

MINUTES
March 12, 2019

The Meeting of the Board of Commissioners of the Borough of Allenhurst was held on the above date with Commissioner McLoughlin presiding and Commissioner Bolan answering the roll call. Mayor McLaughlin 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.

Commissioner McLoughlin 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 Public Hearing from the Monmouth County Park System regarding the proposed diversion of parkland owned by the County of Monmouth to NJ American Water for the Lakewood Transmission Main Project.
- Notice from New Jersey Natural Gas regarding the Annual Review and Revision of Societal Benefits Charge Factors for Remediation Year 2018.
- Notice regarding a rate increase to \$3.50 per ton from the Monmouth County Reclamation Center.

ANNOUNCEMENTS:

-Breakfast with Easter Bunny at Firehouse – 4-13-2019 – 9am to 11:00 with Egg Hunt at 11:30am in Railroad Park.

ORDINANCES – FINAL READING

ORDINANCE #2019-02

**AN ORDINANCE REVISING CHAPTER X OF THE
BOROUGH CODE OF THE BOROUGH OF ALLENHURST
ENTITLED “BEACH REGULATIONS.”**

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

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” entitled “Service and Use Charges” and replace it with the following:

10-1.6 Service and Use Charges.

Each facility is limited to two (2) families. Each family consists of no more than three (3) generations, (grandparents, parents, children). Additional families may be added for a facility surcharge of \$250.00 or \$125.00 for those over age sixty-five (65) and older.

a. Resident Charges.

No.	Service	Fees, <i>if paid on or before May, 10th</i>	Fees, <i>if paid after May, 10th</i>
1.	Non-shower bathhouse	\$1,150.00	\$1,400.00
2.	A/B Shower bathhouse	\$1,537.50	\$1,787.50
3.	Shower bathhouse	\$1,437.50	\$1,687.50
4.	Cabana	\$2,875.00	\$3,125.00
Facilities Use Charge Per Person:			
5.	Children under 3 years of age	No Charge	No Charge
6.	Children Ages 3 and 4	\$50.00	\$50.00

No.	Service	Fees, if paid on or before May, 10th	Fees, if paid after May, 10th
7.	Age 5 and over	\$75.00	\$75.00
8.	Age 65 and older	\$50.00	\$50.00
Beach Fee			
9.	Ages 12 years or more	\$80.00	\$80.00
10.	Children under 12 years of age	No Charge	No Charge

b. Nonresident Charges.

No.	Service	Fees, if paid on or before May, 10th	Fees, if paid after May, 10th
1.	Non-shower bathhouse	\$1,725.00	\$1,975.00
2.	A/B Shower bathhouse	\$2,500.00	\$2,750.00
3.	Shower bathhouse	\$2,300.00	\$2,550.00
4.	Cabana	\$5,750.00	\$6,000.00
Facilities Use Charge Per Person:			
5.	Children under 3 years of age	No Charge	No Charge
6.	Children Ages 3 and 4	\$145.00	\$145.00
7.	Age 5 and over	\$250.00	\$250.00
8.	Age 65 and older	\$150.00	\$150.00
Beach Fee			
9.	Ages 12 years or more	\$80.00	\$80.00
10.	Children under 12 years of age	No Charge	No Charge

c. Guest Charges. Each individual bathing guest (age 3 and older) using a member’s bathhouse or cabana –one (1) guest pass per day; Children, age 3 and under will be admitted, no charge. These 2019 Guest passes will be valid for guests during the 2019 season only, when accompanied by a registrant of the Allenhurst Beach Facilities.

2019 Guest tickets will be sold individually, at the discretion of the governing body, for \$15.00 per Guest ticket. Individual 2019 Guest tickets are good for one individual, for one day’s admission. Said Individual 2019 Guest tickets will only be valid during the 2019 season.

