

BOROUGH OF ALLENHURST
MINUTES
May 22, 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:

- Notice of Intent from New Jersey Transit Corporation to apply for Federal Financial Assistance under the provision of Moving Ahead for Progress in the 21st Century (MAP-21).
- Notice from the New Jersey Department of Environmental Protection that the FY 2018 Annual Fee Report and Assessment is now available on the Department's website. There will be a public hearing on the Fee Report on Wednesday June 6, 2018.

ANNOUNCEMENTS:

None

ORDINANCES FIRST READING:

ORDINANCE #2018-07
AN ORDINANCE REVISING A PORTION OF CHAPTER X
OF THE BOROUGH CODE OF THE BOROUGH OF
ALLENHURST ENTITLED "BEACH REGULATIONS."

Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise certain portions of its existing Borough Code concerning the Beach Regulations to address the needs of the community;

NOW THEREFORE, BE IT ORDAINED by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Borough Code of the Borough of Allenhurst be and is hereby amended and supplemented as follows:

Chapter X be and is hereby revised to delete the existing subsection "10-1.6, h." entitled "Recreation Costs" and replace it with the following:

h. A recreation program shall be established which shall be open to all children who are members of the Allenhurst Beach Club between the ages of five (5) years and twelve (12) years at the discretion of the Recreation Director. The program shall run for seven (7) weeks, during the Beach Club season from 10:00 a.m. to 3:00 p.m., Monday through Friday and will not run on those days the Beach Club is closed for inclement weather or any other unforeseen circumstance.

The cost for participation in this program will be four hundred and ninety-five (\$495.00) dollars for the first child and four hundred and twenty five (\$425.00) dollars per child for additional children from the same family.

And, it is further

ORDAINED that except as herein above provided, the remainder of Chapter X, BEACH REGULATIONS, shall remain unaltered and in full force and effect; and it is further

ORDAINED that the provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, clauses and phrases of this ordinance shall stand notwithstanding the invalidity of any part; and it is further

ORDAINED, That this Ordinance shall take effect after publication and adoption according to law.

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

ORDINANCE #2018-08

**AN ORDINANCE REVISING THE BOROUGH CODE OF THE
BOROUGH OF ALLENHURST, CHAPTER XXV ENTITLED “LAND USE
PROCEDURES” REGULATING THE PROCEDURES EMPLOYED BY
THE BOROUGH’S COMBINED BOARD**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, it has been determined that there is a need to have an application completeness checklist as part of the submission package for any person making an application to the combined Planning/Zoning Board of the Borough of Allenhurst; and

WHEREAS, the Municipal Land Use Law, specifically N.J.S.A. 40:55D-10.3 provides that an application has to be deemed complete within a certain time frame upon submission; and

WHEREAS, an application checklist will assist both an applicant and the Borough in the smooth processing and review of said applications to determine their completeness; and

WHEREAS, on May 16, 2018, the Board adopted a Resolution requesting that the Borough Council adopt the within Completeness Checklist; and

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise certain portions of its existing Borough Code concerning the Procedures employed by the Borough's combined Planning/Zoning Board;

NOW THEREFORE, BE IT ORDAINED by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Borough Code of the Borough of Allenhurst be and is hereby amended and supplemented as follows:

I. Chapter XXV subsection “25-3.18” entitled “Applications; Procedures for Filing” be and is hereby amended to include the following checklist for completeness:

**BOROUGH OF ALLENHURST PLANNING BOARD COMPLETENESS CHECKLIST FOR
CERTIFICATE OF APPROPRIATENESS, MAJOR AND/OR VARIANCE APPLICATION
PURSUANT TO N.J.S.A. 40-55D-10.3**

(An application for development shall be complete for purposes of commencing the applicable time for action by the Planning Board when so certified by the Planning Board or its authorized committee or designee that the following documents having been properly submitted in completed form.)

