on this plan. That doesn't make him passive-aggressive if he wants more information. They knew this thing was flawed. The more information they get, the more they know the numbers are wrong. This consolidation does not solve the problem of being a non-operating school district. It is a bad idea and irresponsible to go forward based on the information they have now.

Gerry Varley, Allenhurst, stated when she first heard about this, she was upset. She wants to keep Allenhurst the way it is because it is quaint. She sat down with her friends and they went through this. She still feels the same. She feels this is being pushed on them.

Comm. Bolan stated he spoke to former Mayor Joe Coyne who told him they have considered consolidation for a number of years.

Mrs. Varley stated she never heard that and she is against it.

Dr. Richard Fernicola stated he remembers this about 15 years ago. He said he did not believe Allenhurst could survive without consolidation with Loch Arbour. His issues are not these positives or negatives, but rather in five years they will need something dramatic to save the town.

Nick Falcone, Allenhurst, stated that in his house, they are split. As long as there is a safety valve, he thinks it is worth going forward. He is not concerned with flooding or the differences in taxes. Their savings will not be on the school tax, but on the municipal tax.

Comm. McLoughlin stated school taxes will go up with nine special education students. How much, he doesn't know.

Mark Horowitz, Allenhurst, stated that everyone has questions they want answered, but they don't want to get the answers. He agrees that this plan isn't something they would vote on. What happens if they don't do this? The only objectors to putting forward the questions are those who don't want this at all. He would like to try to get an answer to these questions.

Mayor McLaughlin stated they put specific questions to the State. They have answers to those questions.

Mr. Horowitz asked if they could submit a blank plan to the State and get some answers.

Mayor McLaughlin stated Comm. Bolan was correct in trying to get answers. Do the people want to proceed with this? If so, they will have to do a comprehensive financial review. It will cost money. It will take a while. There are a thousand and one things they have to go through.

Comm. McLoughlin asked, "Can Loch Arbour pay down their debt?" Right now, there is no mechanism. If this bill passes, there may be a mechanism. Right now, there is not.

Comm. Bolan stated that all he ever read was a statement in response to the question, "Does the Statute allow one town to pay another town?", and their answer was they didn't read it that way. That is the type of answer they get when they don't want to say before a formal proposal is submitted. Do you want to pay \$50,000 to go down this road only to have it voted down?

Mr. Horowitz stated he didn't know. If they lose this revenue stream, what will their taxes look like five years from now?

Mayor McLaughlin read the e-mail he received from the State and Comm. McLaughlin read the response he received from the state regarding the land sale.

Ms. McGinnis asked what the cost would be in losing the fire and sanitation contracts. We do not have to submit this plan to get answers.

Kathy Caulfield, Allenhurst, stated she was concerned with the \$5,000,000 figure. Is that why they are doing this? Is that the benefit?

Comm. McLoughlin stated it would pay Allenhurst's debt. There would be a potential decrease in the tax rate. He thought it was worth looking into.

Ms. Higgins asked if they could do a mailing to get a feel from the residents.

Bob Scally, Allenhurst, stated he thought what happened to Loch Arbour is horrible. He thinks if they do this and put kids in Asbury Park, they will be forced to go to Ocean.

Comm. Bolan asked if they could be assured that wouldn't happen, would Mr. Scally be in favor of it. Mr. Scally stated he would consider it. In his opinion, that is their biggest danger.

Mayor Fernicola stated he received texts from Allenhurst residents who couldn't get into the meeting. He asked the Commissioners to please view them. He stated the biggest risk to Allenhurst is the effect on its current school taxes and the risk that there will be negative consequences.

Comm. Bolan asked him to explain and Mayor Fernicola stated there was a 2009 petition from Loch Arbour. Neither town has a school. They are alike in all respects, except Allenhurst has a non-operating school district and Loch Arbour has a consolidated school district. The big difference is the rate they pay. When Loch Arbour made its petition to the State, they did not respond because they were hoping they would consolidate with Allenhurst. They could make comparisons between what Loch Arbour pays and what Allenhurst pays. Does Allenhurst want that focus?

Comm. Bolan asked what could happen with Asbury Park and Mayor Fernicola stated they could readjust the formula.

Mr. Vignone asked why a non-resident did not have a time limit and Comm. Bolan stated it was because he asked him a question.

Mr. O'Rourke stated the comparisons between Loch Arbour and Allenhurst are like apples and pears. Loch Arbour is a legally consolidated district. Allenhurst is in a completely different legal position. Allenhurst pays on a per student basis. Loch Arbour pays based on their property values. Under the law, the State has the option to regionalize them, not only with Asbury Park, but with any school district. The law states it should not hurt the towns financially. When they used this law on Sea Bright, they used what they were already paying to come up with the formula. He doesn't see how they would vindictively get even with Allenhurst and impose upon them a burden not imposed upon other school districts.

Comm. Bolan asked Mr. O'Rourke what would be palatable to him. Mr. O'Rourke stated they should get answers to every aspect of a plan. The State will not come back with an answer that this will work well for either town. They will only come back to say whether or not it can be done. They need to spend \$50,000 or \$100,000. It may or may not be a good idea in the end.

