

MINUTES
REORGANIZATION MEETING
May 15, 2012 - 7:30 PM

The Borough Clerk called the meeting to order and announced that the notice requirements of R.S. 10:4-18 have been satisfied by delivering the required notice to the Coaster and the Asbury Park Press, posting the notice on the board in Borough Hall and filing a copy of said notice in her office.

The Borough Clerk announces that three seats on the Board of Commissioners were to be filled. The three candidates receiving the highest number of votes and therefore elected to the Board of Commissioners for four-year terms are:

David McLaughlin
Christopher McLoughlin
Terrence Bolan

The following is a tabulation of the votes:

<u>CANDIDATE</u>	<u>VOTES CAST</u> <u>BY MACHINE</u>	
David J. McLaughlin	45	
Christopher J. McLoughlin	35	
Terrence J. Bolan	34	

There were no mail-in ballots

Hon. George Cieri, JMC, administers the Oath of Office to Commissioners-Elect McLaughlin, McLoughlin and Bolan.

Mayor McLaughlin said thank you. It has been very enjoyable working with the Board of Commissioners. He thinks they have done some good work for the town. They are very lucky. He is excited for the next four years. They will make some improvements and will try to keep taxes down.

RESOLUTION #1
A RESOLUTION TO ELECT A MAYOR

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

BE IT RESOLVED, That David J. McLaughlin be elected to serve as Mayor.

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

Proclamation

Mayor McLaughlin issued the following proclamation:

WHEREAS, The safety and security of the citizens of the Borough of Allenhurst and surrounding areas are vitally important; and,

WHEREAS, a large percentage of our citizens regularly drive or ride in motor vehicles on our roadways; and,

WHEREAS, the use of seat belts in passenger vehicles saved an estimated 12,546 lives in 2010; and,

WHEREAS, regular seat belt use is the single most effective way to protect people and to reduce fatalities in motor vehicle crashes; and,

WHEREAS, the use of seat belts is supported by the laws of the Borough of Allenhurst, State of New Jersey; and,

WHEREAS, May 21, through June 3, 2012 has been selected as the national *Click-It or Ticket* mobilization enforcement period; and,

WHEREAS, across the county, law enforcement officers will actively be participating in the mobilization to ensure all motor vehicle occupants are buckled up day and night to reduce the risk of injury and death caused in traffic crashes; and,

WHEREAS, increased enforcement of seat belt laws coupled with publicity has proven to be an effective method to increase seat belt use rates and decrease fatal crashes;

NOW, THEREFORE, I, David J. McLaughlin, Mayor of the Borough of Allenhurst, do hereby proclaim and announce May 21 to June 3, 2012, as the *Click-It or Ticket* Mobilization in the Borough of Allenhurst, and urge all citizens to always wear seat belts when driving or riding on our roadways.

RESOLUTION #2

A RESOLUTION TO ESTABLISH DEPARTMENTS & ASSIGN COMMISSIONERS

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

BE IT RESOLVED, That the following newly designated and constituted departments are approved and assigned as shown:

DEPARTMENT OF PUBLIC AFFAIRS AND PUBLIC SAFETY - MAYOR McLAUGHLIN

Planning Board
Deal Lake Commission
Fire/EMS
Bureau of Fire Safety
Police
Code Enforcement
Mercantile License Collector
Municipal Court
Municipal Prosecutor
Public Defender
Emergency Management
Elections
Beach

DEPARTMENT OF REVENUE AND FINANCE - DEPUTY MAYOR MCLOUGHLIN

Financial Administration
Assessment of Taxes
Collection of Taxes
Administration
Legal Services
Insurances
Beach
Parks & Playgrounds

DEPT. OF PUBLIC WORKS, PARKS AND PUBLIC PROPERTY - COMM. BOLAN

Garbage & Trash
Streets & Roads
Snow Removal
Public Buildings & Grounds
Celebration of Public Events
Board of Health
Sewer Utility
Maintenance of Motor Vehicles
Publicity
Beach

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

RESOLUTION #3

A RESOLUTION TO CONFIRM DEPUTY MAYOR

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

BE IT RESOLVED, That in accordance with N.J.S.A. 40:72-12, Comm. Christopher McLoughlin, as Director of the Department of Revenue and Finance, shall serve as Deputy Mayor.

