

BOROUGH OF ALLENHURST
MINUTES
August 28, 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 from the Board of Chosen Freeholders of the County of Monmouth of the Public Hearing that the Monmouth County Division of Transportation will be having on August 30, 2018 to obtain input on the application for the FY2019 5311 Grant Serving Urban and Rural Transportation

ANNOUNCEMENTS:

Proclamation Honoring Retiring Municipal Judge George Cieri

ORDINANCES FIRST READING:

ORDINANCE #2018-12

**AN ORDINANCE AMENDING THE BOROUGH CODE OF
THE BOROUGH OF ALLENHURST TO REMOVE THE
YIELD SIGN LOCATED ON OCEAN PLACE AT THE
INTERSECTION OF OCEAN PLACE AND CORLIES
AVENUE AND REPLACING SAME WITH A STOP SIGN.**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, the yield sign at the end of Ocean Place at its intersection with Corlies Avenue has been a hazard for several years because it has not been effective in stopping vehicles from rolling directly in the path of drivers heading east bound on Corlies Avenue, thereby creating a risk for accidents; and

WHEREAS, the Borough Council of the Borough of Allenhurst desires to remove the yield sign located on Ocean Place at its intersection with Corlies Avenue and replace it with a stop sign to create a safer flow of traffic; and

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 to revise subsection 7-20 of Chapter VII entitled TRAFFIC to list Ocean Place and Corlies Avenue as a Stop intersection with the stop sign to be located on Ocean Place as follows:

7-20 STOP INTERSECTIONS shall be amended by adding the following intersection:

Intersection

Stop sign(s) on

Ocean Place and Corlies Avenue

Ocean Place

ORDAINED that 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.

ORDAINED that all other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

ORDAINED that 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.

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

ORDINANCE #2018-13

AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST TO PROHIBIT RETAIL SALE OF MARIJUANA AND MARIJUANA PARAPHERNALIA FOR RECREATIONAL PURPOSES ANYWHERE IN THE BOROUGH

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, the State of New Jersey has prohibited the manufacture, distribution, and possession of marijuana due to its negative societal consequences and deleterious health effects; and

WHEREAS, the public policy of United States is also to criminalize the manufacture, distribution, and possession of recreational marijuana even if related operations are conducted in accordance with State law; and

WHEREAS, several bills pending in the New Jersey Legislature would reverse the State's long-standing public policy concerning recreational marijuana, with proposed measures ranging in scope from simple decriminalization to the full-scale regulation of the manufacture, distribution, and possession of marijuana for recreational purposes; and

WHEREAS, the Borough Council of the Borough of Allenhurst believes the retail sale of recreational marijuana, an activity rightfully prohibited under federal law, will have significant deleterious consequences to the quality of life, as well as the health, safety, and welfare of Borough residents; and

WHEREAS, it is the prerogative Borough Council of the Borough of Allenhurst to declare for itself the public policy of the Borough prior to any change in the State law, and to enforce that policy in a manner best suited to the Borough, not inconsistent with State law.

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 to prohibit the retail sale of marijuana and marijuana paraphernalia;

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 to revise subsection 26-4.1 of Chapter XXVI entitled DEVELOPMENT REGULATIONS and supplemented to add subsection 4-5 to Chapter IV entitled LICENSING AND BUSINESS REGULATIONS and as follows:

CHAPTER 26 DEVELOPMENT REGULATIONS

26-4.1 Nonconforming Uses, Structures and Lots; Prohibited Uses is hereby amended to include the following provision:

h. The Borough has determined that the sale of marijuana and marijuana paraphernalia shall be expressly prohibited in all geographical locations throughout the Borough in light of the continued prohibition of same under federal law. Nothing herein shall affect a licensed medical marijuana facility operating pursuant to the "New Jersey Compassionate Use Medical Marijuana Act," N.J.S.A. 24:6I-1 et seq.

CHAPTER 4-5 LICENSING AND BUSINESS REGULATIONS

4-5 RECREATIONAL MARIJUANA

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

NOW, THEREFORE, BE IT RESOLVED, That Douglas E. Rhoades JR is approved for membership in Allenhurst Fire Department, 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 #2018-207

A RESOLUTION TO APPROVE MEMBER IN ALLENHURST FIRE DEPARTMENT/FIRST AID SQUAD

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Membership Committee of Allenhurst First Aid Squad has received an application for membership from Henry Katelhon; and,

WHEREAS, The Membership Committee has advised the Board of Commissioners that Henry Katelhon is acceptable for membership;

NOW, THEREFORE, BE IT RESOLVED, That Henry Katelhon is approved for membership in Allenhurst First Aid Squad, 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 #2018-208

A RESOLUTION TO APPROVE COMMODITY RESALE AGREEMENT WITH COUNTY OF MONMOUTH

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and,

WHEREAS, The County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System for the period of October 1, 2018 through September 30, 2023; and,

WHEREAS, It would be in the best interest of the Borough of Allenhurst to remain a member of the Monmouth County Commodity Resale System for that period;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that the Mayor and Borough Clerk be and they are hereby authorized to execute the Commodity Resale Agreement with the County of Monmouth for the period of October 1, 2018 through September 30, 2023; and,

BE IT FURTHER RESOLVED, That the Borough Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to Elizabeth Perez, Shared Services Coordinator, Division of Shared Services, Hall of Records Annex, One East Main Street, Freehold, NJ 07728.

