

**MINUTES
MAY 18, 2021**

The Meeting of the Board of Commissioners of the Borough of Allenhurst was held on the above date with Mayor McLaughlin presiding with 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.

ORDINANCES FINAL READING

ORDINANCE #2021-10 –Final Reading

**ORDINANCE #2021-10
AN ORDINANCE SUPPLEMENTING THE BOROUGH
CODE OF THE BOROUGH OF ALLENHURST, CHAPTER
III, ADDING SUBSECTION 3.1.2 ENTITLED “NO
CONSTRUCTION ON SUNDAYS.”**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to supplement the Borough Code to prohibit construction activities on Sundays throughout the Borough in order to maintain the peace.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that Chapter III of the Borough Code of the Borough of Allenhurst, be and is hereby supplemented as follows:

SECTION 1. New section 3-1.2 be and is hereby added to the Borough Code as follows:

3-1.2. No Construction on Sundays.

a. Construction Activities Prohibited. It shall be unlawful for any person, firm, business or corporation to engage in construction activities in the Borough on Sundays, regardless of the time of day. Notwithstanding the foregoing, nothing herein shall be deemed to prohibit a homeowner and/or their immediate family members, from undertaking regular home maintenance activities on Sundays between the hours of 8:00 a.m. and 7:00 p.m.

b. Penalties. Any person, firm, business or corporation who violates any provision of this section shall, upon conviction thereof, be subject to a fine as follows:

i. For a 1st Offense, fine of \$276.00, plus \$24.00 Court Costs;

ii. For a 2nd Offense, fine of \$576.00, plus \$24.00 Court Costs; and

iii. For a 3rd and any subsequent Offense, fine of \$1,176.00, plus \$24.00 Court Costs.

Each hour of such violation’s continuance shall be considered a separate offense and be separately punishable.

SECTION 2. A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies pursuant to applicable New Jersey Statutes.

SECTION 3. Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Allenhurst Borough Code are ratified and remain in full force and effect.

SECTION 4. If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions of applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption according to law.

Tabled until further notice.

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

RESOLUTIONS

RESOLUTION #2021-118

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 27, 2021 be ratified and approved.

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

RESOLUTION #2021-119

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 Regular Meeting of April 27, 2021.

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

RESOLUTION #2021-120

A RESOLUTION TO ADOPT CABANA LICENSING RULES FOR THE ALLENHURST BEACH CLUB

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Board of Commissioners have previously adopted Cabana Licensing Rules at the Allenhurst Beach Club; and,

WHEREAS, Any changes to these rules will be made by resolution of the Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED, That the following Cabana Licensing Rules be readopted by the Allenhurst Board of Commissioners as of May 18, 2021:

ABC LICENSING RULES

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST

1. The resident cabana list is reserved for taxpaying residents of the Borough of Allenhurst. Non-taxpaying residents will be removed from this list. For example, children who currently reside with their parents and do not maintain a separate residence in Allenhurst will be removed from the resident cabana list.
2. Until the resident cabana list has been exhausted all open cabanas will be made available to residents on this list.
3. Cabanas will only be licensed to those who rent or own residences in the State of New Jersey. Proof of rental will be required. The rental period must be a minimum period of six weeks. Proof of a Certificate of Occupancy may be required.
4. A resident principal licensee may pass down their cabana to their child or next of kin if that next of kin owns a residence in Allenhurst or in the event that the next of kin maintains the ownership of the deceased principal's residence.
5. If a resident cabana licensee would like to add a tax paying resident child as a co-principal to their cabana and that child is on the waiting list, that child will surrender that spot on the list.
6. Married couples will be considered jointly as principals. In the event of a death or divorce, the spouse who maintains a residence in Allenhurst will be entitled to the cabana license. If both spouses move out of town, either or both spouses may appeal to the Board of Commissioners for a determination regarding said license.
7. Should an out of town resident pass away without a co-principal, that cabana license will terminate.
8. If a cabana licensee no longer resides in the state of New Jersey, the cabana license will terminate.
9. Only one cabana will be licensed to a residential address in Allenhurst. Multiple family members residing in one residence may only license one cabana.
10. In the event that a resident passes away and a trust is involved, members of the trust may appeal to the Board of Commissioners for a determination regarding said cabana license. As a general proposition, no business or corporate entity may license a cabana.
11. There shall be no sublicensing of cabana licenses. Any cabana licensee who is believed to be sublicensing their cabana will be provided notice by regular mail to appear before