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

RESOLUTION #4

A RESOLUTION TO DESIGNATE OFFICIAL NEWSPAPERS

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

BE IT RESOLVED, That the Coaster and the Asbury Park Press be designated as the official newspapers for the insertion of legal notices for the Borough of Allenhurst.

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

RESOLUTION #5

A RESOLUTION TO DESIGNATE DEPOSITORY FOR MUNICIPAL FUNDS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, Pursuant to Chapter 8, Laws of 1982, the Borough of Allenhurst is required to adopt a Cash Management Plan, including the Designation of a Depository or Depositories;

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that Central Jersey Bank, N.A. and State of New Jersey Cash Management Fund, C/O Citi Fund Services, or their successors be and are designated as official depository of Borough funds; and,

BE IT FURTHER RESOLVED, That the funds of the Borough shall be invested in interest bearing accounts. The Chief Finance Officer shall see that minimum funds shall be maintained in any non-interest bearing account in such amounts as the Chief Finance Officer shall deem necessary to provide the orderly transition of business by the Borough and to take advantage of any services provided to the Borough by the depository through maintenance of minimum balances in said accounts where the Chief Finance Officer deems it in the best interest of the Borough to do so.

All other monies shall be invested in interest bearing accounts, in investments in which municipal funds may lawfully be invested or in the State of New Jersey Cash Management Fund in such accounts and at such times, from time to time, and the Chief Finance Officer shall deem in the best interest of the Borough; and,

BE IT FURTHER RESOLVED, That the Auditor receive a copy of this resolution.

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

RESOLUTION #6

A RESOLUTION TO APPOINT CERTIFYING AGENT

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the Clerk of the Borough of Allenhurst be and hereby is designated as Certifying Agent with responsibilities of certifying at the local level all documents pertaining to the Public Employees Retirement System and the Police and Firemen's Retirement System, including enrollments, transfer of members accounts, retirement, withdrawal and insurance claims.

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

RESOLUTION #7

A RESOLUTION TO ESTABLISH SCHEDULE OF MEETINGS

Offered By: Mayor McLaughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That pursuant to the Open Public Meetings Act, the Board of Commissioners of the Borough of Allenhurst adopt the following schedule of meetings for the balance of the year 2012, said meetings to be held at Borough Hall, 125 Corlies Avenue, on the dates listed at 7:30 P.M.:

June 12	October 9
July 10	October 23
August 14	November 13
September 11	November 27
September 25	December 11

January 8, 2013

BE IT FURTHER RESOLVED, That pursuant to the Open Public Meetings Act, the Board of Commissioners of the Borough of Allenhurst will hold the following meetings at the Allenhurst Beach Club, 1A Ocean Place, on the dates listed at 7:30 P.M.:

June 26
July 24
August 28

BE IT FURTHER RESOLVED, That the Borough Clerk be and he is hereby authorized to publish this resolution in accordance with the Open Public Meetings Act.

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

RESOLUTION #8

A RESOLUTION TO APPROVE TEMPORARY EMERGENCY APPROPRIATIONS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, An emergency has arisen with respect to operating expenses in various departments, and no adequate provision was made in the 2012 temporary budget for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of emergency temporary appropriations for the purpose above mentioned; and,

WHEREAS, The total emergency temporary resolutions adopted in the year 2012 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$527,287.00 for the current account and \$17,750.00 in the sewer account;

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all the members of the governing body affirmatively concurring), that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency appropriations be and the same are hereby made for the following:

