

# MINUTES

## July 13, 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.

**COMMUNICATIONS:**

Notice of Public Hearing that the Monmouth County Division of Transportation will be having on August 12, 2021 regarding the Senior Citizens and Disabled Residents Assistance Program and the 5311 Grant.

**ANNOUNCEMENTS:**

- National Night Out will be held on August 3<sup>rd</sup>. The Police encourage everyone to come out and meet them and enjoy the night.
- Beach Illuminations will take place on August 29<sup>th</sup>. The Illumination honors lifesavers of the Jersey Shore. It is a fundraiser for the Police, Fire and EMS and will include a contribution to the Coast Guard. Contact the Police for more information.

## RESOLUTIONS

**RESOLUTION #2021-153**

## 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 June 22, 2021, and the Special Meeting of July 7, 2021, be ratified and approved.

**VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE**

**RESOLUTION #2021-154**

## 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 June 22, 2021 and the Special Meeting of July 7, 2021

**VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE**

**RESOLUTION 2021-155**

**A RESOLUTION TO APPROVE CHANGE ORDER #2 FOR IMPROVEMENTS TO CEDAR AVENUE**

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

**WHEREAS,** A contract was awarded Fernandes Construction, Inc. and,  
**WHEREAS,** The scope of work was changed to provide for the following:

<b>Description</b>	<b>Change in Price</b>
Traffic Directors, Flaggers	-\$0.40
Uniform Traffic Director	\$1,860.96
Fuel Price Adjustment	-\$5,551.87
Asphalt Price Adjustment	-\$9,496.11
Pavement Milling, 3" or Less	\$6,709.50
Hot Mix Asphalt Surface Course	-\$28,060.88
Hot Mix Asphalt Leveling Course	-\$2.00
Tack Coat	-\$0.75
Prime Coat	-\$37.00
Reset Existing Manhole Castings	-\$300.00

Drainage Inlet Type "B" Bicycle Safety Grate and Frame	-\$2,700.00
Concrete Sidewall, 4" Thick	\$8,573.76
Concrete Driveway Reinforced, 6" Thick	\$127.44
Hot Mix Asphalt Driveway 4"	-\$500.00
Detectable Warning Surfaces	-\$534.00
Rest Pavers Stones Apron	\$1,794.00
6x8x18" Concrete Vertical Curb	\$660.00
Traffic Striping Long Life Epoxy Resins 4"	\$150.00
Traffic Markings, Thermoplastic Crosswalk 6"	-\$237.00
Traffic Markings, Thermoplastic High Visibility Crosswalk	-\$336.00
Traffic Markings, Thermoplastic Stop bar	\$486.00
Topsoiling, 4' Thick	-\$760.00
Sodding	-\$380.00
Sanitary Sewer Repair at Corlies Avenue	\$5,000.00
Replace 2x2' Inlet Frame and Grate	\$500.00
Mobilization/Demobilization for NJAW Water Main Trench	\$5,000.00
Sanitary Sewer Repair at 203 Allen Avenue	\$8,200.00
<b>Net Change</b>	<b>-\$9,834.35</b>

**WHEREAS,** Fernandes Construction, Inc., has submitted a request for a Change Order for the changes in work in the net decrease in the amount of \$9834.35 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. 2 in the amount of -\$9,834.35 be approved, thereby amending the contract total to \$360,337.37.

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

#### **RESOLUTION #2021-156**

#### **A RESOLUTION TO APPROVE ENGINEER CERTIFICATE #2 FOR IMPROVEMENTS TO CEDAR AVENUE**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS,** A contract was awarded to Fernandez Construction, Inc. for the Improvements to Cedar Avenue and,

**WHEREAS,** The Borough Engineer has reviewed the project and recommended payment as provided for in Engineer's Certificate #2, which is on file in the Clerk's office.

**WHEREAS,** Funds for this purpose shall be provided through the Ordinance 2018-14 Cedar Avenue Road Improvements (C-04-55-980-000), and the CFO has so certified;

**NOW, THEREFORE, BE IT RESOLVED,** That Fernandez Construction, Inc. be compensated in the amount of \$67,516.20 for work done in accordance with the Engineer's Certificate #2.

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

#### **RESOLUTION #2021-157**

#### **AUTHORIZING THE ACCEPTANCE OF STATE FUNDS AND THE BOROUGH'S PARTICIPATION IN THE STATE BODY-WORN CAMERA GRANT PROGRAM, ADMINISTERED BY THE STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY.**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**WHEREAS,** the State of New Jersey, Department of Law & Public Safety, Office of the Attorney General (OAG) received funds from the SFY21 Budget to administer the Body Worn Camera Grant Program; and

**WHEREAS,** the State of New Jersey Law and Public Safety Office of the Attorney General has given notice of availability and award of funds for Body-Worn Camera Grant Program; and

**WHEREAS,** the name of the program is "SFY21 Body-Worn Camera Grant Program" (BWC Grant Program), the Borough's award number under the grant is 21-BWX-004, the award