Packages of 2019 Guest tickets will be sold in groups of ten (10) passes for \$150.00. If purchased on or before May 31, 2019, the packages of 2019. 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 2019 season.**

d. Combination Charges: Where there is a joint tenancy by an Allenhurst resident registrant and a nonresident in any of the accommodations referred to in paragraphs a. and b. hereof, the rates for said accommodations will be as follows:

No.	Service	Fees
1.	Non-shower bathhouse	*\$1,437.50
* Resident Pays, \$575.00 ; Non-Resident Pays, \$862.50		
2.	A/B Shower bathhouse	*\$2,018.75
* Resident Pays, \$768.75 ; Non-Resident Pays, \$1,250.00		
3.	Shower bathhouse	*\$1,868.75

No.	Service	Fees
* Resident Pays, \$718.75 ; Non-Resident Pays, \$1,150.00		
4.	Cabana	*\$4,312.50
* Resident Pays, \$1,437.50 ; Non-Resident Pays, \$2,875.00		

- e. Catamaran & Kayak Storage Fees
1. There shall be a “Catamaran storage fee” of two hundred (\$200.00) dollars for the “season” for those wishing to store a Catamaran at the Allenhurst Beach Club, during the “season.” Space for Catamarans is limited and shall be on a first come, first serve basis. No one shall be permitted to store any private property, including any Catamaran, at the Allenhurst Beach Club except during the “season.”
2. There shall also be a “Kayak storage fee” of one hundred (\$100.00) dollars for the “season” for those wishing to store a kayak at the Allenhurst Beach Club, during the “season.” Space for Kayaks is limited and shall be on a first come, first serve basis. No one shall be permitted to store any private property, including any Kayak, at the Allenhurst Beach Club except during the “season.”
- f. There shall be assessed a fifty (\$50.00) dollar activity fee per facility. All monies from this fee shall go towards activities planned at the Allenhurst Beach Club.
- g. 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. Field trips may be subject to an additional charge at the discretion of the governing body.
- 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

ORDINANCES – FIRST READING

ORDINANCE #2019-04

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)"

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY AS FOLLOWS:

SECTION I. That Ordinance No.: 2019-01 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:
Section 1.

<u>POSITION</u>	<u>MAXIMUM</u>
Zoning Officer	\$15,000

<u>POSITION</u>	<u>MAXIMUM</u>
Zoning Officer	\$15,000

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

RESOLUTION #2019-81

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

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

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

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

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

A RESOLUTION TO APPROVE MARATHON IN BOROUGH OF ALLENHURST

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

WHEREAS, Edison Energy has provided a parade route which is on file in the Borough Clerk's Office and will start at approximately 8:30 AM and end at approximately 1:00 PM and a Certificate of Insurance for this event will be provided; and,

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners, that approval is hereby given to Edison Energy to run their “One More Tri” Triathlon through Allenhurst on September 8, 2019, contingent upon the Borough receiving a Certificate of Insurance prior to the event.

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

RESOLUTION AWARDING LEASE FOR

ALLENHURST BEACH CLUB POOLSIDE SNACK BAR

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

WHEREAS, the Borough of Allenhurst owns the Allenhurst Beach Club and is seeking

qualified persons to Lease and operate the Poolside Snackbar at that facility; and

WHEREAS, pursuant to Resolution No. 2018-260 , the Borough authorized the use of competitive contracting for selecting a Tenant for the facility; and

WHEREAS, the Borough advertised a Request for Proposals (“RFP”), which included the methodology to be used by the Borough to select the most advantageous proposal, and on February 22, 2019, the Borough received only one (1) sealed Proposal from any Prospective Tenants; and

WHEREAS, on February 26, 2019, at the Governing Body’s Regular Open Public meeting, the Board of Commissioners evaluated said Proposal in accordance with the methodology described in the RFP; and

WHEREAS, the Borough prepared a report evaluating the Proposal submitted by the Prospective Tenant, ranked the Proposal and which set forth the reasons why the Proposal was so ranked; and

WHEREAS, the report has been made available to the public for at least 48 hours prior to the adoption of this Resolution awarding the Lease; and

WHEREAS, the report recommended that the Lease be awarded to River’s Edge Cafe and its owner, Nicole Reale, as her proposal was the only one received and thus was the only option available for the Borough to secure a Tenant for this season.