- the Board of Commissions to address the issue at the risk of losing their cabana license. As a general proposition, no business or corporate entity may license a cabana.
12. A resident member of the ABC may be added as co-principal provided that the member has had a membership attached to that cabana for at least five consecutive years and is the principal's next of kin as defined by the NJ laws of intestate succession. This is a one-time opportunity such that the "added co-principal", except with respect to proviso's listed above whereby the person either is a taxpaying resident or maintains possession of the residence of the deceased.
 13. An adult resident member may be added as a co-principal to a cabana, provided that member has had a membership attached to that cabana for the last five years and that member has been on the resident cabana list for at least 10 years. If this resident becomes a co-principal, he/she gives up their spot on the cabana list.
 14. An adult non-resident member of the ABC may be added as co-principal, provided that the member has had a membership attached to that cabana for at least five consecutive years and is the principal's next of kin as defined by the NJ laws of intestate succession. This is a one-time opportunity such that the added next-of-kin co-principal may not then add another co-principal. This rule will become effective with the 2016 Beach Club season.
 15. In a cabana with two co-principals, one or both of those co-principals can substitute an adult child as the co-principal within two years of the date adoption of these rules, provided that the adult child had a membership attached to that cabana for at least five consecutive years and is the principal's next of kin as defined by the NJ laws of intestate succession.
 16. Any change to the cabana waiting list or beach club rules is to be done administratively by the Beach Commissioner.
 17. The Board of Commissioners reserves the right to award or revoke cabana licenses in cases not specifically covered by the above rules.

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

RESOLUTION #2021-121

A RESOLUTION TO RE-ADOPT CABANA LIST

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

WHEREAS, The Board of Commissioners have previously adopted cabana rules at the Allenhurst Beach Club; and,

WHEREAS, In conjunction with those rules, the Board has approved and adopted a waiting list for cabanas so that a record has been made; and,

WHEREAS, Any changes to this list will be made by resolution of the Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED, That the following list has been amended and is hereby approved by the Allenhurst Board of Commissioners as the official waiting list for cabanas as of May 18, 2021:

1	MARCH, JOAN	62	Z-21	5 CEDAR	7/18/2007
2	MAURO, ANTHONY	193	G-03	314 CORLIES	7/8/2009
3	SILVERMAN, MICHAEL	646	C-17	108 CEDAR	7/13/2009
4	GRIFFIN, JANEL	40	H-07	8 CEDAR	7/28/2009
5	SWEARER/FORBES, PAT	276	J-23	214 ALLEN	8/21/2009
6	CAUFIELD, KATHY & JIM	73	L-12	2 SPIER	8/26/2009
7	DWECK, JOSEPH & RACHEL	683	D-38	117 ALLEN	8/18/2010
8	PETTI, MARIE & MICHELLE	626	E-06	310 CORLIES	2/1/2011
9	MYER, ROSE	164	K-2	413 ALLEN	3/15/2011
10	KAMAJI, ALAIN &PASCALE	784	G-08	228 SPIER	6/1/2011
11	BEEGLE, JEAN & DR. WILLIAM	143	B-04	212 CEDAR	6/15/2012

