

**MINUTES**  
**May 13, 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:**

None

**ANNOUNCEMENTS:**

None

**ORDINANCES – FINAL READING**

**ORDINANCE 2020-08 – FINAL READING – TABLED**

Tabled for future discussions. See Public Comments.

**ORDINANCE NO.: 2020-08**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER IX (BUILDING & HOUSING), SECTION 3.7  
(BRUSH, HEDGES AND OTHER PLANTS) OF THE  
MUNICIPAL CODE OF THE BOROUGH OF  
ALLENHURST.**

**WHEREAS**, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise “9-3.7” of the Borough Code concerning the maintenance of Brush, Hedges and Other Plants in the Borough.

**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 IX, Section 3.7 be and is hereby revised by deleting the existing section “9-3.7” entitled “Brush, Hedges and Other Plants” and to replace it with the following:  
“9-3.7. Brush, Hedges and Other Plants.

Legislative Statement:

The Board of Commissioners of the Borough of Allenhurst are ever mindful of preserving the aesthetics of our hometown. As such, we have enacted ordinances with the intent to keep the Borough reflective of its visual heritage. This is one such ordinance. Its purpose is to preserve the ability of pedestrians and motorists to see the historic architecture and homes from the sidewalk and street, and to see that they are not obscured by hedges. It is also important to protect views of the ocean where applicable.

This ordinance establishes that homes cannot have hedges exceeding four (4') feet in height along the frontage of their property as it relates to (i.e. is measured from) the top of the adjacent sidewalk. To be clear, it is the Board's intent that homes shall not be concealed from view by hedges that exceed four feet (4') in height.

The Board of Commissioners trusts that this Legislative Statement will assist our homeowners understanding of our continuing vision for the Borough, and explains why we believe enforcing this ordinance is a necessity to preserve our community.

a. Conformance Required. The provisions of this article shall govern the minimum conditions and responsibilities of the owners, tenants or residents of property for the maintenance of the exterior of the property, including all vacant structures and premises and vacant land. All property, structures or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to adversely affect the public health or safety.

b. Brush, Hedges or other view obstructing plant height limitations.

i. No property in the Borough shall have brush, hedges or any other view obstructing plants (as distinguished from deciduous trees) (hereinafter collectively

referred to as "hedges") in any front yard and up to the front setback of the house, that exceed four feet (4') in height, as measured from the adjacent sidewalk.

ii. For all properties east of Ocean Avenue, from the front setback of the house to the rear sideline of any such property, hedges shall not exceed five feet (5') in height, as measured from the ground immediately adjacent to such hedges. The Board takes these actions specifically to keep potential ocean views available from front porches and backyards.

iii. For all properties west of Ocean Avenue up to the easterly side of Norwood Avenue (otherwise known as the 100 block) from the front setback of the house to the rear sideline of any such property, hedges shall not exceed eight feet (8') in height, as measured from the ground immediately adjacent to such hedges. Our intent here is to protect the potential views from the second story on these blocks.

iv. For corner lots and homes that ONLY have side yards, but no backyards, from the front setback of the house to the boundary of an adjacent property, there shall be no height restriction upon hedges. Such properties must still comply with section 9-3.7(b)(i) above, as the same applies to ALL properties throughout the Borough.

v. For all properties west of Norwood Avenue up to the easterly side of Page Avenue (otherwise known as the 200 block) from the front setback of the house to the rear sideline of any such property, hedges shall not exceed ten feet (10') in height, as measured from the ground immediately adjacent to such hedges.

vi. For all properties west of Page Avenue up to the easterly side of Main Street (otherwise known as the 300 block) from the front setback of the house to the rear sideline of any such property, there shall be no height restriction upon hedges. Such properties must still comply with section 9-3.7(b)(i) above, as the same applies to ALL properties throughout the Borough.

vii. For all properties west of Main Street from the front setback of the house to the rear sideline of any such property, there shall be no height restriction upon hedges. Such properties must still comply with section 9-3.7(b)(i) above, as the same applies to ALL properties throughout the Borough.

