

MINUTES
April 14, 2020

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 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 Monmouth County Board of Chosen Freeholders Opposing the Williams/NESE Raritan Bay Pipeline
- Communication from the Borough of Deal regarding the introduction of Land Use Ordinance No. 1218 Amending Chapter XXX Development Regulations.

ANNOUNCEMENTS:

The Mayor thanked the Easter Bunny, and the Fire and EMS workers, who coordinated the Easter Bunny's ride through town. The event was very well received and was a much needed bit of good spirits.

ORDINANCES – FINAL READING

ORDINANCE #2020-05
CALENDAR YEAR 2020

**MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Board of Commissioners of the Borough of Allenhurst in the County of Monmouth finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Board of Commissioners hereby determines that a 1.0% increase in the budget for said year, amounting to \$47,167.54 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Board of Commissioners hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Board of Commissioners of the Borough of Allenhurst, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Allenhurst shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0%, amounting to \$47,167.54 and that the CY 2020 municipal budget for the Borough of Allenhurst be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption; and,

BE IT 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,

BE IT FURTHER ORDAINED, that the Ordinance shall take effect after publication and adoption according to law.

There were no comments.

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

ORDINANCES – FIRST READING

ORDINANCE #2020-06

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII (TRAFFIC) OF THE MUNICIPAL CODE OF THE BOROUGH OF ALLENHURST.

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Borough of Allenhurst (Borough) undertook a review of the Municipal Code to assure compliance with New Jersey State Statutes; and

WHEREAS, said review revealed that a portion of Chapter VII, '7.17(b)(2) has been pre-empted by State Statute; and

WHEREAS, the Borough Council has determined that it is in the best interests of the community to revise that portion of Chapter VII, '7.17(b)(2) to be consistent with New Jersey State Statutes;

NOW THEREFORE, BE IT ORDAINED by Board of Commissioners of The Borough of Allenhurst in the County of Monmouth, New Jersey that Chapter VII, entitled Traffic, Section 17, entitled Permit Parking, subsection A(b)(2) be and is hereby amended to read as follows:

'7-17(b) Special Permit Parking

2. The parking space closest to the Cabana entrance of the Allenhurst Beach Club, which is not marked as a handicapped parking space, shall be set aside for special permit parking and shall be marked as such by the Borough of Allenhurst.

Any person parking a motor vehicle in a special permit parking space without a special permit vehicle identification card shall be liable to a fine of \$250.00 for the first offense and, for subsequent offenses, a fine of at least \$250 and up to ninety (90) days community service on such terms and in such form as the Court shall deem appropriate or any combination thereof.

Any vehicle parking in violation of this section shall be subject by removal by a law enforcement officer. It shall be the obligation of the owner of the motor vehicle to pay the reasonable costs for the removal and for any storage which may result from the removal.

REPEALER. All other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance, shall remain in full force and effect.

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

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.

AND IT IS FURTHER 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 #2020-07

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER X (BEACH REGULATIONS) OF THE

**MUNICIPAL CODE OF THE BOROUGH OF
ALLENHURST.**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Borough of Allenhurst (“Borough”) undertook a review of the Municipal Code to assure compliance with New Jersey State Statutes; and

WHEREAS, said review revealed that portions of Chapter X, entitled “Beach Regulations,” have been pre-empted by State Statute; and

WHEREAS, the Borough Council has determined that it is in the best interests of the community to revise those portions of Chapter X, specifically §10-1.1 entitled “Definition” and §10-2.7 entitled “No Smoking and Beach Refuse,” to be consistent with New Jersey State Statutes;

NOW THEREFORE, BE IT ORDAINED by Board of Commissioners of The Borough of Allenhurst in the County of Monmouth, New Jersey that Chapter X be and is hereby amended to read as follows:

§10-1.1 Definition.

The beach (with the exception of any portion where public access cannot be restricted pursuant to the Public Trust Doctrine), property, buildings, facilities and equipment owned by the Borough and devoted to bathing and recreational purposes shall be known and designated as the “Allenhurst Beach Club.”

§10-2.7 No Smoking and Beach Refuse.

b. Beach Refuse. No person shall throw or discard any bottles, cans, paper or other refuse, including but not limited to, cigarette butts, cigar butts, and other tobacco products, on the Beach or in the ABC, and all refuse and paper and litter shall be placed in refuse containers provided therefore. The penalty for a violation of this section shall be \$100.00 and 40 hours community service.

REPEALER. All other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance, shall remain in full force and effect.

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

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.

AND IT IS FURTHER 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

RESOLUTIONS

RESOLUTION #2020-93

A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the minutes of the regular meeting of March 24, 2020 be ratified and approved.

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

RESOLUTION #2020-94

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

BE IT RESOLVED, That the Clerk dispense with the reading of the minutes of the regular meeting of March 24, 2020.

