

**MINUTES
SEPTEMBER 9, 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 Public Hearing on petition by JCP&L for Basic Generation Service Charges.

Notice of Public Hearing by NJ Transit on Senior Citizen and Disabled Residents Transportation Assistance Program.

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 August 26, 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 August 26, 2014.

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 budget, and the CFO has so certified; and,

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

Party Perfect – Labor Day Rides for ABC - \$1,305.00
Staples – materials and supplies for all departments - \$1,921.34
Home Depot – Materials and supplies for ABC - \$2,367.85
Lori Osborn – reimbursement for Main Street Fountain - \$1,097.50

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

RESOLUTION #4
A RESOLUTION APPROVE RACE

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, Special Olympics New Jersey and the Jersey Shore Running Club have requested permission to run a portion of their annual RunAPalooza Road Race to Benefit Special Olympics through the Borough of Allenhurst on April 18, 2015; and,

WHEREAS, RunAPalooza has provided a parade route which will take the race down Ocean Avenue, starting at approximately 9:00 AM and ending at approximately Noon and a Certificate of Insurance for this event will be provided; and,

WHEREAS, The Police Captain has reviewed the information given for this event and has recommended approval of same;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners, that approval is hereby given to Special Olympics New Jersey and the Jersey Shore Running Club to run a portion of their race through Allenhurst on April 18, 2015, contingent upon the Borough receiving a Certificate of Insurance prior to the event.

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

RESOLUTION #5
A RESOLUTION TO APPROVE CHANGE ORDER FOR
RESTAURANT CONSTRUCTION CONTRACT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, A contract was awarded to Santorini Construction, Inc., for construction of the Allenhurst Beach Club Restaurant; and,

WHEREAS, The scope of work was expanded to provide for the following:

1. Removal and disposal of concrete footings discovered during excavation
2. Removal and disposal of unsuitable soil at the recommendation of the Borough's Geotechnical Engineer
3. Installation of below grade drainage collection system for roof storm water which was not included in the original bid package

WHEREAS, Santorini Construction, Inc., has submitted a request for a Change Order for the additional work in the amount of \$39,454.00, which request has been reviewed by the Borough Architect, and found to be acceptable;

NOW, THEREFORE, BE IT RESOLVED, That Change Order No. 1 in the amount of \$39,454.00 be approved, thereby amending the contract total to \$2,399.454.00; and,

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

RESOLUTION #6
A RESOLUTION TO REFUND OVERPAYMENT OF TAXES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst that upon the recommendation of the Tax Collector, the taxes shown below be refunded to the taxpayer shown below due to an overpayment of 2014 taxes; and,

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to refund the overpayment as shown below charging taxes for the year indicated in the total amount of \$2,051.36.

RESOLUTION #9

A RESOLUTION TO SET SALE FOR SURPLUS PROPERTY

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Board of Commissioners of the Borough of Allenhurst wish to sell surplus Borough property which is not needed for public use; and,

WHEREAS, The Borough has contracted with The Auctioneers Group to hold said public sale and a date and time has been set; and,

WHEREAS, The Borough Clerk is hereby authorized and directed to advertise said sale in accordance with N.J.S.A. 40A11-36, et al.;

NOW, THEREFORE, BE IT RESOLVED, That the Borough will hold a public sale of personal property which is no longer needed for public use on October 11, 2014, at 10:00 AM at the Borough Public Works Yard, 324 Hume Street, Allenhurst, New Jersey.

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

RESOLUTION #10

A RESOLUTION TO APPROVE 2013 AUDIT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

WHEREAS, The Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and,

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and,

WHEREAS, The members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and,

WHEREAS, Such resolution of certification shall be adopted by the governing body no later than forty-five days after receipt of the annual audit, as per the regulations of the Local Finance Board; and,

WHEREAS, All members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

"R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, That the governing body of the Borough of Allenhurst, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

RESOLUTION #11

A RESOLUTION TO APPROVE APPLICATION FOR OPEN SPACE GRANT

Offered By: Comm. Bolan

Seconded By: Comm. McLoughlin

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of Borough of Allenhurst desires to obtain County Open Space Trust Funds in the amount of \$200,000.00 to fund the Allen Avenue Park, located at the Allen Avenue easterly terminus within the Right-of-way, on the Borough of Allenhurst Tax Map; and

WHEREAS, the total cost of the project including all matching funds is \$400,000.00; and

WHEREAS, the Borough of Allenhurst is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY the Borough Commissioners of the Borough of Allenhurst **THAT**:

1. David J. McLaughlin or the successor to the office of Mayor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Allenhurst is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. David J. McLaughlin or the successor to the office of Mayor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

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

RESOLUTION #12

A RESOLUTION TO APPROVE CHAPTER 159

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, Said Director may also approve the insertion of an item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners of the Borough of Allenhurst hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$24,863.00, which item is now available as revenue from Federal Grant #EMW2013-FO-02744 pursuant to the provisions of Statute; and,

Section 2

BE IT FURTHER RESOLVED, That a like sum of \$24,863.00 be and the same is hereby appropriated under the caption of Fire Department – SCBA Equipment.