Applicant: _____

Address: _____

Email: _____ Phone: _____

Complete Not Complete Not Applicable

_____ 1. Application for Zoning Permit & Zoning Officer's Determination/Denial.

_____ 2. Impervious Surface Determination, with Zoning Officer's Determination/Denial.

_____ 3. Application for Certificate of Appropriateness, Major
and/or Variance, Including Affidavit of Applicant, and
Affidavit of Ownership.

4. Current ALTA/ACSM Survey by a N.J. Licensed Surveyor prepared to scale, showing all existing structures and improvements, and relationship of existing structures with adjoining properties and structures. The survey must be dated within six (6) months of the Application Date, or submitted with a Survey Affidavit of No

Change executed by the property owner.

_____	_____	_____	5. Plot Plan (Residential Properties) or Site Plan (Commercial Properties), prepared by a licensed surveyor, engineer, or architect prepared to scale, showing all existing and proposed structures and improvements, as well as the relationship of existing and proposed structures with adjoining properties and structures.
_____	_____	_____	6. Architectural Drawings of the existing and proposed buildings and structures, which shall sufficiently identify all changes, alterations, or additions proposed. Such plans shall be prepared on a scale of not less than .25”=1”, and preferably prepared by an Architect licensed in New Jersey.
_____	_____	_____	7. Photographs of Land and Building(s) Involved in Application.
_____	_____	_____	8. Submitted disk or thumb drive containing scanned copies of the Zoning Permit w/ Zoning Determination/Denial; Impervious Surface Determination/Denial; Certificate of Appropriateness and/or Variance Application; Survey, Plot Plan and/or Site Plan; Architectural drawings; and Photographs.
_____	_____	_____	9. Application Fee Paid \$_____
_____	_____	_____	10. Escrow Fee Paid \$_____
_____	_____	_____	11. Tax Collector Certification that Real Estate Taxes have been paid. (To be obtained from Tax Collector and submitted with completed Original Application and copies)
_____	_____	_____	12. Certification by Board Secretary that Administrative/ Application Fee and Initial Escrow Deposit received (To be Completed Planning by Board Secretary)
_____	_____	_____	13. Certification of Complete Application and Certification that copies of the hard copy of survey, plans, etc. and the disk/thumb drive contents have been delivered to, and emailed to the Planning Board Secretary (To be Completed by Board Secretary)
_____	_____	_____	14. List of Property Owners within 200’ of Applicant’s Property, and public utilities, etc., certified by Borough Official.

SEPARATE CHECKS OR MONEY ORDERS MUST BE SUBMITTED FOR THE APPLICATION FEE, AND FOR THE ESCROW FEES, AND MUST ACCOMPANY YOUR APPLICATION
All checks must be made payable to: Borough of Allenhurst

Note: Applicant’s and their representatives should familiarize themselves with the Allenhurst Planning Board’s Instructions for Certificate of Appropriateness, Major and/or Variance Application (attached), and the Board’s Hearing procedures (available at the Borough Municipal Offices).

II. All ordinances and parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency; and, it is further
ORDAINED that except as herein above provided, the remainder of Chapter XXV subsection “25-3.18” entitled “Applications; Procedures for Filing” shall remain unaltered and in full force and effect; and it is further
ORDAINED that the provisions of these ordinances are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, clauses and phrases of these ordinances shall stand notwithstanding the invalidity of any part; and it is further

ORDAINED that the Borough Clerk be and is hereby directed to give notice at least ten (10) days prior to hearing on the adoption of this Ordinance to the Monmouth County Planning Board and to the Clerks of each adjacent municipality pursuant to N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage hereof and to file a copy of the Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.A. 40:55D-16. The Borough Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1; and it is further

ORDAINED that this Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

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

RESOLUTIONS

RESOLUTION #2018-130

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 May 8, 2018, be ratified and approved.

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

RESOLUTION #2018-131

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 May 8, 2018.

