

BOROUGH OF ALLENHURST
MINUTES
July 10, 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 declaring Monmouth County a stigma free community and supporting the designation of stigma free communities in every municipality throughout Monmouth County.
- Notice of Public Hearing from NJ Natural Gas regarding approval of existing and New Energy-Efficiency Programs and a Class 1 Renewable Energy Program and the Associated Cost Recovery Mechanism Pursuant to NJSA 48:3-98.1 – BPU Docket No. GO18030355

ANNOUNCEMENTS:

National Night Out – Tuesday, August 7

ORDINANCES FINAL READING:

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

ORDINANCE #2018-10

**AN ORDINANCE SUPPLEMENTING CHAPTER IX OF THE
BOROUGH CODE OF THE BOROUGH OF ALLENHURST
ESTABLISHING CONTROLS FOR THE INVASIVE PLANT
BAMBOO**

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 invasive plant, Bamboo and to take actions to control the same;

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 to add to Chapter IX, subsection 9.8 as follows:

I. INVASIVE PLANT-BAMBOO.

1. Purpose. The purpose of this section is to protect and promote the public health through the control of the growth of bamboo, a specific invasive plant species.

2. Definitions. As used in this section, the following terms shall have the meanings indicated:

a) “*Enforcing Officer*” shall mean the Township Code Enforcement Officer or his or her designee.

b) “*Invasive Plants*” shall mean all native and non-native bamboo that grows out of place and is competitive, persistent, and pernicious. This species may damage trees, vegetation, or structures.

3. Control of Growth. All persons must control the growth of bamboo. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this section.

4. Inspections. All places and premises in the Borough of Allenhurst shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Allenhurst. Such inspection(s) shall

be made if that official has reason to believe that any section of this chapter is being violated.

5. Violations and penalties.

a) Whenever an invasive plant, as defined by this section, is found on any plot of land, lot or any other premises or place, in violation of this section, a notice of violation shall be given to the owner, in writing, to remove or abate the same within such time as shall be specified therein, but in no case shall removal take more than thirty (30) days. In the even more time is needed for treatment and or removal, approval from the code enforcement officer, or his/her designee, is required. Any person violating any provision of this section shall be punished by a fine of not less than \$200 and not more than \$2000.

b) The cost of abatement shall be borne by the property owner.

II. REPEALER. The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

III. INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

IV. SEVERABILITY. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

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

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

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

ORDINANCES FIRST READING:

ORDINANCE#2018-11

AN ORDINANCE REVISING 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:

I. Chapter X, section 1.6(d) be and is hereby revised to delete the existing subsection and replace it with the following:

d. Guest Charges. Each individual bathing guest (age 3 and older) using a member's bathhouse or cabana – one (1) guest ticket per day; Children, age 3 and under will be admitted, no charge. These 2018 Guest Tickets will be valid for guests during the 2018 season, when accompanied by a registrant of the Allenhurst Beach Facilities.

2018 Guest tickets may be sold individually, throughout the season at the discretion of the Borough, for \$15.00 per Guest ticket. Individual 2018 Guest tickets are good for one individual, for one day's admission. Said Individual 2018 Guest tickets will only be valid during the 2018 season.

Packages of 2018 Guest tickets will be sold in groups of ten (10) passes for \$150.00. If purchased on or before May 31, 2018, the packages of 2018 Guest tickets will be sold at the discount price of \$130.00. There is no limit on the number of packages that may be purchased but, be advised that they are **only valid during the 2018 season**.

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

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

RESOLUTION #2018-172
A RESOLUTION TO RATIFY AND APPROVE MINUTES

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

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

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

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

RESOLUTION #2018-176
RESOLUTION SETTING FORTH THE
RATE OF INTEREST TO BE CHARGED
ON DELINQUENT TAXES AND THE EXTENSION
OF THE GRACE PERIOD FOR ONLY THE
THIRD TAX QUARTER OF 2018

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, the State of New Jersey was late in adopting a state budget and the County may not supply a tax rate to the Borough of Allenhurst until mid-July or later which **may** delay the mailing of the 2018 tax bills until late July or early August and,

NOW THEREFORE BE IT RESOLVED, an interest free period authorized pursuant to RS 54:4-67, (PL 1994 Chapter 72) or the twenty-fifth calendar day after the date that the tax bills for the third installment are mailed. If payment for the third installment 2018 tax quarter is received after the twenty-fifth calendar day beyond the mailing date of the final 2018 tax bills, interest at the rate of eight (8%) percent per annum will be charged on the first \$1,500.00 of the delinquency and eighteen (18%) percent per annum on any amount in excess of \$1,500.00 from August 1, 2018 to the date of payment and,

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution is to be effective for the third installment of 2018 tax quarter and does not affect past or future tax quarters and shall apply only if tax bills are mailed out late.