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

RESOLUTION #2018-209

A RESOLUTION TO APPROVE MUNICIPAL ASSISTANCE/SHARED SERVICES AGREEMENT WITH MONMOUTH COUNTY

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, New Jersey Uniformed Shared Services and Consolidation Act (N.J.S.A/ 40A:65-1, et. seq.) authorizes local contracting units to enter into Shared Service Agreements with other local units; and,

WHEREAS, The County of Monmouth has authorized to provide Municipal Assistance and Shared Services to the Borough of Allenhurst for the period of October 1, 2018 through September 30, 2023; and,

WHEREAS, It would be in the best interest of the Borough of Allenhurst to enter into the proposed Monmouth County Municipal Assistance/Shared Services Agreement for that period;

BE IT FURTHER RESOLVED, That the Borough Clerk forward a certified copy of this resolution, along with the executed Monmouth County Municipal Assistance/Shared Services Agreement to Elizabeth Perez, Shared Services Coordinator, Division of Shared Services, Hall of Records Annex, One East Main Street, Freehold, NJ 07728.

RESOLUTION #2018-210

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

WHEREAS, Both Mayor McLaughlin and Deputy Mayor McLoughlin will be out of town on that date; and,

NOW, THEREFORE, BE IT RESOLVED, That Commissioner Terrence Bolan be and he is hereby appointed Deputy Mayor for September 22, 2018 and October 6, 2018, together with all of the duties and responsibilities of that title.

RESOLUTION #2018-211

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

WHEREAS, Kleinfelder, Inc. has requested a release of said General License Bond; and

WHEREAS, the Board of Commissioners of the Borough of Allenhurst agrees with said recommendation.

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

RESOLUTION 2018-212

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

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

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

RESOLUTION #2018-213

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.

No Executive Session was held.

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

RESOLUTION #2018-214

A RESOLUTION TO APPROVE BILLS & PAYROLL (8/16/2018 – 8/31/2018)

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That bills and payrolls totaling \$268,439.31 be approved for payment; and,

BE IT FURTHER RESOLVED, That August 31, 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 thanked the First Responders for all their work on the dance. It was a great success.

The Mayor read and presented a Proclamation thanking Judge George Cieri for his years of service as Allenhurst Municipal Court Judge, and congratulating him on his retirement.

Beach Club Questions:

1. Karen Stewart – Owner of 110A Corlies Avenue – would like to be placed on the resident waiting list for cabanas. Ms. Stewart owns homes in both Allenhurst and Interlaken. While she votes in Interlaken, she resides in her Allenhurst home during the summer and up to 5 months out of the year. She does not rent the Allenhurst home. During the summer. Can Mrs. Stewart be placed on the resident cabana list?

The Commissioners agreed to this request.

2. Risa Weiss – Ms Weiss is a member of the Allenhurst Beach Club. She purchased 40 guest passes this year in anticipation of her son frequenting the beach club. She only used 13 of them as her son tour his ACL, enduring two surgeries, and could not get to the beach as walking – particularly on the sand – was not possible. Can she be refunded for these 27 passes? If not, can they be rolled over to 2019?

The Commissioners denied this request.

There was discussion regarding the tent permit for 108 Allen Avenue. The Mayor and Board of Commissioners approved the permit as presented, with the following conditions:

1. No Mobile Air Conditioners
2. A Special Events Permit must be completed and approved by the Chief of Police
3. Off- Duty Safety Officers should be hired

PUBLIC COMMENTS

Charles Anteby, the Director of Development at SPH, stated that he wished to make a demeanor

complaint against the Allenhurst Zoning Officer. There were reports from neighbors that business was being conducted at 237 Corlies Avenue and, therefore, the Zoning Officer was sent to inquire. As this address is in the R1 Zone (Residential) no business, be in non-profit or otherwise, can be conducted at that location. Mr. Anteby encountered the Zoning Officer during this visit. After hearing the complaint, and receiving additional information from the Chief of Police and the Zoning officer, the Mayor and Board of Commissioners determined that they believe the Zoning Officer's behavior was within his job description. There is a recording of the conversation between the Zoning Officer and Mr. Anteby. Mr. Anteby is welcome to obtain a copy of that recording by making an OPRA Request.

There being no further business or comments, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting be adjourned at to executive session at 8:10 PM. Motion carried.

Donna M. Campagna, RMC
Borough Clerk/Administrator