**THEREFORE, BE IT RESOLVED**, That the following are hereby appointed to the Planning Board for the terms listed below:

Richard Cumiskey as the #2 Alternate for the term expiring December 31, 2021  
Albert Dweck as a Class IV Member for the term expiring December 31, 2022

**BE IT FURTHER RESOLVED**, That the Board of Commissioners approves these appointments.

**VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE**

**RESOLUTION #2021-162**  
**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**

**RESOLUTION #2021-163**

**RESOLUTION OF THE BOROUGH OF ALLENHURST, IN THE COUNTY OF MONMOUTH, NEW JERSEY RESCINDING AND VACATING RESOLUTION #2021-151 REFERRING THE PROPOSED AMENDED MAIN STREET REDEVELOPMENT PLAN TO THE PLANNING BOARD**

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

**WHEREAS**, on June 22, 2021 the Board of Commissioners adopted Resolution 2021-151 referring the "Main Street Redevelopment Plan", amended April 2021 (the "Amended Redevelopment Plan") to the Planning Board for it to review the proposed Amended Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, on June 28, 2021 the Borough received written correspondence from Fair Share Housing Center ("FSHC") notifying the Borough of FSHC's intention to intervene in the action filed by the Allenhurst Taxpayers Association Inc. to assert a cross-claim alleging, among other things, a constitutional violation by the Borough relative to the Borough's obligation to provide a realistic opportunity for affordable housing if the Amended Redevelopment Plan is not revised to include a 20% affordable housing set-aside (the "Affordable Housing Obligation"); and

**WHEREAS**, any attempt to address Fair Share Housing Center’s concerns will require the Amended Redevelopment Plan to be substantially revised.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Allenhurst, that the above recitals are incorporated as though more fully set forth herein at length, and be it further

**RESOLVED** that Resolution 2021-151 be and is hereby rescinded and vacated as the Amended Redevelopment Plan will have to be substantially revised to address, among other things, the Affordable Housing Obligation, and be it further

**RESOLVED** that the Borough Commissioners will adopt a subsequent resolution referring a further amended version of the Amended Redevelopment Plan to the Planning Board if and when such a redevelopment plan is prepared and available for referral, and be it further

**RESOLVED** that this resolution shall take effect immediately.

**VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE**

**RESOLUTION #2021-164**  
**A RESOLUTION TO CONSIDER MORATORIUM WAIVERS**

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

**WHEREAS**, The Borough has received several requests for the waiver of the provisions of the construction moratorium; and,

**WHEREAS,** The Board of Commissioners has reviewed the waiver requests; and,

**WHEREAS**, Under the provisions of granting approval for a waiver for the period ending 5 PM on **July 27, 2021**, the following provisions shall be adhered to:

1. No construction activities prior to 8:00 AM or after 5:00 PM daily.
2. No construction activities on weekends.
3. No construction activities on Sunday, July 4, 2021.
4. No dumpsters on property or heavy equipment permitted. No construction debris on outside of property

**NOW, THEREFORE, BE IT RESOLVED**, That the following requests for waiver of the provisions of the construction moratorium are hereby approved::

**1. Griffin, Janel and Brian – 8 Cedar Avenue**

5 Days from 8am to 5pm.

- Due to leaking window in Master Bath, there was a need for an emergency renovation.
- The Master Bath is unusable due to contractor material delays.
- Requesting up to, but likely less than, 5 days to hang cabinets and finish electrical and plumbing fixtures.

Extension APPROVED – Five Days only, 8am to 5pm, no weekends.

**2. Rogers, Kevin – 207 Corlies**

14 Days from 8am to 5pm

Kitchen Cabinet Installation – Deliver Date has been delayed to July 9<sup>th</sup> because of back order due to COVID-19 – these repairs are necessary due to a burst pipe.

Tools: Electric Drill, Circular Saw, Nail Gun, Floor Sander.

Extension APPROVED - Five Days only, 8am to 5pm, no weekends.

**3. Shalam, Edward and Eileen – 227 Allen Avenue**

- We have been plagued by delays in materials critical to the project. Items such as windows and exterior patio doors, interior doors, shortages in spray foam insulation, and all types of plastic-based materials such as porch decking and railing systems and porch columns. There are some items that we're still waiting on.
- Labor has been a constant problem during the pandemic. Subcontractors are working with, severe manpower shortages, thus lengthening the time to get things done. Tile installers, painters, framing, and trim carpenters are all working short-handed.

All work proposed during the extension will take place inside the building, other than the exterior railing. None of the work involves tools louder than a lawn mower or leaf blower. All deliveries will be done through the driveway. No trucks will be left on the street, windows will be kept closed and no music will be played.