Administration, S&W	4,700.00
Administration, O.E.	1,650.00
Finance, S&W	2,800.00
Finance, O.E.	1,450.00
Tax Collector, S&W	200.00
Dir. Revenue & Finance	65.00
Tax Assessor, S&W	170.00
Legal, O.E.	1,600.00
Elections, O.E.	1,500.00
Code Enforcement, S&W	310.00
Group Insurance	40,000.00
Mayor, S&W	75.00
Fire Department, O.E.	1,000.00
Fire, Interlocal, O.E.	500.00

Refuse & Recycling – Interlaken	4,100.00
Board of Education – Interlocal	720.00
Dir. Public Buildings, S&W	60.00
Sanitation – Loch Arbour	3,000.00
Landfill – Interlaken	3,200.00
MOMV	420.00
Parks & Playgrounds	1,775.00
Beach, O.E.	9,000.00
Telephone	1,000.00
Fire Hydrant	1,600.00
Gasoline	1,510.00
OASI	4,000.00
DCRP	<u>20.00</u>
TOTAL	86,425.00

Sewer, S&W 3,500.00

2. That said emergency temporary appropriations will be provided for in the 2012 budget under the above-mentioned titles.
3. That one certified copy of this resolution be filed with the Director of Local Finance.

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

RESOLUTION #9

A RESOLUTION TO AUTHORIZE BEACH REFUND

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the following Beach Club Refund is hereby authorized:

Greg Angelillo – error - \$80.00

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

RESOLUTION #10

A RESOLUTION TO AUTHORIZE SELF-EXAMINATION OF 2012 BUDGET

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

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, Pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Allenhurst has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meet the necessary conditions to participate in the program for the 2008 budget year, so now therefore

BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer s certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. Are fully met. (Complies with the CAP law.)

3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated;
- b. Items of appropriations are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality

1. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

2. That other applicable statutory requirements have been fulfilled.

BE IT FURTHER REQUIRED, That a copy of this resolution be forwarded to the Director of the Division of Local Government.

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: _____

By: _____
Christine Brown
Chief Financial Officer

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

RESOLUTION #11

A RESOLUTION TO CONFIRM 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:

Armstrong Tree Service – Removal of several dead trees on Borough property - \$3,150.00, lowest of three quotes received.

Burke Construction, Inc. – take down berm, place boardwalk and temporary cabanas on beach - \$3,900.00

M. Luz & Associates – painting at Allenhurst Beach Club - \$4,680.00, lowest of three quotes received

The Home Depot – materials and supplies for Beach Club - \$1,881.02

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

RESOLUTION #12

A RESOLUTION TO APPROVE SUMMER HOURS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the following schedule of summer hours for Borough Hall shall become effective Tuesday, May 29, 2012 and terminate effective Tuesday, September 4, 2012:

Monday - Thursday	8 AM - 4:30 PM
Friday	8 AM - 2:00 PM

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

RESOLUTION #13

A RESOLUTION TO APPROVE OPERATION “THANK YOU”

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, members of the armed forces of the United States, including residents of the Borough of Allenhurst, are today actively engaged in combat operations in Afghanistan and Iraq, or are deployed or otherwise serving in support of these operations, and/or in support of the on-going efforts of our Armed Forces throughout the world to protect and defend our nation and its citizens; and,

WHEREAS, since September 11, 2001, and increasingly since the commencement of combat operations in Afghanistan and Iraq, the men and women of the New Jersey National Guard have been called up to active duty status in increasing numbers, and their support and service have been and will continue to be essential to the overall success of military efforts both home and abroad; and,

WHEREAS, the ongoing hostilities in Afghanistan and Iraq, and the call to active service of thousands of New Jersey=s National Guard Reservists, have added untold additional stress and sacrifice to the lives of thousands of families of our active duty military, and for whom in peacetime day-to-day life was already stressful and challenging enough; and,

WHEREAS, many families have lost loved ones in the military actions underway in Afghanistan and Iraq, and more than a hundred thousand other American families live each day in constant trepidation that the next knock on the door might make their own worst fears come true; and,

