

**BOROUGH OF ALLENHURST
MINUTES**

September 11, 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 Bolan answering the roll call. Commissioner McLoughlin was not in attendance. 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:

JCP&L Notice of Filing and Public Hearing for Basic Generation Service Charges (BGS) for the period beginning June 1, 2019.

ANNOUNCEMENTS:

There was a moment of silence in remembrance of 9-11.

ORDINANCES FINAL 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: Mayor McLaughlin

Seconded By: Commissioner Bolan

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.

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

Seconded By: Commissioner Bolan

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

4-5.1 PURPOSE. The purpose of this section is to protect and promote the public health by prohibiting the retail sale of marijuana and marijuana paraphernalia.

45.2 DEFINITIONS. As used in this section, the following terms shall have the meanings indicated:

a. “Marijuana retail facility” means any place in which marijuana is sold for recreational purposes to members of the public.

b. “Marijuana paraphernalia” means any equipment, product or accessory that is used or modified for making, using, smoking or concealing marijuana, typically for recreational purposes.

4-5.3 PROHIBITION. Any activity involving the sale of marijuana or marijuana paraphernalia for recreational purposes, including but not limited to the establishment of any marijuana retail facility, is prohibited in the Borough of Allenhurst. 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.

4-5.4 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.

4-5.5 INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

4-5.6 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. Bolan-AYE; Mayor McLaughlin-AYE

RESOLUTIONS

RESOLUTION #2018-215

A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the minutes of the regular meeting held August 28, 2018, be ratified and approved.

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

RESOLUTION #2018-216

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

BE IT RESOLVED, that the Clerk dispense with the reading of the minutes of the regular meeting held August 28, 2018.

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

RESOLUTION #2018-217

RESOLUTION – MONMOUTH COUNTY OPEN SPACE GRANT- IMPROVEMENTS TO THE EXISTING GAZEBO AT RAILROAD PLAZA PARK

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Grant Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Allenhurst desires to obtain County Open Space Trust Funds in the amount of \$50,000.00 to fund Improvements to the Existing Gazebo at Railroad Plaza Park; Block 29, Lot 1 and Block 27, Lot 3 as well as Lake Drive which is the paper street as shown on the Borough of Allenhurst Tax Maps and

WHEREAS, the total cost of the project including all matching funds is \$100,000.00 ; and

WHEREAS, the Borough of Allenhurst is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Commissioners **THAT**:

1. Donna Campagna, Borough Administrator or his/her successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) acts as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Allenhurst is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state and local government rules, regulations and statutes thereto; and
4. Donna Campagna, Borough Administrator or his/her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

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

RESOLUTION #2018-218
RESOLUTION APPOINTING A CHIEF FINANCIAL OFFICER

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, N.J.S.A. 40A:9-140.10 requires that “in every municipality there shall be a chief financial officer appointed by the governing body of the municipality”; and

WHEREAS, N.J.S.A. 40A:9-140.10 further provides that the term of office of the chief financial officer “shall be four years, which shall run from January 1 in the year in which the chief financial officer is appointed”; and

WHEREAS, the Borough of Allenhurst is in need of a Part-Time Chief Financial Officer and the Board of Commissioners of the Borough of Allenhurst desires, pursuant to N.J.S.A. 40A:9-140.10, to appoint Edward J. Simone, CPA, RMA, PSA of Antonides and Simone CPA’s as Part-Time Chief Financial Officer at an annual salary of \$33,350.00 for a four (4) year term; and

WHEREAS, the starting date of the hire being September 1, 2018 with the four (4) year term running from January 1, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst that Edward J. Simone, CPA, RMA, PSA, of Antonides and Simone CPA’s is hereby appointed to the part-time position of Chief Financial Officer for the initial four (4) year term commencing January 1, 2018, through December 31, 2021.

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

RESOLUTION 2018-219
A RESOLUTION TO CONFIRM PURCHASES

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

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

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

Offered By: Comm. Bolan Seconded By: Mayor McLaughlin

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.

RESOLUTION #2018-221
A RESOLUTION TO APPROVE BILLS & PAYROLL (9/1/2018 – 9/15/2018)

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

ITEMS TO DISCUSS

The Mayor asked what the time frame was for the project. The Borough Administrator stated that the grant application is due September 20th. If approved the plan is to do this project in the spring. Mrs. Gannon, of Elberon Avenue, asked if the Gazebo had to be restored or could it be replaced. The Borough Administrator explained that due to the historical nature of the gazebo the decision was to refurbish it.

Cabana Co-Principal Request of Charles Fernicola was approved. His daughter, Rachel Fernicola will be named as Co-Principal on his cabana. Rachel is 26 years old and has been a member in that cabana since 1992.

PUBLIC COMMENTS

Mrs. Gannon, of 318 Allen, wanted to know what the zoning rules are regarding furniture on the lawn of a commercial property. The Zoning Officer was present and stated he would address and the Borough Administrator will look into whether a special event permit is required for displaying merchandise on the lawn. Mrs. Gannon stated that the lights at the commercial property are on all night long. She asked if there was an ordinance regarding lighting. The Zoning Officer will also address. She also asked about chairs and tables in the middle of the sidewalks at commercial properties on Main Street and whether they were allowed as it sometimes difficult to walk down the sidewalk during the more crowded summer season. The Code Officer will look into this and will address for the future.

Mr. Gannon asked asked who owns the JCP&L building. The Borough Administrator responded that JCP&L still owns the building and is awaiting approval from the Board of Public Utilities for the sale.

The Mayor also explained the redevelopment process.

There being no further comments, public hearing was closed.

There being no further business or comments, Commissioner Bolan moved, seconded by Mayor McLaughlin that the meeting move to executive session at 7:50 PM. Motion carried.

After reconvening, Commissioner Bolan moved, seconded by Comm. Bolan that the meeting be adjourned at 9:00 PM. Motion carried.

Donna M. Campagna, RMC
Borough Clerk/Administrator