12	SENET, NANCY	215	A-14	218 ELBERON	2/4/2013
13	STERNBERG, DENNIS & RANDI	335	D-24	1 CEDAR	2/20/2013
14	GLYNN, TOM & DINA	26	Z-29	312 ELBERON	2/20/2013
15	COHEN, JOE	767	E-36	4 CEDAR AVENUE	2/28/2013
16	CABASSO, LAVERNE AND ALAN	82	G-15	19 CORLIES	3/4/2013
17	BARNATHAN, JOSEPH	1024	G-20	55 NORWOOD	4/23/2013
18	TURTEL, PENNY & LARRY	1008	M-19	225 ALLEN	7/10/2013
19	BLANCO, EDWARD & BETH SUE	1004	D-29	310 SPIER	7/18/2013
20	BRAITLING, SHAUN & REBECCA	693	C-32	308 HUME	9/3/2013
21	AZIZO, BARBARA	474	G-27	9 CEDAR	10/9/2013
22	RYAN, PATRICIA & STEPHEN	118	B-03	118 CORLIES	3/24/2014
23	MICHALS, STEHPANIE	600	C-15	311 CORLIES	6/16/2014
24	SABBAGH, ROBIN	747	F-34	101 CORLIES	6/24/2014
25	KAMIN, JACK	747	F-34	306 ALLEN	7/7/2014
26	CATTAN, JOE	647	E-35	29 SPIER	7/7/2014
27	DWECK, ELI	800	F-03	303 ALLEN	7/16/2015
28	GABBAY, JOSEPH	797	F-24	25 CEDAR	8/15/2014
29	PELUSO, SAM	11	L-07	313 CEDAR	9/15/2014
30	ADES, MAURICE	1018	E-29	10 ALLEN	12/19/2014
31	GIALANELLA, MRS.	181	K-19	215 SPIER AVE	3/31/2015
32	TAWIL, VICTOR & MRS.	611	F-09	107 CEDAR	4/1/2015
33	MISHAN, BARBARA	749	G-09	206 SPIER	4/20/2015
34	LEVY, DANIELLA	1037	G-25	5 SPIER	5/4/2015
35	SHALAM, MAURICE	441	P-C	205 PAGE	5/12/2015
36	BETESH, STEVEN	577	E-31	4 SPIER AVE	7/28/2015
37	MIZRAHI, RONALD	658	L-22	303 CORLIES	8/17/2015
38	ANTEBY, HYMIE & REINA	766	E-21	303 NORWOOD	3/1/2016
39	HABERT, LEAH	665	F-32	302 ALLEN	6/16/2016
40	BEYDA, ROCHELLE	651	H-15	209 NORWOOD	7/11/2016
41	COHEN, SUSAN & ELLIOT	650	E-08	211 SPIER	7/14/2016
42	HABER, LILLIAN & DOUGLAS	744	E-30	30 SPIER	8/11/2016
43	HIDARY, STEVEN	1048	F-31	118 ALLEN	9/7/2016
44	MCNAMARA, JOHN	283	G-14	503 PAGE	2/1/2017
45	RACANIELLO, GERALDINE	228	B-15	111 ALLEN AVEN	4/11/2017
46	TOMAINO, KATHY & JOHN	1078	L-07	212 SPIER AVE	5/5/2017
47	MOSSERI, SOLOMON	704	F-22	231 CORLIES	6/23/2017
48	HIDARY, EDDIE	1048	G-09	233 CORLIES	10/30/2017
49	ABBATTIELLO, JACQUELINE	761	J-19	17 ELBERON	3/27/2018

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

WHEREAS, The following three quotes were received from the following vendors and are on file with the Borough Clerk:

THEREFORE, BE IT RESOLVED, That a contract be awarded to Stalker Radar, Applied Concepts Inc.. for a cost of \$22,805.00, the lowest of quotes received for Body Worn Cameras for the Police Department.

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

Tesfaye Deressa	Maintenance	\$16.00	per hour
Dylan Gargulinsky	Recreation	\$11.10	per hour
Madison Martin	Recreation	\$11.10	per hour
Ava Scotto	Recreation	\$11.10	per hour
Aidan Shivas	Shivas	\$11.10	per hour
Maggie Leys	Swim Instructor	\$300.00	per season
Dylan Steward	Junior Lifeguards	\$400.00	per season
Elise Warner	Junior Lifeguards	\$400.00	per season
Harry Greenspan	Junior Lifeguards	\$250.00	per season
Arely Ramirez Vargas	Maintenance	\$16.00	per hour

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

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 AND PAYROLL (5-1-2021 to 5-15-2021)

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

BE IT RESOLVED, That bills and payroll totaling \$991,285.59 be approved for payment; and,

BE IT FURTHER RESOLVED, That the May 15, 2021 consolidated bill list be attached hereto and made a part thereof.

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

ITEMS FOR DISCUSSION:

Beach Items:

Michael Varley – Cabana P-40 – is requesting that his son William Rutledge Varley be made a co-principal on the cabana. William has been a member and in the cabana for more than five years.

Request has been approved by the Board of Commissioners.

OPEN PUBLIC HEARING:

John J. Lamb, a lawyer from Beattie Padovano, LLC Attorneys and Law, representing the Allenhurst Taxpayer’s Association, discussed the proposed ordinance. Mr. Lamb stated that the Allenhurst Taxpayer’s Association had the following issues with the Ordinance.

- Construction activities are not defined.
- There is no clause for emergency repairs.
- Is construction activity with no noise allowed? Is inside construction allowed?

