

MINUTES
March 8, 2022

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:

- Legal Notification from Ocean Wind II, LLC regarding their application for a Coastal General Permit 23 which is being submitted to the NJDEP for geotechnical boring.
- Notice from NJNG regarding virtual public hearing, to be held on March 9, 2022, regarding their request filed with the NJ Board of Public Utilities for an increase in its societal Benefit Charge rates.

ANNOUNCEMENTS:

None

ORDINANCES FIRST READING

FIRST READING 2022-07

ORDINANCE #2022-07

**AN ORDINANCE REVISING CHAPTER X OF THE
BOROUGH CODE OF THE BOROUGH OF ALLENHURST
ENTITLED "BEACH REGULATIONS."**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise certain portions of its existing Borough Code concerning the Beach Regulations to address the needs of the community.

NOW THEREFORE, BE IT ORDAINED By the Board of Commissioners of the Borough of Allenhurst that Chapter X, BEACH REGULATIONS of the Codified Ordinances of the Borough of Allenhurst be and are hereby amended as follows: (the following language shall replace that presently existing in the Codified Ordinances):

10-1.6 Service and Use Charges.

- h. A Recreation Program shall be established which shall be open to all children who are members of the Allenhurst Beach Club between the ages of five (5) and twelve (12) years of age at the discretion of the Recreation Director. The program shall run for seven (7) weeks, during the Beach Club season, from 10:00 a.m. to 3:00 p.m., Monday through Friday and will not run on those days the Beach Club is closed for inclement weather or any other unforeseen circumstance.
The cost for participation in this program will be five hundred and ninety-five (\$595.00) dollars for the first child and five hundred and twenty-five (\$525.00) dollars per each additional child from the same family. Additional weeks may be offered at the discretion of the Recreation Director.

10-1.9 Beach Admission

- a. Daily Beach Admission. [Ord. 5/3/77 § 6; Ord. 2/24/81 § 6; Ord. 5/10/83 § 2; Ord. 2/26/85 § 6; Ord. 3/24/87 § 6; Ord. No. 90-07 § V; Ord. No. 96-20 § III; Ord. No. 2004-01 § I; Ord. No. 2015-03]
There is hereby established a rate for daily admission to the bathing beach at the Allenhurst Beach Facilities as follows:
The fee for daily admission, which does not permit use of the pools, the snack bar, the recreational facilities and other facilities at the Allenhurst Beach Club shall be ten (\$10.00) dollars per person for weekdays, weekends and holidays. Children

under the age of twelve (12) shall be admitted free of charge.

- b. Seasonal Beach Badges [New this Ord.]
There is hereby established a rate for Seasonal Badges to the bathing beach at the Allenhurst Beach Facilities as follows:
The fee for a Seasonal Beach Badge for admission to the beach, which does not permit use of the pools, the snack bar, the recreational facilities, and other facilities at the Allenhurst Beach Club, shall be three hundred (\$300.00) dollars per person. The number of seasonal beach badges to be sold are subject to the discretion of the Board of Commissioners.

10-1.15 Beach Club Benefit for Fire Department and Emergency Medical Services Volunteers [New this Ord.]

Certain volunteers of the Allenhurst Fire Department and Emergency Medical Services are eligible for membership at the Allenhurst Beach Club, along with their spouse and children. These certain volunteers fall into three categories and are identified by the Fire and EMS Chiefs each year.

- a. LOSAP Eligible Volunteers shall be entitled to:
1. Resident Rates for rental of any Facility (if available) or No Charge for a Virtual Volunteer Membership
 2. No Membership Charge for Spouse and Children under the age of 18.
 3. Resident Membership Rates for Children aged 18 and over.
- b. Active Members in Good Standing:
1. Resident Rates for rental of any Facility (if available) or No Charge for a Virtual Volunteer Membership
 2. No Membership Charge for Volunteer and Spouse.
- c. Lifetime Member:
1. Resident Rates for rental of any Facility (if available) or No Charge for a Virtual Volunteer Membership
 2. No Membership Charge for Volunteer and Spouse.
 3. Resident Membership Rates for Children under the age of 18, only.

AND IT IS FURTHER ORDAINED that except as herein above provided, the Codified Ordinances of the Borough of Allenhurst shall remain in full force and effect.

ORDAINED that the provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, clauses and phrases of this ordinance shall stand notwithstanding the invalidity of any part; and it is further

ORDAINED, That this Ordinance shall take effect after adoption and publication according to law.

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

ORDINANCES FINAL READING

ORDINANCE #2022-04 – Final Reading

ORDINANCE #2022-04

**AN ORDINANCE AMENDING AND SUPPLEMENTING
THE BOROUGH CODE OF THE BOROUGH OF
ALLENHURST, CHAPTER XXVI, SECTION 5.4 ENTITLED
“DRIVEWAYS AND CURB CUTS”**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to amend and supplement its existing Borough Code concerning the Development Regulations, to address driveways and curb cuts by amending section 26-5.4.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that Chapter 26 of the Borough Code of the Borough of Allenhurst, be and is hereby amended and supplemented as follows:

SECTION 1. Chapter 26-5.4 entitled “Driveways and Curb Cuts” be and is hereby amended and supplemented to read as follows:

§ 26-5.4. Driveways and Curb Cuts.

