

**BOROUGH OF ALLENHURST  
MINUTES**

**February 13, 2018**

The Meeting of the Board of Commissioners of the Borough of Allenhurst was held on the above date with Mayor McLaughlin presiding and Commissioner McLoughlin and Commissioner Bolan answering the roll call. Also in attendance was the Borough Clerk/Administrator and Borough Attorney.

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:**

Resolution adopted by the Monmouth County Board of Chosen Freeholders opposing the legalization of Recreational Marijuana use.

**ANNOUNCEMENTS:**

None

**RESOLUTIONS**

**RESOLUTION #2018-54**

**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 23, 2018, be ratified and approved.

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

**RESOLUTION #2018-55**

**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 23, 2018.

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

**RESOLUTION #2018-56**

**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:

Nat Alexander Company	New Fire Dept. Fan	3,979.14
Penguin Mgmt. Inc.	2018 E dispatch	1,080.00
Realty Data Systems LLC	Tax Services	1,916.24

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

**RESOLUTION #2018-57**

**A RESOLUTION TO HIRE TEMPORARY DISPATCHER**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, There is a need for a Part-Time Temporary Dispatcher;  
**THEREFORE, BE IT RESOLVED**, That the following are hereby hired as a Temporary Dispatcher:

**Temporary Dispatcher**

Victoria Vandervort

\$10 dollars per hour

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

**RESOLUTION #2018-58**  
**A RESOLUTION TO CONFIRM DROPPED MEMBERS FROM**  
**ALLENHURST FIRE DEPARTMENT**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, By the Board of Commissioners, pursuant to the recommendation of the Allenhurst Fire Department, the following have either resigned or have been dropped from the rolls for failure to complete their requirements:

Sean Meyers  
Brandon Wolf

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

**RESOLUTION #2018-59**  
**A RESOLUTION TO APPROVE TRIATHLON**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, Edison Energy has requested permission to run their “One More Tri” triathlon to benefit Special Olympics through the Borough of Allenhurst on September 16, 2018; and,

**WHEREAS**, Edison Energy has provided a parade route which is on file in the Borough Clerk’s Office and will start at approximately 8:30 AM and end at approximately 1:00 PM and a Certificate of Insurance for this event will be provided; and,

**WHEREAS**, The Police Chief 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 Edison Energy to run their “One More Tri” Triathlon through Allenhurst on September 16, 2018, contingent upon the Borough receiving a Certificate of Insurance prior to the event.

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

**RESOLUTION #2018-60**  
**A RESOLUTION TO APPROVE ENGINEER CERTIFICATE**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, A contract was awarded to Demac Concrete Inc. for the Allenhurst Beach Club Pool Deck Improvements Phase II and,

**WHEREAS**, The Borough Engineer has reviewed the project and recommended payment as provided for in Engineer’s Certificate #1, which is on file in the Clerk’s office;

**WHEREAS**, Funds for this purpose shall be provided through the 2015-11 ABC & Park Improvements Bond (C-04-55-969-218), and the CFO has so certified;

**NOW, THEREFORE, BE IT RESOLVED**, That Demac Concrete Inc. be compensated in the amount of \$42,924.00 for work done in accordance with the Engineer’s Certificate #1.

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

**RESOLUTION #2018-61**  
**A RESOLUTION TO AWARD CONTRACT FOR PURCHASE OF PLAYGROUND**  
**EQUIPMENT**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, The Borough has been awarded an open space grant to construct a new playground; and,

**WHEREAS**, New playground equipment is being purchased as part of the project; and,

**WHEREAS**, Funds for this purpose shall be provided for in the account known as 2017-13 RR Park Improvements Phase II (C-04-55-973-218), and the CFO has so certified;

**WHEREAS**, The purchase will be made through MRC Inc., holder of State Contract #16-FLEET-00121 at a total price of \$79,165.29; and,

**NOW, THEREFORE, BE IT RESOLVED**, That Clerk/Administrator be and is hereby authorized to sign an agreement with MRC Inc. for the purchase of playground equipment, at a total purchase price of \$79,165.29.