Mr. Lamb stated that in 40 years he never saw a penalty for every hour where there is a violation and asked if the Borough attorney reviewed. The Borough Attorney responded that he was the one that wrote it. Mr. Lamb also stated that the Association feels the ordinance is discriminatory as it designates Sunday as the “no construction” day instead of Saturday. Mr. Lamb advised of a case in West Orange that put in an exception if the resident practiced the Sabbath on Saturdays. He advised that if this ordinance was adopted, the Associate would file suit.

Comm. McLoughlin advised that the Board of Commissioners welcomed comments and that they were willing to table the Ordinance. Comm. McLoughlin asked Mr. Mr. Lamb to now be a partner and ask the community he represents to come up with suggestions. Mr. Lamb stated that he would forward the Borough their recommendations.

The Mayor echoed the sentiment and stated that the ordinance was a quality-of-life issue to provide for days where there was no noise from construction so residents could relax. The Mayor advised that the idea for the ordinance was considered after a suggestion from a member of the community. The Mayor stated that they would be happy to reintroduce the ordinance. He added that the purpose of a first and second reading of an ordinance is to invite this very type of discussion.

Comm. McLoughlin also asked if Mr. Lamb could provide the Borough with a list of members of the Allenhurst Taxpayers’ Association. Mr. Lamb said that he would forward the Borough a list.

Mrs. Horowitz of 211 Corlies Avenue stated that people were being unsubscribed from the borough email list. The Borough Administrator advised that the Borough staff does not unsubscribe people from the list and asked if she could forward any email notifications indicating that this has occurred so it can be investigated and corrected if necessary.

Mr. Michael Fallack asked why the meeting was rescheduled to May 18, as this date is a holiday for the Jewish Community in Allenhurst. The Borough Administrator advised that she had a conflict with the originally scheduled date for the meeting and needed to reschedule. She advised that she was unaware of the holiday, and apologized.

Mr. Dabah advised that he emailed the Mayor with questions about the pending ordinance and received no response. The Mayor apologized. Mr. Dabah stated the ordinance was lacking in specific definitions. Comm. McLoughlin again stated that the Board welcomed public comments. The Mayor again explained that the purpose of two readings of an ordinance is to provide an opportunity for feedback and comments.

An unidentified woman also discussed the ordinance and her dissatisfaction with it. The Mayor again stated that comments are welcome and encouraged. Residents can email the Commissioners or the Borough Administrator at any time.

Mr. Steve Feldman asked if the Borough could provide the residents with more time to review and respond when an ordinance is introduced. The Mayor advised that the minimum time to allow for adoption of an ordinance, after introduction, is one meeting. The Mayor added that the Borough could increase that time to two meetings. Comm. Bolan stated that when an ordinance is introduced it can always be revised or reversed before adoption.

Mr. Dabah asked if the Borough could add the ability to attend Borough Council Meetings via Zoom. Comm. McLoughlin advised he would investigate.

An unidentified person asked who oversees what happens in the park. They stated that children are running into the street and could a fence be erected. The Mayor stated he would look into it.

David Maleh of 237 Elberon Avenue stated that many residents have questions and concerns about the redevelopment and want to know why the town would increase density and how the plans enhance the town. The Mayor stated that due to the pending lawsuit he was unable to address Mr. Maleh's questions.

Joe Sabbagh, of 308 Spier, asked for Zoom Meeting. He stated he felt that Zoom capability would do a lot for communication between the Board of Commissioners and the residents. He also asked how to get agendas for the meetings. The Borough Administrator advised that agendas are posted on the Borough Website prior to the meetings and can be obtained there.

David Moss, a commercial business owner, inquired about the decisions to change residency status on beach club applications. Comm. McLoughlin advised that decisions were made based upon facts known regarding many residents. Dr. Moss expressed his concern regarding how the decisions were made and would like the Board to reconsider.

Mr. Horowitz asked about the Historical Preservation Guidelines for home exteriors and if it was legal for the Zoning Officer to enter a home without permission. Comm. Bolan advised that if Mr. Horowitz believed that anyone was trespassing in his home that he should call the Police.

There being no further business or comments, Comm. McLoughlin moved, seconded by Comm. Bolan that the meeting move to executive session at 8:24 PM. Motion carried.

After reconvening, Comm. McLoughlin moved, seconded by Comm. Bolan that the meeting be adjourned at 8:45 PM. Motion carried.