Tasks remaining:

1. A temporary porch railing system needs to be installed, this will take require 2 days and 2 men, hand tools. Start date 7/14/21.
2. Sanding, patching, staining and finish coat on hardwood floors. 8 days, 4 men, electric sander, vacuum, brushes and rollers. Start date 7/14/21.
3. Stone countertops installation. We need to schedule 2 deliveries. The first on July 14, which will require 3 men with minimal hand tools and require 1 day. The second delivery will be July 19 and will require 3 men with minimal hand tools and require 2 days.
4. Installation of all plumbing finishes in showers (5), bathroom sinks (9) and kitchen sinks (2). 3 days, 3 men, hand tools and electric drill. Start date 7/14/21.
5. Removal of temporary switches and installation of all final receptacles and light switches and surface mounted lighting. 2 days, 3 men, hand tools and electrical drills. Start date 7/14/21.
6. Installation of all interior and exterior door hardware. 2 days, 2 men, hand tools and electric drills. Start date 7/14/21.
7. Installation of interior railing. 1 day, 2 men. Start date 7/14/21.
8. Interior Drywall repair 1 1/2 days. Hand sanding. Start date 7/14/21.
9. Shower door installation. 1 day, 2 men. Electric drill. Start date 7/14/21.

Extension APPROVED - 8 consecutive days, 8am to 5pm, no weekends.

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

## **RESOLUTION #2021-165**

### **A RESOLUTION TO APPROVE BILLS AND PAYROLL (7-1-2021 to 7-15-2021)**

Offered By: Comm. McLoughlin

Seconded By: Comm. Bolan

**BE IT RESOLVED**, That bills and payroll totaling \$378,347.55 be approved for payment; and,

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

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

### **MORATORIUM DISCUSSION**

Comm. McLoughlin discussed the summer construction Moratorium. He stated that the moratorium has existed in Allenhurst for over 40 years. The Moratorium is important for the quality of life in the small town during the brief summer period. Comm. McLoughlin reminded everyone that waivers from the moratorium are intended to be granted for emergency purposes, not inconveniences.

There was a discussion regarding the moratorium application of **Griffin, Janel and Brian – 8 Cedar Avenue**. Commissioner Bolan asked what work could be completed in a timeframe of 2-3 days to make the bathroom usable. Ms. Griffin stated that as the bathroom is unusable the situation is an emergency. The commissioners agreed to a five day waiver, due to the COVID delays and the emergent nature of the issue.

There was a discussion regarding the moratorium Waiver Application of **Rogers, Kevin – 207 Corlies**. Mr. Rogers stated that the homeowner cannot current stay at the house and there have been delays due to COVID. Comm. McLoughlin stated that he appreciates what has happened but thins work should be limited to securing the house. Comm. Bolan asked what the minimum was that needed to be done to use for the remaining 6 weeks of the summer. The commissioners agreed to a five day waiver to do what can be done.

There was a discussion regarding the moratorium Waiver Application of **Shalam, Edward and Eileen – 227 Allen Avenue**. Comm. Bolan asked what would need to be done just to qualify for a TCO and could it be done in two weeks. The Zoning Officer stated that he felt that there was too much work to be done. Jennifer Krimko, Attorney on the Shalam Application, stated that the contractor has advised her that the work needed can be completed in two week. The commissioners agreed to a 8 day waiver.

The commissioners stated that all approved waiver applications must comply with the following rules:

- Trucks in the driveway, not in the street
- All work must be interior.
- Days of work approved must be completed consecutively from the start date, no weekends.
- The hours of work will be 8am to 5pm
- The homeowners, or their representative, must inform the Zoning Officer of the start date.
- No Weekends

### **OPEN PUBLIC HEARING:**

A Statement was read by the attorney for the Allenhurst Taxpayers Association, Jason Cherchia if Beattie Padavano, LLC. The statement is as follows:

*“We are aware of the Fair Share Housing letter to the Borough which we received by an OPRA request from the Borough. We wanted to confirm that despite the threat of intervention, Fair Share Housing does not have the legal right to intervene in the action we have filed on behalf of the Allenhurst Taxpayers Association, Inc. They are not an "interested party" as a matter of law.*

*We as a preliminary matter support a 20% set aside for affordable housing -but we note that 20% is a standard requirement for a "sale" project and we support a "sale" project and not a rental project at this time. The developer would not be entitled to a*

*larger project to address the increase in affordable housing units despite what it may seek. The project was already too large, and we oppose any increase in the project.*

*Now that the municipality decided to re look at the project and because this change to Allenhurst is generational, we are asking the commissioners and planning board to be thoughtful and not rush to approve a massive development that will forever change Allenhurst. We are asking for impact studies to be done before we begin considerations.*

*some of the questions we have are as follows:*

- How will toxins on the site be removed?*
- Will the digging impact the underground water and increase toxic vapors?*
- Will our sewage system handle the massive amount of added sewage?*
- Will our water pressure drop or be affected?*
- What will be the impact from traffic and on parking?*
- What will happen with Beach Club membership?*
- How can everyone fit in the Beach Club-- how will beach overcrowding be handled?*

*We would appreciate full transparency and hope the commissioners and planning board share the results of impact studies with everyone.”*

There being no further business or comments, Comm. McLoughlin moved, seconded by Comm. Bolan that the meeting move to executive session at 8:01 PM. Motion carried.

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