

**MINUTES
JULY 22, 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 were the Borough Clerk, Borough Attorney and Borough Engineer.

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

The Business Administrator issued the following emergency moratorium waivers:

108 Norwood Avenue – one day to take down a dead tree, which was a safety issue 7/14/14

118 Corlies Avenue – one day to repair an active leak in the roof 7/17/14

201 Corlies Avenue – Fix Circuit Breaker – 2 hrs. 7/22/14

ORDINANCE #2014-10 – AMEND BOND ORDINANCE – FIRST READING

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

BOND ORDINANCE NO. 2014-10

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2013-02 ADOPTED ON MARCH 12, 2013, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND CAPITAL ACQUISITIONS, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$1,000,000 FOR A TOTAL APPROPRIATION OF \$6,000,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$950,000 FOR A TOTAL DEBT AUTHORIZATION OF \$5,950,000, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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

RESOLUTION #1

A RESOLUTION TO APPROVE AMENDMENT TO CAPITAL BUDGET

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The local capital budget for the year 2014 was adopted on the 13th day of May, 2014; and,

WHEREAS, It is desired to amend said adopted capital budget section;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, that the following amendment to the capital budget be made:

CAPITAL BUDET (CURRENT YEAR ACTION)
2014

Planned Funding Services for Current Year 2014

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Capital Improvement Fund</u>	<u>Debt Authorized</u>
Various Capital Improvements and Capital Acquisitions	\$1,000,000.00	-50,000.00-	\$4,950,000.00
Total All Projects	\$1,200,000.00	-60,000.00-	\$5,140,000.00

BE IT FURTHER RESOLVED, That the above item will be provided for in the 2014 Capital Budget; and,

BE IT FURTHER RESOLVED, That three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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

RESOLUTION #2

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 8, 2014, be ratified and approved.

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

RESOLUTION #3

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 8, 2014.

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

RESOLUTION #4

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:

Atlantic Tactical – guns and ammunition - \$1,689.00

Edwards Tire – tires for sanitation truck - \$1,987.60

Pilot Electric – maintenance on recirculation pumps - \$4,849.00

Pilot Electric – control and re-built pump units - \$2,500.00
Pilot Electric – main pump maintenance - \$3,858.00
Pilot Electric – parts for main pump - \$1,570.00

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

RESOLUTION #5
A RESOLUTION TO APPROVE REFUNDS

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

WHEREAS, Applications were processed and money collected for the recreation program at the Allenhurst Beach Club; and,

WHEREAS, A refund request was made for Kyle McGovern;

NOW, THEREFORE, BE IT RESOLVED, That a refund be approved to Amy McGovern in the amount of \$330.00 for one membership in the Allenhurst Recreation Program.

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

RESOLUTION #6
A RESOLUTION TO AUTHORIZE LETTER OF SUPPORT

Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

WHEREAS, The City of Asbury Park has made application to the Green Acres Program for a matching grant for development rights to a tract of land commonly referred to as Bradley Cove; and,

WHEREAS, The City has requested letters of support from the surrounding communities and in particular from the Borough of Allenhurst; and,

WHEREAS, The Board of Commissioners has reviewed the request and is happy to lend their support to Asbury Park for the preservation of this area as a regional park;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that the Mayor is hereby authorized to sign a letter of support for the City of Asbury Park in their application for the development rights at Bradley Cove for the purpose of preserving and then creating a regional park.

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

RESOLUTION #7
A RESOLUTION TO APPROVE PAYMENT FOR RESTAURANT CONSTRUCTION

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

WHEREAS, A contract was awarded to Santorini Construction for the construction of a new restaurant at the Allenhurst Beach Club; and,

WHEREAS, The Project Architect has reviewed the project and recommended payment as provided for in a letter dated July 16, 2014, which is on file in the Clerk=s office;

WHEREAS, Funds for this purpose shall be provided for in Capital Improvement Bond #2013-02, known as Sandy Improvements, and the Chief Finance Officer has so certified;

NOW, THEREFORE, BE IT RESOLVED, That Santorini Construction be compensated in the amount of \$47,992.50 for work done in accordance with the Architect's letter dated July 16, 2014.

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

RESOLUTION #8

A RESOLUTION TO PAY BILLS & PAYROLL (07/16/14 - 07/31/14)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$255,893.82 be approved for payment; and,

BE IT FURTHER RESOLVED, That the July 22nd consolidated bill list be attached hereto and made a part thereof.

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

PUBLIC HEARING

There was no response to Mayor McLaughlin's request for public comments.

VERIZON CELL SITE

Richard Schneider, Attorney for Verizon, stated that they currently maintain a cell site on the Borough's water tank. They have some concerns as to the structural integrity of the tank and feel that they need to construct a new facility. They wish it to be on Borough property and it can be a win-win for both the Borough and Verizon. There will have to be a public bid. How it works is that the Borough will make available, by public bid, a parcel where the successful bidder would obtain the lease rights to construct a wireless facility. The successful bidder bears the complete cost of the construction of the facility. There is no cash outlay by the Borough. The successful bidder would pay a lease to the Borough and would be responsible for all aspects of site management. They would be responsible for any sub-leases. The Borough can construct the public bid to designate whatever percentage of revenue. The costs associated with the construction of the tower would get a pro-rata cost from the other sub-lessees. The Borough's revenue stream would be protected. They can maintain the same revenue stream for co-locators. They can design it to accommodate up to five multiple co-locators. Each would maintain their own ground equipment. This is how it has been done since the early 1990's.

