

MINUTES
June 10, 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 Bolan answering the roll call. Commissioner McLoughlin was not present. 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:

Notice from Planning Board of the Village of Loch Arbour for a public hearing for a Certificate of Appropriateness for 2 Elberon Avenue.

ANNOUNCEMENTS: None

ORDINANCES FINAL READING

ORDINANCE #2021-10 – Final Reading will be at 6-22-2021 Meeting

BOND ORDINANCE NO. 2021-11

BOND ORDINANCE PROVIDING FOR ADA IMPROVEMENTS TO BOROUGH HALL, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Allenhurst, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$200,000, said sum being inclusive of all appropriations heretofore made therefor, including \$93,610 grant funds expected to be received from the Monmouth County Community Development Block Grant (CDBG) Program. No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of a down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$200,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of Americans with Disabilities Act (ADA) improvements to Borough Hall, together with all purposes necessary incidental or apparent thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$200,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$200,000, which is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public

or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$200,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$40,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

RESOLUTIONS

RESOLUTION #2021-133

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 of May 25, 2021 be ratified and approved.

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

RESOLUTION #2021-134

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 Regular Meeting of May 25, 2021.

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

RESOLUTION #2021-135

A RESOLUTION TO HIRE SEASONAL EMPLOYEES

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the following be hired for the 2021 summer season commencing on May 29, 2021:

Antoinette Ingulli	Bus Driver	\$20.00	Hour
Fiona Corrigan	Security	11.10	Hour
Lincoln D'Esposito	Recreation	11.10	Hour
Jillian Scotto	Recreation	11.10	Hour

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

RESOLUTION 2021-136

A RESOLUTION TO APPROVE CHANGE ORDER #1 FOR IMPROVEMENTS TO OCEAN PLACE

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, A contract was awarded Fiore Paving Company and,
WHEREAS, The scope of work was changed to provide for the following:

Material Change Credit	-\$10,000.00
Remove and Replace Damage Sewer Pipe	\$2,800.00
Remove and Replace Damaged Water Service	\$1,500.00
Connect to Existing Manholes	\$2,000.00
Installed 2" Waterline to Boardwalk	\$7,500.00
4'-6' Manhole	\$7,000.00
8'-10' Manhole	<u>\$12,000.00</u>
	\$22,800.00

WHEREAS, Fernandes Construction, Inc., has submitted a request for a Change Order for the changes in work in the net amount of \$22,800.00 which request has been reviewed by the Borough Administrator and Engineer, and found to be acceptable;

NOW, THEREFORE, BE IT RESOLVED, That Change Order No. 1 in the amount of \$22,800.00 be approved, thereby amending the contract total to \$144,087.87.

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

RESOLUTION #2021-137

A RESOLUTION TO APPROVE ENGINEER CERTIFICATE #1 FOR IMPROVEMENTS TO OCEAN PLACE

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, A contract was awarded to Fiore Paving Company. for the Improvements to Ocean Place and,

WHEREAS, The Borough Engineer has reviewed the project and recommended payment as provided for in Engineer's Certificate #1, which is on file in the Clerk's office;

WHEREAS, Funds for this purpose shall be provided through the Ordinance 2020-14 Various Improvements to Ocean Place (C-04-55-983-000), and the CFO has so certified;

NOW, THEREFORE, BE IT RESOLVED, That Fiore Paving Company be compensated in the amount of \$144,087.87 for work done in accordance with the Engineer's Certificate #1.

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

A RESOLUTION TO APPROVE LIQUOR LICENSE RENEWAL

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

WHEREAS, The following business has made an application for the renewal of their liquor license for the 2021-2022 licensing year:

Hot Ice, Inc., 413-415 Main Street, Allenhurst, NJ - License No. 1301-44-003-005

WHEREAS, The Applicant has fulfilled all statutory obligations regarding such renewal;
and,

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst that the Plenary Retail Distribution License No. 1301-44-003-005 owned by Hot Ice, Inc., is hereby renewed for the term of July 1, 2021 through and including June 30, 2022, with no special conditions.

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

RESOLUTION #2021-139

A RESOLUTION TO APPROVE ABC REFUNDS

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the following refund of ABC fees be approved:

MEMBER NAME	AMOUNT
CLAUDETTE BERKOVITZ	\$ 2.95
PETER COSTANZO, SR.	95.00
PETER COSTANZO	1,820.00
CHARLES FERNICOLA	25.00
FRANK FISHER	25.00
MARY PAT FISHER	25.00
SUSUAN GRIFFIN	140.00
NORMA HAZLEY	25.00
DORIS KLIMOWICZ	240.00
ANNE MAGNIER	25.00
AMANDA MCGOVERN-MORIARTY	2,445.00
LAWRENCE MENTZ	25.00
CAROL MISSRY	340.00
ELIZABETH OROURKE	175.00
DENNIS ROGERS	25.00
TANYA TOMANIO	25.00
Patricia McLoughlin	165.00

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

RESOLUTION #2021-140

A RESOLUTION CERTIFYING COMPLIANCE WITH US EEOC

Offered By: Comm. Bolan

Seconded By: Mayor McLaughlin

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”

WHEREAS, N.J.A.C. 40A:4-5 as amended by P.L. 2017, c 183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” as amended, 42 U.S.C., 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, hereby states that it has complied with N.J.A.C. 40A:4-5, as amended by P.L. 2017, c 183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

RESOLUTION #2021-141
A RESOLUTION TO CONFIRM PURCHASES

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

RESOLUTION #2021-142
A RESOLUTION TO APPROVE EXECUTIVE SESSION

RESOLUTION #2021-143
A RESOLUTION TO APPROVE BILLS AND PAYROLL (6-1-2021 to 6-15-2021)

The Mayor stated that he would like to remind everyone that the summer moratorium starts at 6pm on June 30. All construction must stop by then. If there is an emergency repair, residents can call the police department. The Mayor emphasized if someone needed to fix their

dishwasher/appliances that is not considered construction and is allowed. Construction that involves power tools, etc. is not.

The Mayor gave a shout out and thank you to the Fire Department and EMS for responding to a fire in Deal today. Without their assistance to the neighboring Fire Department, the fire could have been a lot worse.

The Mayor also stated that at the previous meeting they had mentioned having one meeting a month going forward at Borough Hall. The Mayor and Commissioners decided to keep two meetings a month at the Firehouse for the summer and will then revisit the schedule after the beach season.

OPEN PUBLIC HEARING:

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

After reconvening, Mayor McLaughlin moved, seconded by Comm. Bolan that the meeting be adjourned at 8:15 PM. Motion carried.