

**BOROUGH OF ALLENHURST**  
**MINUTES**  
**June 12, 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 from the Board of Chosen Freeholders of the County of Monmouth establishing the County of Monmouth Faith-Based Initiative

**ANNOUNCEMENTS:**

Ribbon Cutting for the park June 19<sup>th</sup> 7:00 pm

**ORDINANCES FINAL 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.

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

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



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<br><b>(To be Completed Planning by Board Secretary)</b>   |
| _____ | _____ | _____ | 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<br><b>(To be Completed by Board Secretary)</b>                                  |
| _____ | _____ | _____ | 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

**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

Offered By: Comm. McLoughlin                      Seconded By: Mayor McLaughlin

**AN ORDINANCE TO AMEND THE ORDINANCE ENTITLED, "AN ORDINANCE  
FIXING THE SALARIES OF ALL APPOINTED OFFICIALS AND EMPLOYEES OF  
THE BOROUGH OF ALLENHURST IN THE COUNTY OF MONMOUTH AND STATE  
OF NEW JERSEY (EXCEPTING MEMBERS OF THE POLICE DEPARTMENT)"**

**SECTION I.** That Ordinance No.: 2018-01 entitled “*An ordinance fixing the salaries of all appointed officials and employees of the Borough of Allenhurst in the County of Monmouth and State of New Jersey (excepting members of the police department)*” be and is hereby revised and amended to read as follows:

The salaries to be paid to elected and appointed officials, and employees of the Borough of Allenhurst, County of Monmouth (excepting members of the Police Department) and the time and payment for same is hereby affixed as follows:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Full-time Communication Officer	\$22,000.00	\$50,000.00
Part-time Communication Officer	\$10.00 per hour	\$20.00 per hour
TAC Officer	\$2,500.00	\$4,000.00

**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

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

## A RESOLUTION TO RATIFY AND APPROVE MINUTES

**BE IT RESOLVED**, That the minutes of the regular meeting held May 22, 2018, be ratified and approved.

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

**RESOLUTION #2018-145**  
**A RESOLUTION TO DISPENSE WITH READING OF MINUTES**

Seconded By: Comm. Bolan

**BE IT RESOLVED**, that the Clerk dispense with the reading of the minutes of the regular meeting held May 22, 2018.

VOTE: Comm. McLoughlin\_\_\_\_; Comm. Bolan\_\_\_\_; Mayor McLaughlin\_\_\_\_

**RESOLUTION #2018-146**  
**A RESOLUTION TO APPROVE ABC REFUNDS**

Seconded By: Comm. Bolan

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

Ades, Maurice – Member#1029 – Overpayment of Beach Fees - \$80.00

Dweck, Fortune – Member #1095 – Overpayment of Beach Fees-\$175.00

Falack, Jack – Member #719 – Overpayment of Beach Fees-\$25.00

Nathan Dweck – Member#1049 – Overpayment of Beach Fees-\$89.01

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

**RESOLUTION #2018-147**  
**A RESOLUTION TO HIRE SEASONAL EMPLOYEES**

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following be hired for the 2018 summer season:

## Cabana

Charlie Asaro

\$9 hourly

## Security

Julienne Walsh

\$9 hourly

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

**RESOLUTION #2018-148**  
**A RESOLUTION TO RE-ADOPT CABANA LICENSING RULES FOR THE**  
**ALLENHURST BEACH CLUB**

Seconded By: Comm. Bolan

**WHEREAS**, The Board of Commissioners have previously adopted Cabana Licensing Rules at the Allenhurst Beach Club; and,

**WHEREAS,** There are no changes to these rules for the 2018 Season;

**NOW, THEREFORE, BE IT RESOLVED**, That the following Cabana Licensing Rules be re-adopted and are hereby approved by the Allenhurst Board of Commissioners as of June 13, 2018:

**ABC LICENSING RULES  
ADOPTED BY THE BOARD OF COMMISSIONERS OF THE  
BOROUGH OF ALLENHURST**

1. The resident cabana list is reserved for taxpaying residents of the Borough of Allenhurst. Non-taxpaying residents will be removed from this list. For example children who currently reside with their parents and do not maintain a separate residence in Allenhurst will be removed from the resident cabana list.