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

**RESOLUTION #2018-62**

**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 2018 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 2018 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$ 4,731;

**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:

Street Lights	\$ 3,665.00
Board of Health	162.00

2. That said emergency temporary appropriations will be provided for in the 2018 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 #2018-63**

**A RESOLUTION TO TRANSFER APPROPRIATIONS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following 2017 appropriations be transferred:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
MOMV OE	Tax Assessor OE	\$1,180.82

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

**RESOLUTION #2018-64**

**A RESOLUTION TO APPROVE BUDGET WORKSHOP**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the Board of Commissioners will meet on Thursday, February 22, 2018, 7:00 pm for a budget workshop meeting; and,

**BE IT FURTHER RESOLVED**, There will no formal action taken at this meeting.

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

**RESOLUTION #2018-65**  
**A RESOLUTION TO APPROVE EXECUTIVE SESSION**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, State law permits the exclusion of public in certain circumstances; and,  
**WHEREAS**, The Board of Commissioners of the Borough of Allenhurst finds that such circumstances currently exist; and,

**WHEREAS**, The Board of Commissioners will make public, minutes of the closed session when confidentiality no longer exists;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners that they are hereby authorized to enter into closed session to discuss legal/contractual matters which are exempt from the public meeting under the Sunshine Law.

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

**RESOLUTION #2018-66**  
**A RESOLUTION TO APPROVE BILLS & PAYROLL (2/1/2018-2/15/2018)**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That bills and payrolls totaling \$661,390.23 be approved for payment; and,

**BE IT FURTHER RESOLVED**, That February 15, 2018 consolidated bill list be attached hereto and made a part thereof.

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

**Items for Discussion**

The Mayor asked about commercial vehicles parked on the street overnight. The Police Chief will look into it.

The storm drain by the Caufield home is clogged. The homeowners doing the construction on Spier Avenue should pay for remedy. The Borough Administrator will have the DPW supervisor look at it.

There is a chain link fence around the construction zone on the corner of Spier Avenue. The Mayor advised that he thinks it is a violation of the Borough ordinance. If it is a violation, a summons will be issued and the Borough Attorney and Administrator will investigate options for the future.

**Public Comments**

Mike Varley asked about 108 Allen Avenue. He asked for the background as to how this use change was allowed for the prayer house. Mr. Varley commented that it looks like the complaint and the order were filed on the same day. Mr. Varley asked if this issue came to discussion at a Commissioner Meeting.

Comm. Bolan asked others to give thoughts. Anne Marie DiLorenzo (109 Allen) stated that she has known about the prayer house for 20 years. The home is owned by the Rabbi. She is upset that it was said in the complaint that the Borough did not allow a prayer house, because the Borough has never stopped it nor complained.

In 2008, the Rabbi asked for expansion of property. Ms. DiLorenzo objected. She eventually reached an agreement with her neighbor to move the lights that shined into her house. There was also a privacy issue agreement made between the Rabbi and Ms. DiLorenzo to put up trees. The only complaint she has is that the cars are parked on the street and left all weekend long

The Mayor stated that he would like to explain a few things. Anything that will change with the property will be subject to approval by the Planning Board and would be subject to Allenhurst

Ordinances and RLUIPA (Religious Land Use and Institutionalized Persons Act), which is federal legislation adopted in 2000.

In 1999 the previous Board and Attorney drafted a zoning ordinance to allow uses for houses of worship on Main Street outside of the residential zones. There was a public outcry and the zoning ordinance was not passed. When RLUIPA came into effect the Borough was in violation because our ordinances did not specifically state that “houses of worship” were an allowed use anywhere in the Borough. The prayer house lawyers came to us to proceed with this case and informed us that we were in violation.

Mr. Varley asked why didn't the Borough Attorney not know about this and why didn't anyone on the Board of Commissioners do something. The Mayor advised that this was the previous Planning Board's responsibility. If the previous board had allowed the 1999 Zoning Ordinance the Borough would not have this current issue.

Mr. DiLorenzo asked how the lawsuit came to be. Mr. DiLorenza stated that there was no contest, since the town was allowing the prayer house. Comm. Bolan stated that if the Borough contested the Borough would have been subject to the absorbent amount of legal fees. Ms. DiLorenzo asked if 108 Allen will pay taxes. Comm. Bolan said perhaps not.

Mr. DiLorenzo asked the commissioners what changes would be made in the R1 zone. Comm. McLoughlin said that right now 108 Allen will be paying taxes. In the future they will probably be tax free. If we had the zoning ordinance in the past, this house of worship would be on Main Street and would not pay taxes. Also what the Mayor reiterated, the owner will have to come before the planning board for changes.

