

MINUTES
June 22, 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 answering the roll call. Commissioner Bolan 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:

Resolution from the Borough of West Long Branch opposing the “Responsible Collective Negotiations Act”.

ORDINANCES

ORDINANCES FINAL READING

ORDINANCE #2021-10 – Final Reading

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

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

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.

There were no public comments.

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

RESOLUTION #2021-144
A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

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

RESOLUTION #2021-145
A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

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

RESOLUTION #2021-146
A RESOLUTION TO HIRE SEASONAL EMPLOYEES

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

Obdulia Serrano	Custodian	\$18.00	Hour
Abelardo Flores	Custodian	18.00	Hour
Grace Taylor	Recreation	11.10	Hour
Fiona Corrigan	Security	11.10	Hour
Serena Orlando	Security	11.10	Hour
Alex Canino	Security	11.10	Hour
Bryce Lener	Cabanas	11.10	Hour

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

RESOLUTION #2021-147
A RESOLUTION TO APPROVE ABC REFUNDS

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

MEMBER NAME	AMOUNT
Pennotti, Meredith	\$3,110.00
Forgang, Majorie	\$40.00
Renvoize, Barry	\$495.00
Wirin, Kara	\$20.00

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

RESOLUTION #2021-148
A RESOLUTION TO AMEND WAGES FOR BEACH EMPLOYEE

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

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

RESOLUTION #2021-149

A RESOLUTION TO CONFIRM RETIREMENT BENEFITS

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

WHEREAS, Paul Quinn has filed for retirement from the P.E.R.S. effective May 31, 2021; and,

WHEREAS, Pursuant to the Public Employee's Retirement System and the Borough's Personnel Policy, employees who retire from the P.E.R.S. with the required number of years of service; are entitled to certain benefits; and,

WHEREAS, Paul Quinn meets the retirement system requirements;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners, the following retirement benefits be confirmed:

1. Medical Benefits for Retiree and Spouse, through the NJ State Health Benefits Program, effective June 1, 2021 until the death of the retiree.
2. Accumulated Sick Days:
Days accumulated through May 31, 2021:
Capped @ \$15,000 to be paid on June 30, 2021
3. Accumulated and earned vacation.
Vacation earned from January 1, 2021 through May 31, 2021:
7 days x 2021 rate of pay at \$331.37 = \$2,319.59

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

RESOLUTION #2021-150

A RESOLUTION TO APPROVE EXECUTIVE SESSION

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

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; Mayor McLaughlin-AYE

RESOLUTION #2021-151

RESOLUTION OF THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, NEW JERSEY REFERRING THE PROPOSED MAIN STREET REDEVELOPMENT PLAN TO THE BOROUGH OF ALLENHURST PLANNING BOARD PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, (the "**Redevelopment Law**"), specifically N.J.S.A. 40A:12A-7, the governing body of a municipality may direct the municipality's planning board to provide a recommendation and report in relation to adoption of a redevelopment plan, or an amendment thereto or revision thereof; and

WHEREAS, on November 15, 2004, in accordance with the provisions of the Redevelopment Law, the Borough of Allenhurst (the "**Borough**") designated certain property fronting on Main Street or Deal Lake as an area in need of redevelopment (as further described in the Redevelopment Plan defined below, the "**Redevelopment Area**"); and

WHEREAS, in accordance with the provisions of the Redevelopment Law, the Borough enacted the "Main Street Redevelopment Plan" in October 2006, as amended November 2007 (the "**Original Redevelopment Plan**") for the Redevelopment Area; and

WHEREAS, the Borough wishes to amend the Prior Redevelopment Plan to, among other things, propose a townhouse development on the east side of Main Street that is sensitive to the historical context of the Borough's residential neighborhoods, modify the Original Redevelopment Plan by proposing the demolition (rather than adaptive reuse) of the Art Deco Jersey Central Power & Light (JCP&L) buildings along the west side of Main Street, and revise the concept for the redevelopment of the Borough's DPW/Waterworks site on the southside of Hume Street to permit new construction; and

WHEREAS, Heyer, Gruel & Associates has prepared an amended redevelopment plan for the Redevelopment Area, entitled, "Main Street Redevelopment Plan", amended April 2021, which is on file in the office of the Borough Clerk and available for public inspection (the "**Amended Redevelopment Plan**"); and

WHEREAS, the Borough Commissioners desire to authorize and direct the Borough Planning Board to review the proposed Amended Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7(e).

NOW THEREFORE, BE IT RESOLVED by the Borough Commissioners of the Borough of Allenhurst, in the County of Monmouth, New Jersey, as follows:

Section 1. The aforementioned recitals hereof are incorporated herein as though set forth at length herein.

Section 2. The Borough Planning Board is authorized and directed to review the Amended Redevelopment Plan and to transmit to the Borough Commissioners, within forty-five (45) days of the adoption of this resolution, a report containing the Borough Planning Board's recommendations concerning the Amended Redevelopment Plan, including an identification of any provisions of the Amended Redevelopment Plan which are inconsistent with the Borough's Master Plan and recommendations concerning these inconsistencies, if any, and any other matters as the Borough Planning Board deems appropriate, all in accordance with N.J.S.A. 40A:12A-7(e).