c. Service of Notice. Notice to cut and remove objectionable brush, hedges and other plant life shall be given by the Borough Clerk/Administrator and/or his or her designee to the owner, tenant or resident by registered mail or certified mail, return receipt requested to the last known post office address.

d. Determination of Need for Cutting. The Borough Council of the Borough of Allenhurst shall determine, by resolution, when such notice shall be given pursuant to this subsection.

e. Removal by Borough. In the event of the failure of any owner, tenant or resident to keep all brush, hedges and other plant life growing within ten (10) feet of any roadway, and within twenty-five (25) feet of the intersection of two (2) roadways, cut to a height of not more than four feet (4'), as measured from the adjacent sidewalk, after written notice thereof, the Borough may proceed to cause the cutting and removal of such brush, hedges and other plant life under the direction of the Borough Clerk/Administrator and/or his or her designee.

f. Lien for Costs. In any case where the Borough has cut and removed brush, hedges and other plant life, the Borough Clerk/Administrator and/or his or her designee shall thereafter certify to the Borough Council the cost thereof, and if the amount so certified is by resolution of the Borough Council determined to be correct and reasonable, the Borough Clerk/Administrator and/or his or her designee shall deliver a certified copy of the resolution to the Tax Collector. The amount so charged shall become a lien upon such lands from which the brush, hedges and other plant life were cut and removed, and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the Tax Collector in the same manner as taxes, as authorized by N.J.S.A. 40:48.2-26 and 40:48.2-27.

g. Violations and Penalties. Any person who shall refuse or neglect, after written notice as above set forth, to comply with the demands therein made with respect to the cutting of the brush, hedges and other plant life for the preservation of the public safety of the citizens of the Borough, within the period of time above set fourth, shall, upon conviction thereof, be liable to a penalty not to exceed a fine of five hundred (\$500.00) dollars, and each and every day in which the owner, tenant or resident shall refuse or neglect so to cut the offending brush, hedges and other plant life shall be and constitute a separate offense. The imposition and collection of any fine or penalty prescribed by this subsection shall not bar the right of the Borough to collect the cost of the cutting of the brush, hedges and other plant life, as hereinbefore specified; and the remedies shall be cumulative.

**REPEALER.** All other sections and subsections of Chapter IX 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.

## **ORDINANCE 2020-09 – FINAL READING**

### **ORDINANCE NO.: 2020-09**

#### **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. In the Judge’s discretion, the Borough may also impose up to, but no more than, 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.

There were no comments.

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

## **RESOLUTIONS**

### **RESOLUTION #2020-119**

#### **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 April 28, 2020 be ratified and approved.

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

### **RESOLUTION #2020-120**

#### **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 April 28, 2020.

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

### **RESOLUTION #2020-121**

#### **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 Fire Department has received an application for membership from Christian G. Williams; and,

**WHEREAS**, The Membership Committee has advised the Board of Commissioners that Christian G. Williams is acceptable for membership;

**NOW, THEREFORE, BE IT RESOLVED**, That Christian G. Williams 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 applicants.

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

### **RESOLUTION #2020-122**

#### **A RESOLUTION TO HIRE CLASS I OFFICERS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS**, There is a need for a Class I special police officers on an seasonal as-needed basis; and,

**WHEREAS**, Shawandda M. Tineo and Kevin C. Bailey and have been enrolled in the Monmouth County Police Academy to take the Basic Course for Class I Special Law Enforcement Officers; and,

**WHEREAS**, Trainees must be appointed as Class I Special Law Enforcement Officers prior to enrollment, and the Chief of Police has recommended the hiring of Shawandda M. Tineo and Kevin C. Bailey as a Class I Special Officers on an as-needed basis; and,

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners of the Borough of Allenhurst, that Shawandda M. Tineo and Kevin C. Bailey be hired as SLEO I, to be used on an as-needed basis at \$11.00/hr. This appointment shall be pending their graduation from the academy and effective May 15, 2020 and will terminate on, or before, September 30, 2020.