Mr. DiLorenzo said that unless a variance is required, they can put on a second floor. Mr. DiLorenzo stated that he feels he was denied due process and that there will be a devaluation of their home due to the house of worship. The Mayor stated that the introduced ordinance will have to go to the Planning Board and will have to follow rules.

Mr. DiLorenzo asked why no one did anything. The Mayor said because no one knew and that it was in the best interest of the municipality to do the consent order. Mr. DiLorenzo agrees the Borough had no other choice. Mr. DiLorenzo asked the effect of putting a second floor on the building as it will definitely increase the number of people in the building. The Mayor stated that Mr. DiLorenzo brought up some interesting points and stated that anyone that puts a second floor on a building has to follow the ordinances in place for height, setbacks, etc. The new ordinance also states that no other house of worship can be established in the Borough except in the new designated zone which is on Main Street.

Mr. Varley stated that the agreement indicated that the owner of 108 Allen wanted to make some changes to the property. Mr. Varley asked if the owners have asked the Planning Board or the Commissioners for those changes. The Borough Attorney stated that they were aware of some of the changes, but the owners were told they have to go before the Planning Board. The Borough does not currently have the drawings.

Comm. Bolan stated by signing the consent order all the Borough did was get out of Federal Court. The owners were told they have to go before the Planning Board.

Mr. Varley asked why the public was not alerted. The Borough Attorney stated that there is no requirement to alert the public to a lawsuit. Mr. Varley asked if it would have mattered if the Borough had waited a month and alerted the public. The Borough Attorney stated that is absolutely would have mattered and the lawsuit had to be settled quickly. Comm. Bolan asked Mr. Varley if he thinks the Borough made the correct decision in signing the agreement. Mr. Varley stated that he did, but still thinks that the Borough should have waited and alerted the taxpayers.

Mr. DiLorenzo asked how the complaint was brought up. The Borough Attorney stated that the Borough was threatened with the lawsuit in December of 2017. Mr. DiLorenzo stated that he marked up the ordinance and asked that his comments be given to the Planning Board. Mr. DiLorenzo asked if the Borough was aware of any ancillary uses, such as women's bath house, prayer tents, etc. The Borough Attorney stated none were known at this time. Mr. DiLorenzo also feels the language about the parking is ludicrous. Mr. DiLorenzo asked how can you measure parking spots based upon the number of seats. Mrs. DiLorenzo asked about shrubbery. She does not want shrubbery to be cut down. She has an agreement with the Rabbi. She hopes it

would be allowed to stay. The Borough Attorney stated that if Mrs. DiLorenzo has an agreement with the neighbor, they should enforce it.

Comm. McLoughlin stated that he sits on the Planning Board and will be fully involved.

Mrs. DiLorenzo asked if the police can be on duty when they have services to monitor parking. Comm. Bolan stated that this would be part of the process of the traffic study. Comm. Bolan advised Mrs. DiLorenzo to attend the Planning Board meetings, take pictures, and let the Planning Board know if parking and traffic situation is problematic.

Comm. McLoughlin stated that the public has the right to speak at any Planning Board meeting and asked that Mr. DiLorezo come to the meeting and discuss his concerns. Comm. McLoughlin stated that public input is needed.

Sam Peluso asked if the Borough has signs in town for the ordinance on horn blowing and can they be posted. Chief Schneider stated that it is a state statute. There is no need for signs. Mr. Peluso asked if basketball playing is specifically mentioned in the ordinance. The Mayor advised that the Borough has a good noise ordinance and that Mr. Peluso should call the police if there is an issue and they will handle.

Donna Klauss asked if the house of worship at 108 Allen fulfills the requirement of worship or can they pop-up anywhere else. The Mayor stated that the new ordinance designates areas for house of worship on Main Street. Ms. Klauss asked if other houses of worship could be put on Main Street. The Borough Attorney stated that the law requires the town to designate a zone and more could be put on Main Street.

There being no further comments, public hearing was closed.

There being no further business or comments, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting move to executive session at 8:45 PM. Motion carried.

After reconvening, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting be adjourned at 10:30 PM. Motion carried.

Donna M. Campagna, RMC  
Borough Clerk/Administrator