Section 3. The Borough Clerk shall immediately forward a certified copy of this resolution and the Amended Redevelopment Plan to the Borough Planning Board for review.

Section 4. This resolution shall take effect immediately.

This resolution was tabled. The resolution to refer to the Planning Board will be voted on at the next Board of Commissioners Meeting.

RESOLUTION #2021-152

A RESOLUTION TO APPROVE BILLS AND PAYROLL (6-16-2021 to 6-30-2021)

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That bills and payroll totaling \$231,151.53 be approved for payment; and,

BE IT FURTHER RESOLVED, That the June 30, 2021 consolidated bill list be attached hereto and made a part thereof.

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

ITEMS FOR DISCUSSION:

The Mayor discussed the Summer Construction Moratorium. He advised if any resident had an emergency to please call the Police Department to let them know that someone will be doing an emergency repair. He advised that while repairs are fine, no continuing construction is permitted during the moratorium period.

OPEN PUBLIC HEARING:

Kyle Ebbets, 1st Assistant Chief and Committee Chair for the purchase of a new firetruck gave a presentation. A formal letter was submitted to the Mayor in February stating that the pumper truck was having mechanical issues and to make the Borough aware of options. A pumper truck is quite important for fire suppression. The State mandates that the pumper truck be inspected annually. The truck failed 2 of the 3 last tests and has other mechanical issues.

Last year the Fire Department put together a committee to investigate options. They investigated a leased vehicle, but that was determined not to be a great option. They also investigated building a new truck. The Mayor suggested having conversations with neighboring town and manufacturers. The committee put together specs to see the needs of the truck and how to accomplish them. They wanted to be sure the vehicle could stand up today and in the future. They put out specs to 7 manufacturing companies. They had meetings and narrowed down the front runner of the company that was best able to meet the need. The front runner is Spartan and offered by Campbell Supply. The Fire Department has experience with them as they have purchased other vehicles. The committee has started to have conversations with neighboring towns with which Allenhurst has interlocal agreements. Both towns are on board.

Comm. McLoughlin asked what the cost is to repair the current truck. Mr. Ebbets advised that the issue is that there are no parts available, all are after market and hard to find. Also, would need someone to work on the vehicle. There is also a problem with the governor? Which provides the water to the tank. The current one does not work.

Comm. McLoughlin asked where they would store the new truck as the bay is full. Mr. Ebbetts advised that they would be selling the truck that is being replaced.

Comm. McLoughlin asked if the Borough would be doing a bid. Mr. Ebbetts advised that there would be no bidding as it is a state contract with a price of \$643 thousand.

The Borough Administrator explained that the price will actually be around \$650 thousand and then they would need additional shelving in the truck installed. The Borough Administrator also advised that she would be looking into the cost involved with the maintenance agreement.

The Mayor explained how the interlocal agreement works and that they share in these types of expenses. The other towns, Loch Arbour and Interlaken, have approved and Allenhurst will share the expenses as per the interlocal agreement.

Ira Weiner, attorney representing the Allenhurst Taxpayers Association, spoke. Mr. Weiner agreed to submit the names of the members of his organization to the Borough Administrator. Mr. Weiner stated that the “day” of this Commissioners meeting was incorrect on the website. It was corrected, however, it was less than 48 hours prior to the meeting. He also stated that, while the Borough is under no legal obligation to do so, they had hoped the Borough would reach out to inform them regarding anything on the issue of Redevelopment.

Mr. Weiner asked if there was anything different in the resolution being presenting tonight, versus the resolution that was presented prior. Comm. McLoughlin advised that the resolution was the same and was being reintroduced due to the lawsuit which the ATA filed.

Judith Horowicz, of Corlies Avenue, stated that residents of Allenhurst enjoy the town and want everything neat and orderly. She did, however, want to know why it is so difficult to get a permit to make improvement. She cited a recent example where a resident put up a shed without approval and was required to take it down. She felt the situation could have been handled better by the Borough.

Heather Fallas, of Ocean Avenue, also stated that she wanted to know why it takes so long to get a permit. Comm. McLoughlin advised that the State of NJ handles permits for construction and the Borough has no control over their process. Mr. Fallas stated that she also felt negativity from the Planning Board. The Mayor stated that he will ask the NJ State Construction Department about any delays in approvals. He also stated that because of the historic nature of Allenhurst the Planning Board approval process can be arduous due to the nature of the rules that must be followed. Mr. Fallas stated she would like to have more planning board meetings. The Mayor advised that the planning board is comprised of volunteers and it is difficult to coordinate even the meetings they have. He also stated that he understood Mrs. Fallas’ frustration but there are just so very many applications and a lot of planned construction in the town.

There being no further business or comments, Comm. McLoughlin moved, seconded by Mayor McLaughlin that the meeting move to executive session at 8:02 PM. Motion carried.

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