Comm. McLoughlin asked if the successful bidder would be responsible for the demolition of the site and Mr. Schneider stated that they could build that into the bid proposal. He assumes, however, that the successful bidder would rather write a check than do the demolition, subject to a pro-rata reimbursement.

Mayor McLaughlin asked who retains ownership of the pole after the contract is up and Mr. Schneider stated that one option is for the successful bidder to maintain ownership and the other is that upon completion of contract, the bidder conveys ownership to the Borough for a dollar.

Mayor McLaughlin stated there is a certain stigma with monopoles. Does the successful bidder control the amount of cell sites? Mr. Schneider stated that, ultimately, the town controls it. They can design the bid so that it limits the number of sites. However, he would advise against it. It makes sense to accommodate the maximum number of carriers. They can design the bid so that after the three current carriers, any subsequent carriers would have to have Planning Board approval.

Mayor McLaughlin questioned if part of the revenue goes to the successful bidder and Mr. Schneider stated that percentages vary with "x" to the Borough and "y" to the successful bidder. The Borough can insist on whatever percentage they want, even up to 100%. Mayor McLaughlin asked about the Borough's contract with the other two providers.

Mr. Schneider stated that he doesn't anticipate that the Borough would receive any less money. There would have to be some cooperative coordination between the existing carriers. His hope is that the other two carriers will understand that the tank is in such a condition and they will see the technological benefit of a new structure. Their focus is on upgrades to existing sites.

Mayor McLaughlin stated the other two carriers have not expressed a concern with the structure of the tank or its stability. It is a pretty sturdy tower. It stood up to Sandy. They had been discussing cleaning it up and painting it.

Mr. Schneider stated that they are viewing the fact that they were invited to a meeting to discuss the issue as a positive. There is no expectation that they will go out to bid next week. They would not be here if they had not done their due diligence in checking the tank.

Lisa Olesky, Network Real Estate Manager for Verizon, stated it was not until they were contemplating modifications that they even looked at the site. The other carriers may not be aware of the condition of the site.

Comm. Bolan asked if there were any examples of poles that they could look at and Ms. Olesky stated that Belmar just did one on Maplewood Avenue. She added that Verizon has issues with water tanks a lot.

Peter Avakian, Borough Engineer, stated there is one near Shop Rite in Neptune.

Comm. Bolan asked how much room a new pole would need at its base. Can it be located nearer to the railroad tracks? Ms. Olesky stated there may be environmental concerns with being close to a railroad track. Moving the site 100 or 200 feet should be okay with them, although she couldn't speak for any other carrier. Her concern would be creosote close to the tracks. She stated that they could request one building which is parceled off for each carrier.

Ms. Osborn asked how tall a pole would be to fit five carriers and Ms. Olesky answered about 150 feet, which is the height of the water tower. Mr. Schneider stated there is a variety of things that can be done, including a 130' pole that can be extended to 150'.

Mr. Avakian stated that AT&T is at 130'. A potential lowering of the height may be more palatable to residents.

Mayor McLaughlin asked if they had ever done a lighthouse and Ms. Olesky stated they tried to do one in Rumson, but they decided, instead, on a North American Pine. They did a bell tower in Mendham. A light house is a good idea. It could be expensive and it is important to put a bid out that someone will actually want to bid on. They would have to be able to recoup their money.

David Laughlin, Borough Attorney, asked if Verizon would reach out to the other carriers to get their cooperation if the Borough decided to move forward. He does not want to fight with the other carriers about taking down the tank. Mr. Schneider stated they could try to set up a meeting and try for a cooperative effort.

Mr. Schneider thanked the Board for their time.

OTHER BUSINESS

There was a short discussion on a request for filming in Allenhurst. The Board came up with a list of questions. Comm. McLoughlin stated he would like an ordinance so that the Borough could charge for a shoot. Anywhere from \$500 to \$10,000.

Adele Ganon asked the Board to keep in mind that the fire department would have to be able to get through.

Robert Scally asked about the restaurant lease and Mayor McLaughlin stated it has gone out to bid. They will be discussing some of the questions and concerns brought up by potential bidders in caucus.

Mr. Avakian stated he spoke to the Army Corps of Engineers regarding Allen Avenue. He got a positive response, but since there is already access to the beach, they will not fund it. He will see if they can pursue a grant for this. He can look into an Open Space Grant. The Borough will have to set up a sub-committee and hold a public hearing. The application is due September 27th. It is a matching grant of up to \$250,000. It would include the seawall, sidewalk, patio, stairs, storm drains, etc.

Mr. Avakian then spoke a little about park improvements at Railroad Plaza. He will look into grants for that also. Mayor McLaughlin stated that they will be taking trees down and putting in sprinklers in the Fall. Mr. Avakian stated he will work on the tennis courts and on getting a project estimate.

Mr. Scally stated that he didn't think it was a good idea to put the tennis courts in the old ball field. He doesn't see many people playing tennis anymore. Comm. McLoughlin stated he has gotten requests from people who like the idea. Mayor McLaughlin states that he has gotten requests also.

There being no further comments, public hearing was closed. Comm. McLoughlin moved, seconded by Comm. Bolan, that the following resolution be adopted:

RESOLUTION #9

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 personnel matters which are exempt from the public meeting under the Sunshine Law.

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

The Commissioners then adjourned to caucus to discuss the bi for the restaurant lease. After reconvening, Comm. McLoughlin moved, seconded by Comm. Bolan that the meeting be adjourned at 9:15 PM. Motion carried.

Lori L. Osborn, RMC
Clerk-Administrator