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

RESOLUTION #2018-177
RESOLUTION APPOINTING JUDGE PAUL J.
CAPOTORTO AS MUNICIPAL COURT JUDGE UPON THE
RETIREMENT OF THE HON. GEORGE CIERI

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, following many years of dedicated service, the Honorable George Cieri is retiring from his position as the Municipal Court Judge for the Borough of Allenhurst effective as of July 31, 2018; and

WHEREAS, the Borough must have a Municipal Court Judge, the Mayor and Council, after undertaking their due diligence, desire to appoint Judge Paul J. Capotorto to fill the unexpired term of Judge Cieri, ending December 31, 2018.

NOW THEREFORE, BE IT RESOLVED by the Borough of Allenhurst that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

BE IT FURTHER RESOLVED that, Paul J. Capotorto, Esq. be and is hereby appointed Municipal Court Judge for the Borough of Allenhurst commencing on August 1, 2018 for the remainder of the unexpired term of the Honorable George Cieri, terminating on December 31, 2018; and

BE IT FURTHER RESOLVED that Judge Capotorto shall be compensated at an annual salary of \$20,000.00, pro-rated for the period of August 1, 2018 until expiration of the term on December 31, 2018; and

BE IT FURTHER RESOLVED that Judge Capotorto shall be considered a part-time employee of the Borough of Allenhurst and as such, will not be entitled to benefits, such as medical benefits or such other benefits afforded to full-time Borough employees; and

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized to execute such documents or agreement(s) as may be necessary to memorialize an agreement with Judge Capotorto in conformance with the terms set forth herein; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the Coaster as required by law within ten (10) days from the date hereof; and,

BE IT FURTHER RESOLVED that the Clerk and shall maintain a copy of this resolution, and the Agreement with the appointee, 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 #2017-178
A RESOLUTION TO APPROVE SPECIAL MEETING STIPEND FOR PLANNING BOARD SECRETARY AND THE SPECIAL CONSULTANT TO THE PLANNING BOARD SECRETARY

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Board of Commissioners has determined that it is necessary to hold special Planning Board Meetings to address upcoming applications; and,

WHEREAS, Alison Gavin, Planning Board Secretary, has agreed to conduct these meetings which are in addition to the regular Planning Board Meetings; and

WHEREAS, Gina Kneser, Special Consultant to the Planning Board Secretary, has agreed to assist with these meetings which are in addition to the regular Planning Board Meetings; and

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, as follows:

Alison Gavin and Gina Kneser shall receive a stipend of \$250 for each special meeting.

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

RESOLUTION 2018-179
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:

Campbell Supply Co – Repair Engine 72	\$2,136.52
Oceanside Service – Repair to Firehouse Air Conditioning	\$1,623.00
The State of New Jersey – Remediation at the Firehouse	\$1,788.00

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

RESOLUTION #2018-180
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 #2018-181
A RESOLUTION TO APPROVE BILLS & PAYROLL (7/1/2018 – 7/15/2018)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$128,837.47 be approved for payment; and,

BE IT FURTHER RESOLVED, That July 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

Mayor McLaughlin gave his condolences to John Reng – a long time business owner in town.

There was a brief discussion about 105 Cedar. The Borough has received complaints about the tall grass, brush and deer problem with the property. In addition the carriage house is in disrepair and the neighbor fears it is in danger of collapsing. The property is now owned by the Bank. Commissioner Bolan said the Code Enforcer needs to start issuing summons for every possible violation. The Mayor instructed the Borough Administrator to have the building inspector inspect the carriage house. If it is unsafe, the Borough should take steps to condemn it. The Borough Attorney gave brief discussion on condemnation procedures.

The Sidewalk Sale was approved.

PUBLIC COMMENTS

No public comments.

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 9:45 PM. Motion carried.

Donna M. Campagna, RMC
Borough Clerk/Administrator