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

### **RESOLUTION #2020-123**

#### **A RESOLUTION TO APPROVE SUMMER HOURS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That the following schedule of summer hours for Borough Hall shall become effective Friday, May 22, 2020 and terminate effective Friday, September 11, 2020:

Monday - Thursday  
Friday

8 AM - 4:30 PM  
8 AM - 2:00 PM

**RESOLUTION #2020-124**

**A RESOLUTION APPROVING THE MUNICIPAL PUBLIC  
ACCESS PLAN AND INCORPORATING MPAP INTO  
MASTER PLAN**

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

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

**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	\$2,100.32	Emergency Repairs to Fire Truck
Electro Maintenance	\$1,215.00	Emergency Sewer Repair
Law Soft, Inc	\$3,500.00	Cad Support/Police Desk
Mon and Ocean Awing	\$1,957.78	New Awning, ABC
Mask Supply Store	\$1,080.00	Surgical Masks
New Prince Concrete	\$1,511.68	Striping Cedar Avenue
Pilot Electric	\$6,898.00	Annual Pump Maint. At ABC

**RESOLUTION #2020-126**  
**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 #2020-127**

**A RESOLUTION TO APPROVE BILLS (5/1/2020 5/15/2020)**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

**BE IT RESOLVED**, That bills totaling \$873,415.00 be approved for payment; and,  
**BE IT FURTHER RESOLVED**, That the May 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**

Regarding Ordinance #2020-08 The Mayor stated that the Board Of Commissioners had received a lot of correspondence on the Ordinance. As such, the Ordinance was tabled.

The Mayor wanted to clarify that this ordinance was introduced at a prior public meeting on April 28, 2020. A notice containing the entire ordinance was posted in the Coaster per state statute, and that the public is always given the opportunity to comment and air their thoughts at a public meeting. The Mayor stated that this ordinance was not rushed through, but was rather the result of two or three years of consideration. The current hedge ordinances are extremely restrictive and difficult to enforce. The Mayor asked that the public reach out to the Board of Commissioners with all constructive comments and they would be happy to consider. He did encourage everyone to also review the existing ordinance.

Comm. McLoughlin also directed the public to review the Borough's existing Hedge Ordinances. Comm. McLoughlin stated that Allenhurst has beautiful homes that should be able to be seen from the street. People should be able to sit on porches and wave to neighbors as they walk by. The new Ordinances 2020-08 was crafted in a way that they hoped would work for everyone, maintaining ocean views, second floor views, allowing proper visibility for the police. Comm. McLoughlin also wanted to point out that this is a Hedge Ordinance, and does not speak to trees.

Comm. Bolan stated that the Board of Commissioners operates by a set of rules set by law. There is no mechanism to hide anything. All NJ Statutes must be followed and everything is, by design, completely transparent. Comm. Bolan stated that he, and the other Commissioners, are stewards of this town, that they have sacrificed their time, donated their talents, and done nothing but work toward the betterment of this town that they love. He stated is is offended that anyone would think otherwise.

The Borough Administrator wanted to let everyone know where they can access information regarding ordinances and Borough Meetings. Board of Commissioners Meeting Agendas are posted on the Borough Website the day of a meeting. If an ordinance is being introduced at a meeting, the full text of that ordinance is contained within the Agenda, posted on the Borough Website, and published in the local papers. According to NJ State Statute there must be 10 days between introducing and adopting an ordinance. In the Borough of Allenhurst our regular Board of Commissioners meetings are 14 days apart. Therefore, Ordinances are generally presented for adoption at the next scheduled meeting. Once again, the ordinance text is contained in the Agenda for that meeting, and posted on the Borough Website. Additionally, notice that the final reading is taking place is published in the local newspaper. At that time of the final reading, the public is asked for comment and input prior to an Ordinance being adopted.

Mayor McLaughlin stated, again, that the current ordinance is extremely restricted. He advised everyone to review the current ordinance and the proposed. He then stated that he welcomed constructive criticism and input and that anyone who had any comments or ideas to reach out to the Board of Commissioners.

Comm. McLoughlin asked the Mayor to share with the public information regarding the status of the Beach and his conversations with the county and the state.