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

RESOLUTION #13

A RESOLUTION TO APPROVE 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 personnel matters which are exempt from the public meeting under the Sunshine Law.

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

RESOLUTION #14

A RESOLUTION TO PAY BILLS & PAYROLL (09/01/14 - 09/15/14)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$399,268.94 be approved for payment; and,

BE IT FURTHER RESOLVED, That the September 9th consolidated bill list be attached hereto and made a part thereof.

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

COMMENDATION

Mayor McLaughlin presented a commendation to Ptl. Michael DiBona for his assistance in acquiring many surplus items and vehicles from the LESO Program.

ENGINEER'S REPORT

Peter Avakian, Borough Engineer, stated he had been working on Flood Elevation Certificates for all of the beach buildings. The flood hazard area doesn't reach the cabanas. All are outside its limits.

Mr. Avakian spoke on the beach replenishment, stating that it is scheduled to be done before the

end of the year. They will be removing and reinstalling the well points and he will work with them on the system. They will also extend all of the outfalls.

Comm. McLoughlin asked if it would be a good time to remove and replace the outfall pipes. Mayor McLaughlin stated that they did replace them about 10 years ago.

Mr. Avakian stated they will televise it to see where they may need to do some work. He stated that the Cedar Avenue groin will not be notched.

Mayor McLaughlin asked if sand would cover the "L" and Mr. Avakian stated it may not cover it, but it will come close to it. Mayor McLaughlin asked if the north side of the jetty would be filled in and Mr. Avakian stated that it would.

Comm. McLoughlin wondered if people would be walking from Deal to the public restrooms in Allenhurst now that there will be no lagoon. Mr. Avakian stated that the property owners in Deal will have to grant easements.

Mr. Avakian next talked about the Open Space Grant for the easterly end of Allen Avenue. They are planning a public access ramp and stairs. The Army Corps and DEP agreed it would be a great access, but as it is close enough to Allenhurst's other access points, they will not put the project in their contract. They are also planning to reconstruct the seawall at Allen Avenue. There will be an open patio at the Allen Avenue right-of-way. They will cut off and remove the pavement at the easterly end. There will be benches and trash receptacles.

Mr. Avakian talked about the Main Street Park which will include one or two tennis courts, handicapped surfacing and a floating dock.

Comm. McLoughlin asked if Mr. Avakian had an estimate for the tennis courts and Mr. Avakian answered they should be about \$45,000 apiece. Comm. Bolan suggested putting one tennis court running north/south, rather than trying to squeeze in two tennis courts. He suggested maybe putting in a Bocce court as well.

Mr. Avakian next addressed the issues concerning the restaurant. He stated they secured a CAFRA permit. They were allowed to rebuild in the same footprint. He reviewed the regulations and they were comfortable. They were in compliance with their flood damage ordinance. FEMA asked the DEP about the basement and DEP came back stating they cannot have a basement. Joe Tomaino disagreed. We had the construction permits from the DCA and a permit from CAFRA. They have been going back and forth with DEP on this issue. He thought they were interpreting the use incorrectly. It is a commercial building and not a public building. A commercial building can have a basement.

Comm. Bolan asked if there was a Stop Work Order and Mr. Avakian stated there was not. Comm. Bolan stated the building is used as a commercial building.

Ms. Osborn stated that she was informed that the Borough would have to secure flood insurance if even a small part of the building was in a flood plain.

Public Hearing

Tim Moriarty asked about the lagoon and whether it was Deal's property. Comm. McLoughlin confirmed that it was in Deal and they have nothing whatsoever to do with the beach replenishment in that area.

There being no further comments, the Commissioners adjourned to caucus. After reconvening, Comm. McLoughlin moved, seconded by Comm. Bolan, that the meeting be adjourned at 9:50 PM. Motion carried.

Lori L. Osborn, RMC
Clerk-Administrator