Comm. Bolan asked if everything worked out, could Mr. O'Rourke see himself voting for this and Mr. O'Rourke answered, yes.

In response to a question from Mr. Walker, Comm. Bolan stated he is doing this candidly for the benefit of Loch Arbour. Do you want us to pay \$50,000 or \$100,000 to continue to study this?

Mr. Walker asked Comm. Bolan if he was able to get a sense of the view of the people of Allenhurst based on what he has heard tonight. Comm. Bolan stated he thinks there is a majority of people who think it is worth continuing to look into. He doesn't know if there is a majority of people who want an in-depth study.

Tony Mauro stated he thought they should explore things. He feels the Allenhurst of today will not be the same in five or ten years.

Nick Falcone stated he would like to get a sense of the town's finances.

Comm. McLoughlin stated they have less than 5% of debt. They get good revenue from the Beach Club. Interlocal Agreements bring in \$250,000.

Mayor McLaughlin stated the tax rate has been stable. They have surplus. They are fortunate with the revenues from the Beach Club. They are proactive in their capital improvements, which have saved them money in the long-run. There have been no layoffs or loss of services.

Bill Capik, Allenhurst, stated he agreed with Larry O'Rourke. This plan should be turned down. That doesn't close the door completely. There should be a study by Allenhurst for Allenhurst to make sure it will benefit Allenhurst. They have a fiduciary responsibility. He asked Comm.

McLoughlin why his Mea Culpa came after the fact, rather than before. They knew the plan was flawed. Why put it out?

Comm. McLoughlin stated he only voted yes because he wanted to get answers from the State. He was told the only way to get answers was to submit a plan. There was a contingency of people who were adamant with their concerns.

Mr. Capik stated he has lived here 19 years. He has been to meetings. The last meeting was the first time he has seen the Commissioners not agree. He wants to make sure they do their due diligence. He has faith in the Commissioners' decisions.

There being no further comments, public hearing was closed. The following resolution was considered:

RESOLUTION #3

A RESOLUTION OF THE BOROUGH OF ALLENHURST, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, VACATING AND RESCINDING RESOLUTION #30 ADOPTED BY THE BOARD OF COMMISSIONERS ON JANUARY 14, 2014 AND DETERMINING NOT TO SUBMIT AN APPLICATION TO LOCAL FINANCE BOARD OF THE DEPARTMENT OF COMMUNITY AFFAIRS FOR CONSOLIDATION OF THE BOROUGH OF ALLENHURST AND THE VILLAGE OF LOCH ARBOUR

Offered By:

Seconded By:

WHEREAS, At its meeting of January 14, 2014, the Board of Commissioners adopted Resolution #30 entitled, "Resolution of the Borough of Allenhurst, County of Monmouth, State of New Jersey (*sic*), Authorizing the Submission and Filing of an Application with the Local Finance Board of the Department of Community Affairs for Consolidation of the Borough of Allenhurst and the Village of Loch Arbour Pursuant to the Local Option Municipal Consolidation Act, N.J.S.A. 40A:65-25 et seq." by a two to one vote of the Commissioners; and,

WHEREAS, The Board of Commissioners wanted the application to be examined by Borough Counsel prior to submission, however, Borough Counsel was out of the Country on long standing vacation plans until January 21, 2014, hence the application was not immediately submitted pending review by Counsel; and,

WHEREAS, After careful and thoughtful reconsideration, Commissioner McLoughlin determined that submission of the application was not in the best interests of the Borough of Allenhurst, contrary to his original vote on January 14, 2014;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the aforesaid preamble be and is hereby incorporated into this Resolution; and,

BE IT FURTHER RESOLVED, that Resolution #30 adopted on January 14, 2014, be and is hereby Vacated and Rescinded; and,

BE IT FURTHER RESOLVED, That the Borough of Allenhurst will not submit the proposed formal "Application to Approve a Municipal Consolidation Plan Pursuant to the Local Option Municipal Consolidation Act, (N.J.S.A. 40A:65-25 et seq.) with the State of New Jersey, Department of Community Affairs, Division of Local Government Services, Local Finance Board" nor take any other formal action in advance of "consolidation" with the Village of Loch Arbour at this time.

VOTE: Comm. McLoughlin-AYE; Comm. Bolan-NO; Mayor McLaughlin-AYE

OTHER PUBLIC HEARING

Nick Falcone stated there have been a couple of robberies and he asked if there was any information.

Mayor McLaughlin stated they have added patrols around town. He asked that everyone make sure their cars and doors were locked.

Comm. McLoughlin stated that of the four homes that were robbed, three were from the same group and they were apprehended. The fourth is being investigated.

Ms. McGinnis asked about the ABC Restaurant plans and Mayor McLaughlin stated they were on the website and plans were available for inspection at Borough Hall. Ms. McGinnis stated he was concerned with lights and Mayor McLaughlin stated there will be no additional lighting. They are not putting lights up on the deck.

There was a discussion on snow covered sidewalks. The Commissioners directed the Administrator to write a letter to those who have not complied with clearing their sidewalks.

There was a discussion on the restaurant and snack bar.

There was a discussion on the bar area and whether it was worth bidding. There was a discussion on an RFP as opposed to a bid. The Commissioners made the decision to put out RFPs for both the snack bar and tiki bar.

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