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

RESOLUTION #2020-95

A RESOLUTION TO AWARD CONTRACT FOR POOL WATER ANALYSIS

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, There is a need for Pool Water Analysis at the Allenhurst Beach Club; and,
WHEREAS, The following quote was received and is on file with the Borough Clerk:

E Runyan T/A Aquatic Services

WHEREAS, Funds for this purpose shall be provided in the 2020 Temporary Budget, Beach OE;

THEREFORE, BE IT RESOLVED, That a contract be awarded to E Runyan T/A Aquatic Services, the only quote that was received for Pool Water Analysis at the Allenhurst Beach Club at the following rates:

Weekly Testing	\$55.00 Per sample/Per Week
Retesting, as required	\$50.00 per sample

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

RESOLUTION #2020-96

A RESOLUTION TO APPOINT POLICE OFF-DUTY DETAIL MANAGEMENT SYSTEM SERVICES

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

BE IT RESOLVED by the Mayor and Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, that they do and hereby approve and authorize an agreement between Hart Halsey LLC dba Extra Duty Solutions and The Borough of Allenhurst for extra duty administrative services which is on file in the Borough Administrator/Clerk's office; and,

BE IT FURTHER RESOLVED by the Mayor and Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, that they do further authorize and direct the Borough Administrator/Clerk to execute same on behalf of the Borough of Allenhurst.

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

RESOLUTION #2020-97

A RESOLUTION TO APPROVE LOSAP PARTICIPANTS

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

BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst the following list of qualified Allenhurst firefighters and Emergency Medical Technicians are certified to receive \$1,050.00 each from the Allenhurst, Interlaken, Loch Arbour LOSAP Program for the year 2019:

David Belhassen	Susan A. Borden
Kyle Ebbets	Daniel Gulick
Patrick Harvey	Patrick A. Harvey II
Richard Heitmueller	Jason Henry
Frank Manfredi	Patricia McLoughlin
William P. Reng	Robert T. Todd
James S. Vaccaro	William Varley
Carla Ward	

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

RESOLUTION #2020-98

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 2020 temporary budget for the aforesaid purpose, and N.J.S.A. 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 2020 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$1,728,096.09;

6. Text-cote	\$1,389.00	Cabana Paint
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VOTE: Comm. McLoughlin - AYE; Comm. Bolan - AYE; Mayor McLaughlin - AYE

RESOLUTION #2020-100
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 #2020-101
A RESOLUTION TO APPROVE BILLS (4/1/2020 to 4/15/2020)

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

BE IT RESOLVED, That bills totaling \$262,467.42 be approved for payment; and,
BE IT FURTHER RESOLVED, That the April 15, 2020 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 stated that the Borough Offices are open and staff is available via telephone during regular business hours. The Borough continues to share information regarding the COVID pandemic on the Borough Website as quickly as they are provided. He reminded everyone that the Police are available to do daily wellness checks if desired. He asked that any residents who have concerns to voice them during the public comments portion of the meeting, or to contact the municipal offices.

The Mayor thanked the Public Works Department and the Police for the services that they provide, without interruption, while putting themselves at risk so the rest of us can stay home. He asked the public to be cognizant of the risks that these employees are taking.

The Borough Administrator also related her appreciation of the Public Works and Police Departments.

The Mayor reiterated the need to continue social distancing and that everyone must abide. If everyone abides by these directives, the quicker this period will be over.

PUBLIC COMMENTS

Mary Ellen McNamara of Page Avenue thanked the Borough for the Easter Bunny on Saturday. She said it was uplifting.

Ms. McNamara asked how taxes are to be paid when the Borough Offices are closed to the public and how to obtain a receipt for payment. The Borough Administrator advised, that while the offices are closed to the public, staff is coming to the building to pick up mail and do other essential work. There is a Mail Bin outside the door of the Municipal Offices. Tax, and other payments or correspondence, can be placed inside that box which is retrieved daily. Therefore residents can mail the payments to 125 Corlies, or leave in the box outside the door. She asked that no cash be left, only checks or money orders. If a receipt is needed, the resident should email the Finance Clerk at rdahl@allenhurstnj.org and one will be emailed.

Jill Keating from Ocean Township asked question regarding the plans for the Allenhurst Beach Club. Will the club open on time? What are the plans if the beach doesn't open regarding the refunding of fees? The Mayor advised that the Allenhurst Beach Club is a municipally run facility and the collection of fees is covered by ordinance that must be followed by law. If the

beach does not open, clearly refunds would need to be made. The Borough, at this point, does not know the answer as to when the Beach will open, but are hopeful, and will decide once the date comes closer and things are clearer. The Borough Attorney stated that the Borough could not keep money for a service that was available to be not given. How refunding would be handled has not been established, as the Borough is hoping that will not be the case.

There being no further business or comments, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting move to executive session at 7:45PM. Motion carried.

After reconvening, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting be adjourned at 8:15pm. Motion carried.

Donna M. Campagna, RMC
Borough Clerk/Administrator