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 the Allenhurst Beach Club Poolside Snack Bar Lease be and is hereby awarded to River’s Edge Cafe for a three (3) year term as set forth in the Lease contained in the RFP; and

BE IT FURTHER RESOLVED that the award of the Lease be conditioned River’s Edge Cafe complying with the specifications of the RFP and signing the appropriate documents and Lease Agreement in forms satisfactory to the Borough and its attorney; and

BE IT FURTHER RESOLVED by the Borough that its representative be and is hereby authorized to execute all necessary documents in connection herewith.

VOTE: Comm. McLoughlin - AYE; Comm. Bolan – AYE

RESOLUTION #2019-85

A RESOLUTION TO APPROVE TEMPORARY EMERGENCY APPROPRIATIONS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, An emergency has arisen with respect to operating expenses in various departments, and no adequate provision was made in the 2019 temporary budget for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of emergency temporary appropriations for the purpose above mentioned; and,

WHEREAS, The total emergency temporary resolutions adopted in the year 2019 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$20,774.00;

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all the members of the governing body affirmatively concurring), that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency appropriations be and the same are hereby made for the following:

Finance OE	\$1,499.00
Celebration OE	\$27.00
Public Buildings OE	\$290.00
DCRP	\$82.00
Sewer OE	\$15,100.00
Electric OE	\$960.00

2. That said emergency temporary appropriations will be provided for in the 2019 budget under the above-mentioned titles.

3. That one certified copy of this resolution be filed with the Director of Local Finance.

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

RESOLUTION #2019-86

A RESOLUTION TO CONFIRM PURCHASES

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

A RESOLUTION TO APPROVE EXECUTIVE SESSION

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.

A RESOLUTION TO APPROVE BILLS & PAYROLL (3/1/2019 to 3/15/2019)

BE IT FURTHER RESOLVED, That, the March 15, 2019 consolidated bill list be attached hereto and made a part thereof.

ITEMS TO DISCUSS

PUBLIC COMMENTS

Resident Chris Rogers inquired about rumors he heard regarding new policies involving bathrooms in basements or other living spaces in residential structures. Zoning Officer Joe McGrath explained that there is a lot of misinformation being disseminated and the fact is the ordinance limiting “Living Space” to three floors maximum was being enforced and in some instances, installation of baths in basements was being denied by the Zoning Department. Mr. Rogers was concerned a bath he previously had in his basement might not be able to be re-installed. Mr. McGrath explained that each situation would be evaluated separately but depending on the request, referral to the Planning Board might be required.

Mr. McGrath went on to explain that since he was now performing the Certificate of Occupancy Inspections, he would be looking for compliance with the Borough's Ordinances in this regard. He also explained that the Borough Ordinances requires a new Certificate of Occupancy anytime a structure is modified, renovated or expanded.

There was discussion regarding the fire code requirements which the Zoning Officer explained would come in to play in some situations. Servant's quarters or unauthorized living space in either the basement or other floors in a structure without proper egress and fire safety compliance are a concern to the Borough.

Mr. Rogers also expressed the opinion that the Zoning Officer should be given more discretion

when making decision regarding alteration and additions. Mr. Rogers also asked the Commissioners if they were aware of a law suit in a neighboring community which resulted in a substantial penalty involving the Certificate of Appropriateness, a procedure the Borough also adheres to. It was explained by Commissioner Bolan that the process has been reviewed and there is no long a subcommittee reviewing those requests., the entire Planning Board is hearing all matters of that nature. The Borough Attorney stated that the Borough is following the law precisely to avoid the possibility of challenges here.

Bob Scally asked about the Hedge Ordinance and where the Borough was on the issued. Comm. McLoughlin stated that the Borough is looking into modifying the Ordinance. Considering making it vary by location, i.e. protecting ocean views on ocean blocks. The Borough also envisions hedge heights that allow the homes to be seen from the road.

Bob Scally also stated that there was a problem with the water runoff by his house. He wondered if it had to do with more pools and sump pumps in the area. The Borough Engineers will look into the pools and storm water management.

There being no further business or comments, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting move to executive session at 8:03PM. Motion carried.

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

Donna M. Campagna, RMC
Borough Clerk/Administrator