WHEREAS, It is important that the enormity of the day-to-day sacrifices and heroism of our troops and their families not be lost or forgotten amidst the din of a presidential campaign and the media=s unwavering focus on the sensational; and,

WHEREAS, the residents of the Borough of Allenhurst want our troops and their families to know that they are in our hearts and on our minds, that we support them and are extremely grateful for the sacrifices they are making each and every day; and,

WHEREAS, the Mayor and Commissioners, on behalf of the families of Allenhurst, wish to honor and recognize our active military personnel sand their families by establishing a special program for the summer of 2012;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Commissioners of the Borough of Allenhurst, that in honor and recognition of our active military personnel and their families, and to demonstrate the gratitude of the residents of the Borough of Allenhurst for the daily sacrifices they are making, the Mayor and Commissioners hereby announce the commencement of AOPERATION: THANK YOU@; and,

BE IT FURTHER RESOLVED, that free beach admission be provided during the 2012 summer season to each member of the active military and their dependents upon the presentation of a valid military identification card at any beach entrance; and,

BE IT FURTHER RESOLVED, That Allenhurst's business community be invited and encouraged to participate in AOperation: Thank You@ by providing discounts to our active military and their dependents, and by otherwise recognizing their sacrifices and service and joining the residents of Allenhurst in welcoming them to our community; and,

BE IT FURTHER RESOLVED, That this resolution shall take effect immediately and shall remain in effect throughout the 2012 beach season.

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

RESOLUTION #14

A RESOLUTION TO APPROVE MEMBER IN ALLENHURST FIRE DEPARTMENT

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, The Membership Committee of Allenhurst Fire Co. #1 has received an application for membership from Edward W. Foley, Jr.; and,

WHEREAS, The Membership Committee has advised the Board of Commissioners that Mr. Foley is acceptable for membership;

NOW, THEREFORE, BE IT RESOLVED, That Edward W. Foley, Jr. is approved for membership in Allenhurst Fire Co. #1, pending a criminal history check; and,

BE IT FURTHER RESOLVED, That the Borough Clerk be and is hereby authorized to execute the necessary paperwork on behalf of the aforementioned applicant.

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

RESOLUTION #15

A RESOLUTION TO PAY BILLS AND PAYROLL (5/01/12 – 5/15/12)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$661,383.28 approved for payment; and,

BE IT FURTHER RESOLVED, That the May 15th consolidated bill list be attached hereto and made a part thereof.

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

ORDINANCE #2012-03 - FINAL READING

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

ORDINANCE #2012-03

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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

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

ORDINANCE #2012-04 – FINAL READING

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

ORDINANCE #2012-04

AN ORDINANCE TO FURTHER AMEND "AN ORDINANCE ESTABLISHING A BEACH CLUB, REGULATING THE USE OF THE BATHING AND RECREATIONAL FACILITIES AT THE BEACHFRONT AND PROVIDING REVENUE IN THE BOROUGH OF ALLENHURST" ADOPTED BY THE BOARD OF COMMISSIONERS ON THE 16TH DAY OF APRIL, 1973.

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

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

PUBLIC HEARING

Adele Gannon, 318 Allen Avenue stated she was here at a previous meeting and it was mentioned that there was a stream running under her property. She wondered if the borough has any maps. Doug Caron, Public Works Supervisor, stated there were no maps, just a knowledge of a high water table.

Russ McIver, Hume Street, asked what the plans were for police, fire and EMS to deal with Bamboozle. He asked who is paying for overtime. He asked what the borough's position would be regarding parking or sleeping in cars or vagrancy. What is the Borough's plan if there is a civil disturbance?

Mayor McLaughlin stated all officers will be working. The fire and first aid will be doing stand-by at the firehouse. We, unfortunately, have to pay for overtime. The Chief is putting together a plan. There are ordinances in place and they will be enforced. They are being proactive. There will be manned parking at the beachfront.