2. Until the resident cabana list has been exhausted all open cabanas will be made available to residents on this list.
3. Cabanas will only be licensed to those who rent or own residences in the State of New Jersey. Proof of rental will be required. The rental period must be a minimum period of six weeks. Proof of a Certificate of Occupancy may be required.
4. A resident principal licensee may pass down their cabana to their child or next of kin if that next of kin owns a residence in Allenhurst or in the event that the next of kin maintains the ownership of the deceased principal's residence.
5. If a resident cabana licensee would like to add a tax paying resident child as a co-principal to their cabana and that child is on the waiting list, that child will surrender that spot on the list.
6. Married couples will be considered jointly as principals. In the event of a divorce, the spouse who maintains a residence in Allenhurst will be entitled to the cabana license. If both spouses move out of town, either or both spouses may appeal to the Board of Commissioners for a determination regarding said license.
7. Should an out of town resident pass away without a co-principal, that cabana license will terminate.
8. If a cabana licensee no longer resides in the state of New Jersey, the cabana license will terminate.
9. Only one cabana will be licensed to a residential address in Allenhurst. Multiple family members residing in one residence may only license one cabana.
10. In the event that a resident passes away and a trust is involved, members of the trust may appeal to the Board of Commissioners for a determination regarding said cabana license. As a general proposition, no business or corporate entity may license a cabana.
11. There shall be no sublicensing of cabana licenses. Any cabana licensee who is believed to be sublicensing their cabana will be provided notice by regular mail to appear before the Board of Commissions to address the issue at the risk of losing their cabana license. As a general proposition, no business or corporate entity may license a cabana.
12. A resident member of the ABC may be added as co-principal provided that the member has had a membership attached to that cabana for at least five consecutive years and is the principal's next of kin as defined by the NJ laws of intestate succession. This is a one-time opportunity such that the "added co-principal", except with respect to proviso's listed above whereby the person either is a taxpaying resident or maintains possession of the residence of the deceased.
13. An adult resident member may be added as a co-principal to a cabana, provided that member has had a membership attached to that cabana for the last five years and that member has been on the resident cabana list for at least 10 years. If this resident becomes a co-principal, he/she gives up their spot on the cabana list.
14. An adult non-resident member of the ABC may be added as co-principal, provided that the member has had a membership attached to that cabana for at least five consecutive years and is the principal's next of kin as defined by the NJ laws of intestate succession. This is a one-time opportunity such that the added next-of-kin co-principal may not then add another co-principal. This rule will become effective with the 2016 Beach Club season.
15. In a cabana with two co-principals, one or both of those co-principals can substitute an adult child as the co-principal within two years of the date adoption of these rules, provided that the adult child had a membership attached to that cabana for at least five consecutive years and is the principal's next of kin as defined by the NJ laws of intestate succession.



confirmed:

Pizzo Contracting T/A Carl's Fencing – New Wall at ABC -	\$14,050.00
By Design Landscaping Inc. – New Sprinkler System at Railroad Park	\$ 9,575.00
Armstrong Tree Service Inc. – Tree Removal at Railroad Park	\$ 1,200.00
Burke Contracting – Drain Repair at ABC Pool	\$ 2,350.00
Monarch Electric – Street Lights	\$ 1,875.86
NAT Alexander Co. – Exhaust Fan for Fire Department	\$ 3,440.00
Eastern Architectural Millworks – Shiplap for Beach Club	\$ 6,000.00
Monarch Electric – Beach Club Project	\$ 5,929.42
Variety Growers – Flower for Main Street	\$ 1,365.00

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

**RESOLUTION #2018-153**  
**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 #2018-154**  
**A RESOLUTION TO APPROVE BILLS & PAYROLL (6/1/2018 – 6/15/2018)**

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

**BE IT RESOLVED**, That bills and payrolls totaling \$357,416.29 be approved for payment; and,

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

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

**ITEMS TO DISCUSS**

The Mayor mentioned that Sallie Kerrigan passed away, a long time resident.

The request from Kate McLoughlin to have an “Alex’s Lemonade Stand” fundraiser was approved. The Borough Administrator will contact Ms. McLoughlin and get a regular date and a rain date.

There was a request from the gas station to sell propane tanks. The Commissioners asked to have the Fire Code Official check the code. The Borough will need pictures, assurance that they will not be filling tanks and specifics of placement – as well as any other items required.

The Bamboo Ordinance was discussed. Comm. McLoughlin questioned how the ordinance would be enforced. Borough Attorney stated that the neighbor can call the code Official and he would then go on the property to inspect as it would create probable cause. The Code Official cannot go onto a property without probable cause. The ordinance will be introduced at the next meeting.

The Commissioners conditionally approved the Peterpaul fundraiser. The Borough Administrator will contact the ABC Manager to discuss the details and report back to the Board of



Commissioners. All participants that are not members would have to buy guest tickets. The Borough Administrator will look into whether single tickets can be sold that day.

### **PUBLIC COMMENTS**

Bill Gillman discussed the problems with the construction at 4 Spier Avenue. The building of the wall is much higher than he remembers from what was approved by the planning board. He believes the grading has changed also. The wall no impedes his view.

The Mayor advised that the Borough is reviewing the plans and recordings. The Mayor also asked it is discovered that the work is not to plan can a stop work order be issued and can they be compelled to take down the wall. The Borough Attorney advised that the town cannot stop the work and, the town would have to sue the homeowner to take it down. The Mayor asked if the town can stop the Certificate of Occupancy (CO). The Borough Attorney that the town cannot stop the CO. The Borough Attorney also stated that the neighbor can sue as well.

Bill Gillman stated that he wanted the commissioners to understand his concerns. Also, step one would be for the Borough to find out if they are in compliance with the plans. Step two would be what needs to be done if not in compliance.

Tim Moriarity asked if something changed with posting of agenda for the meetings. The Borough Administrator stated that a shorter version of the agenda will be posted online going forward. This is being done to accommodate posting in a timely manner. The detailed agenda will be available on the bulletin board or from the Borough offices.

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 8:10 PM. Motion carried.

After reconvening, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting be adjourned at 9:15 PM. Motion carried.

Donna M. Campagna, RMC  
Borough Clerk/Administrator