Mayor McLaughlin stated that things seem to change hourly. The Mayor has attended many meetings with the county and the state. Towns are awaiting information from the Governor regarding the beaches by the end of the week. There will be coordination between neighboring town to ensure that guidelines are uniformly provided. There will a booklet regarding the 2020 season and the Borough Plan provided to residents, members and the county. Within that plan will be guidelines regarding bathrooms, cleaning, guest badges, daily badges, etc which will all be done in accordance with the guideline provided to Allenhurst by the state, county and the Board of Health. This information will be shared as soon as available.

The Mayor stated that Allenhurst intends to do a “soft opening” for Memorial Day. The lockers and cabanas will not be open, but bathrooms will be. Further instructions regarding when members can move items into lockers and cabanas will be given as soon as they are available. The beach will be open to all, and daily passes will be sold up to the limit determined. At this time, Allenhurst has no plans for any parking restrictions.

The Mayor stated that social distancing is expected, and that is it expected that everyone will use common sense. The Board of Commissioners intends to hold weekly meetings regarding beach matters. The first meeting will be May 21.

Comm. McLoughlin stated that the employees of the beach club will be setting up chairs for the members according to social distancing guidelines. Chairs will not be able to set up in groups that do not conform to the guidelines. He understands that members are used to certain arrangements, but that this year is going to be different and he asks for everyone’s understanding and cooperation.

Mayor McLaughlin stated that Allenhurst has a big beach and there is plenty of room to spread out. He stated that the snack bar will open will guidelines for social distancing. The County intends to post all restriction so that people heading to beaches can anticipate if capacity is available.

The Mayor also stated that a new sign is on order for Main Street. Delivery and installation has been delayed due to COVID, but should be coming soon. The Mayor stated that he appreciated everyone’s patience with the Corlies Avenue paving. It assured everyone that it is nearly completed.

## **PUBLIC COMMENTS**

Mr. DeMurley, of Corlies Avenue, asked about side hedges. She asked if trees are touching so thickly that they close off the views, would that be addressed in the Hedge Ordinance. Comm. McLoughlin answered that trees are not hedges. Hedges are defined, in Borough Ordinance, as shrubbery that is grown together. Comm. McLoughlin stated that he did understand her point, but making that Ordinance that granular has not been considered. Mrs. DeMurley stated that this type of tree line would block all views to the north. Comm. McLoughlin stated that he was willing to look at it and asked Mrs. DeMurley to call the Borough Hall with the specific location.

Mr Habert, of Cedar Avenue, asked if there was any ordinance governing trees on the front lawn on the Ocean Block at this time or in the proposed Ordinance. Comm. McLoughlin state that trees are not part of the Hedge Ordinance.

Ms. Shalam, of Spier Avenue, asked if Cabanas could be scattered on the beach. The Mayor stated there was not enough room to do that. Ms. Shalam asked is plexiglass dividers could be use. The Mayor stated that it would be far too hot, but that discussions will take place regarding the placement of chairs by the cabanas. The thought is to arrange them in a way that people are not sitting directly next to each other. He stated that people are likely not going to be able to sit up near their cabanas because they will need to spread out.

Ms. Shalam also asked if anything could be done regarding the feral cats. If a resident is feeding that cats can they be held responsible for the behavior of those cats. Mayor McLaughlin stated the feral cat problem exists in many Monmouth County towns and is not easy to address. The Borough Attorney stated that you cannot, by law, force someone be responsible for a cat just because they feed them. The Borough Administrator stated the Borough has utilized the Humane Society’s program for caregivers a few years ago. That program was abandoned by the Humane Society as it just didn’t work. The Humane Society, and the SPCA in other towns, have trap neuter and release programs – but the release the neutered cats back to where they were trapped.

The Mayor stated that the next Borough Meeting will be held via Zoom. He advised everyone to check the Borough website for instruction for joining via Zoom or your phone.

There being no further business or comments, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting move to executive session at 8:05 PM. Motion carried.

After reconvening, Commissioner McLoughlin moved, seconded by Comm. Bolan that the meeting be adjourned at 8:46 pm. Motion carried.

Donna M. Campagna, RMC  
Borough Clerk/Administrator