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

RESOLUTION #2018-132

A RESOLUTION TO APPROVE CHANGE ORDER #2 FOR ALLENHURST BEACH CLUB POOL DECKING IMPROVEMENTS

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

WHEREAS, A contract was awarded to Demac Concrete Inc.; and,
WHEREAS, The scope of work was expanded to provide for the following:

- | | |
|---|---------------|
| 1. 8"PVC | \$ (5,032.50) |
| 2. Northside Locker Concrete Walkway | 9,200.00 |
| 3. Concrete Patio West | 2,900.00 |
| 4. Install 24 LF of 4" Drain | 900.00 |
| 5. New Drain Pipe of North Side Locker | 9,850.00 |
| 6. Remove and Reinstall Block Handicap Ramp | 1,200.00 |

WHEREAS, Demac Concrete Inc., has submitted a request for a Change Order for the additional work in the net amount of \$19,017.50 which request has been reviewed by the Borough Administrator and Engineer, and found to be acceptable;

NOW, THEREFORE, BE IT RESOLVED, That Change Order No. 2 in the amount of \$19,017.50 be approved, thereby amending the contract total to \$248,210.00.

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

RESOLUTION #2018-133

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 and,

WHEREAS, The Borough Engineer has reviewed the project and recommended payment as provided for in Engineer's Certificate #3, 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 \$50,249.50 for work done in accordance with the Engineer's Certificate #3.

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

**RESOLUTION #2018-134
A RESOLUTION TO APPROVE ABC REFUNDS**

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

BE IT RESOLVED, That the following refund of ABC fees be approved:

Hochster, Kristin – Member#47- Overpayment of Beach Fees - \$50.00
Costanzo, Peter Sr. – Member#34 – Overpayment of Beach Fees-\$75.00
Zazzo, Ed and Barbara – Member#48 – Overpayment of Beach Fees - \$575.00
Goehring, Robery and Isabella – Member#29 – Overpayment of Beach Fees - \$575.00
Rogers, Mary Catherine – Member#33 – Overpayment of Beach Fees - \$80.00
Reddy, Tom – Member#212 – Overpayment of Beach Fees - \$155.00

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

**RESOLUTION #2018-135
A RESOLUTION TO HIRE AN ASSISTANT PLANNING BOARD SECRETARY**

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

WHEREAS, There is a need for a Temporary Assistant Planning Board Secretary, the Board of Commissioners advertised for and interviewed candidates for the position; and,

WHEREAS, After careful consideration, the Commissioners have decided upon a candidate for the position; and,

NOW, THEREFORE, BE IT RESOLVED, That Alison Gavin be hired as a Temporary Assistant Planning Board Secretary for \$500.00 per month for May and June. May's salary will be prorated effective May 16th.

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

**RESOLUTION #2018-136
A RESOLUTION TO APPROVE LOSAP PARTICIPANTS**

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

BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst the following list of qualified Allenhurst firefighters and Emergency Medical Technicians are certified to receive \$1,050.00 each from the Allenhurst, Interlaken, Loch Arbour LOSAP Program for the year 2017:

David Belhassen	Susan Borden
Kyle Ebbets	Daniel Gulick
Patrick Harvey	Patrick A. Harvey II
Richard Heitmueller	Carla Ward
Frank Manfredi	William Reng
Patricia McLaughlin	Rutledge Varley
Robert T. Todd	James Vaccaro

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

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

<u>Court Account</u>	<u>Amount</u>	<u>Date</u>
General Court Account #2501	6.00	10/11/2017
General Court Account #2502	1.00	10/11/2017
General Court Account #2505	4.00	10/23/2017

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

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

BE IT FURTHER RESOLVED, that the Board of Commissioners has determined that it is in the best interests of the Borough to designate the Company as redeveloper of the Property for a period not to exceed ninety (90) days from the date hereof, and hereby further directs and authorizes the Borough Administrator, together with the Borough Attorney and Special Counsel, along with such other Borough officials as may be necessary or appropriate, to enter into

negotiations with the Company with respect to a mutually acceptable redevelopment agreement during that time; and