Chief Richter stated if there is a civil disturbance, it will be handled by Asbury Park and Monmouth County. Their job will be getting people out of town. New Jersey Transit will assist by funneling people to the train station. Asbury Park is anticipating taking 95% of the train traffic. Nobody will be sleeping in cars. They will have the bike patrols out and summonses will be issued. Warnings will not be given. He is getting the promoter's name and will try to bill for overtime, but doesn't know if it will work. They have an obligation to keep order in this town and that is what they will do.

Comm. Bolan asked what happens when someone parks in the 200 block, goes to the concert, gets loaded, goes back to their car, decides they are too drunk to drive and sleeps in their car? Chief Richter stated they will get a summons. If intoxicated, they will call someone to come get the keys and given them a ride or they will be remanded to the county jail.

Chief Richter added that they did secure the Bamboozle area very well. Mr. Caron stated that he will be putting up barriers as well. He will have someone posted to watch the beach also.

Comm. Bolan asked if there is an ordinance restricting being on the beach after a certain time at night? Chief Richter stated the concert will end at 11 PM. People cannot sleep on the beach.

Mayor McLaughlin asked what happens if a driveway is block and Chief Richter stated the owner will be ticketed and towed. Non-stop towing will be on call. The Chief added that he has made up a number of signs saying Bamboozle this way and Garden State Parkway this way to try to keep the traffic flowing.

Mr. Moriarty questioned the web site and meeting dates.

Paul Fernicola, Loch Arbour Mayor, stated they received a response to the 25 questions the joint subcommittee sent to the State. The answers were not satisfactory and he thought the next step would be a joint meeting with loch Arbour and Allenhurst. While the State gave personal

assurances, they don't have a binding effect. He would like to discuss the possibility of proceeding under the Local Option of the Municipal Consolidation Law. Under that statute, it allows them to set a date for election. They can come up with a plan to submit to the Department of Community Affairs. In that way, residents of both towns would have assurances before the consolidation.

Mayor McLaughlin stated they have not had a meeting since they got the answers back from the state. Before that meeting, he felt it would be worthwhile for both towns to meet together first. There is a lot to this Act and there is a big difference.

Mayor Fernicola stated he was thinking an election date may be set for May of 2013.

After some further discussion, it was decided the towns would meet jointly at the Allenhurst regular Board of Commissioner's meeting scheduled for June 12, 2012.

Rose O'Connor spoke about the Allenhurst Outdoor Antiques Market on May 27th. It is a positive thing for the town. She left some cards on the table in front of the dais for the public.

There was a 15 minute recess for refreshments.

After reconvening, Mayor McLaughlin stated he received a call from Mayor Nohilly in Interlaken, stating if Allenhurst were to drop the garbage contract by \$5,000.00. they would adopt it. There was discussion on whether Interlaken is formally requesting a reduction in the contract. Comm. Bolan stated he will be at Interlaken's meeting tomorrow night.

Dave Laughlin, Borough Attorney, discussed a letter received by Jennifer Krimko, attorney for the Cohens regarding 308 Allen Avenue. He explained that a Zoning Determination was issued in 2007 permitting a pool at that location. They found the property was contaminated and they had to remediate the problem. Now they want to put in the pool, but object to following a subsequent ordinance which was adopted in 2011 concerning pool construction. Ms. Krimko claims they can put the pool in under the Permit Extension Act.

Mr. Laughlin stated he agreed with Ms. Krimko's opinion and felt that the Borough may lose the case if it were to go to court.

Comm. McLoughlin stated even though the neighbor may get flooded out? Mr. Laughlin responded that was correct. If the neighbor gets flooded, they will have to sue the other property owner. If this ordinance was made a part of the construction code, they may have had a case.

Mayor McLaughlin stated they have not yet applied for a pool permit and Mr. Laughlin stated the Zoning Determination is a permit. He stated he spoke to Don Beekman, Planning Board Attorney. Originally, he was of a different opinion, but has since changed his mind.

The Board of Commissioners authorized Mr. Laughlin to send a letter to Ms. Krimko allowing the pool, but urging them to abide by the ordinance as they know there is a high water table and flooding is a possibility.

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