BE IT FURTHER RESOLVED, that if at the expiration of ninety (90) days from the date hereof, the Borough shall not have authorized the execution of a redevelopment agreement, but negotiations are continuing in good faith, the Mayor may extend the designation and negotiation period for an additional thirty (30) days; and

BE IT FURTHER RESOLVED, that if at the expiration of ninety (90) days from the date hereof (if the designation and negotiation period is not so extended), or at the expiration of one hundred and twenty (120) days from the date hereof (if the designation and negotiation period is so extended), the Borough shall not have authorized the execution of a redevelopment agreement or authorized an extension of the designation and negotiation period, then the designation of the Company as redeveloper of the Property shall terminate without the need for any other action by the Borough or the Commissioners to evidence same; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately; and

BE IT FURTHER RESOLVED, that the Clerk shall maintain a copy of this Resolution 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 #2018-140

A RESOLUTION AUTHORIZING MEMORANDUM OF UNDERTANDING BETWEEN THE BOROUGH OF ALLENHURST AND THE ASSOCIATED HUMANE SOCIETY FOR A TRAP, NEUTER AND RELEASE PROGRAM

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, there is a significant feral cat population in the County of Monmouth and within the Borough of Allenhurst; and

WHEREAS, the Associated Humane Societies is a duly authorized animal shelter under the authority of New Jersey State Law Title 4, and having such authority within the County of Monmouth to act as so, desire to enter into a Memorandum of Understanding ("MOU") for a Trap, Neuter and Release Program ("TNR Program") with the Borough of Allenhurst so as to reduce the feral cat population within the Borough in a humane manner; and

WHEREAS, the Board of Commissioners of the Borough of Allenhurst believe it is in the best interest of the Borough and its residents to establish a TNR Program within the Borough;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst that it hereby authorizes the Mayor to sign a Memorandum of Understanding, and an updated 2018 Contract, with the Associated Humane Societies in regard to a Trap, Neuter and Release Program for feral cats.

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

RESOLUTION #2018-141

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;

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

Oaktree Sheds & Gazebos – Tables and Chairs for ABC	\$ 2,003.70
Bullet Lock – Keys for ABC	\$ 1,007.50
By Design Landscaping – Sod for Park Project	\$12,225.00
By Design Landscaping – Drainage and Grading for Park Project	\$ 4,960.00
Burke Contracting – Pre-Construction Grading for Park Project	\$13,400.00
Belmar Paint and Decorating – Paint for ABC	\$ 5,268.65
Campbell Supply Co. – Repairs to Fire Vehicles	\$ 3,098.97
Roy Childers – Equipment and Computer Upgrades – ABC	\$ 2,833.36
Donald F. Burke, Esq. – Separation Agreement	\$15,000.00

PUBLIC COMMENTS

Joe Christie discussed that the tree in front of his building is causing the pavers to come up. He has received a notice of a lawsuit from someone that tripped. Mr. Christie stated that he had discussed this issue before with Borough a few years ago. Mayor McLaughlin stated as he recalled the last time Mr. Christie brought his concerns to the Borough and that the roots of the tree were getting into the sewer system. It was determined by the DPW Supervisor at the time this was not the case. Mr. Christie stated that issue was taken care of. He asked the Commissioners who is responsible for the sidewalk. Commissioner Bolan stated that in the commercial Zone the owner is responsible for maintaining. Commissioner Bolan further stated that Mr. Christie could “remedy” the situation by putting cones around the area and fill in the area with some concrete. He could also write a letter to ask the Borough to remove the tree and fix the pavers. Chief Schneider and the DPW will examine the area as well to see if it is a tripping hazard.

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 8:20 PM. Motion carried.

After reconvening, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting be adjourned at 9:05 PM. Motion carried.

Donna M. Campagna, RMC
Borough Clerk/Administrator