All driveways must run from any public street, highway or thoroughfare directly to an attached or detached garage located on the property. Installation of new driveways shall not disturb existing street trees. Common, combined driveways are prohibited, and U-shaped driveways are discouraged. The minimum width of any driveway shall be nine (9) feet, and shall not be more than ten (10) feet wide from the public right-of-way to the front building line of the dwelling. Driveways shall not be constructed of any material other than brick, concrete, asphalt, or other similar rigid, nonporous material.

Paving strips or ribbon driveways are hereby prohibited. However, if the applicant can establish by competent evidence that paving strips or ribbon driveways had historically been present at the property, the Board has the discretion to grant an exception for the same. In that event, the “gap” between the paving strips or ribbon driveway shall be deemed to be an impervious surface and included in the calculation for impervious coverage.

Driveway curb cuts shall be limited to those necessary to service driveways of no greater than ten (10) feet, and shall not be wider than twelve (12) feet. Vehicular parking is encouraged behind the front of the dwelling and discouraged in front yards.

SECTION 2. A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment 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.

No Public Comments.

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

ORDINANCE #2022-05 – Final Reading

ORDINANCE #2022-05

AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST, CHAPTER XXVI, SECTION 5 ENTITLED “GENERAL PROVISIONS” SUPPLEMENTED WITH NEW SECTION 5.14 ENTITLED “SOIL AND GROUNDWATER MOUNDING ANALYSIS REQUIRED”

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to augment its existing Borough Code concerning the Development Regulations, to address the effects of projects that intend to excavate deeper into the ground for basements, foundations or the like, as the same have a potential to create drainage and ground water diversion issues, by adding new section 26-5.14.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that Chapter 26 of the Borough Code of the Borough of Allenhurst, be and is hereby amended and supplemented as follows:

SECTION 1. Chapter 26-5 entitled “General Provisions” be and is hereby supplemented with the addition of section 26-5.14 as follows:

26-5.14 Soil and Groundwater Mounding Analysis Required

- A. In all districts in the Borough, no permit for the erection, construction, modification or rehabilitation of any building foundation, basement, cellar, pool or structure, which seeks to alter the depth of or create a new basement, foundation or other ground penetrating construction, shall be issued unless a full depth soil boring, soil log, soil analysis and groundwater mounding analysis, including establishment of the depth to the seasonal high groundwater table is provided with any permit application. A report on the soil and groundwater conditions shall be prepared by a licensed geotechnical engineer and submitted as part of any proposed application, including any recommended construction details.
- B. The bottom elevation of any building foundation, basement, cellar or structure shall not be less than two (2') feet above the seasonal high groundwater elevation, as defined by January 1 through April 1 of each year.

SECTION 2. A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment 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.

No Public Comments.

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

ORDINANCE #2022-06 – Final Reading at March 22, 2022

ORDINANCE 2022-06

AN ORDINANCE AMENDING CHAPTER XVI, ENTITLED "SOLID WASTE MANAGEMENT," OF THE BOROUGH OF ALLENHURST TO ADD PROVISIONS REGULATING THE USE OF PORTABLE RESTROOM FACILITIES.

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that the use of portable restroom facilities or porta-potties as they are commonly referred to, throughout the Borough has increased such that some regulation of the use is necessary, and

WHEREAS, the Borough Council has determined that it is in the best interests of the community to impose regulations on the location, duration and placement of such portable restroom facilities or porta-potties to protect the appearance and good order of residential properties throughout the community;

NOW THEREFORE, BE IT ORDAINED by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that Chapter 16 of the Code of the Borough of Allenhurst be revised and supplemented with the addition of a new section 16-29 Regulation of portable restroom facilities or porta-potties as follows:

16-29 Regulation of portable restroom facilities or porta-potties.

Any person, business or cooperation placing or causing to be placed any portable restroom facilities or porta-potties or any other apparatus used as a temporary restroom of any kind whatsoever, on or about any property within the Borough, shall keep such equipment located as required hereby.

16-29.1 Restrictions for placement of portable restroom facilities or porta-potties.

The following restrictions are imposed upon the placement of such equipment:

- a. The same shall not, under any circumstances, be placed in the front yard of

- b. any property, as that term is defined in ' 26-2.1 of the Borough Code;
They shall be kept in the rear yard, or side yard as those terms are defined in ' 26-2.1 of the Borough Code;
- c. They shall be placed as far away from neighboring properties as reasonably practicable, so as not to interfere with the neighbors use and enjoyment of their property;
- d. They shall not remain on any property where construction is not on-going and shall be removed during the summer construction moratorium.

16-29.2 Penalty.

Any person who violates any provision of this chapter shall receive written notice of said violation, warning said party to take action; if no action is taken within twenty-four (24) hours, a summons may be issued. Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding two thousand (\$2,000.00) dollars or by imprisonment in the county jail for a term not exceeding ninety days, in accordance with the General Penalty section of this Code, _1-5.1(a). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

AND IT IS FURTHER ORDAINED that except as herein above provided, the remainder of Chapter XVI, Solid Waste Management, shall remain unaltered and in full force and effect; and it is further

ORDAINED that the provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, clauses and phrases of this ordinance shall stand notwithstanding the invalidity of any part; and it is further

ORDAINED, That this Ordinance shall take effect after publication and adoption according to law.

RESOLUTIONS

RESOLUTION #2022-59

A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the minutes of the Regular Meeting of February 15, 2022 be ratified and approved.

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

RESOLUTION #2022-60

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the Clerk dispense with the reading of the Regular Meeting of February 15, 2022.

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

RESOLUTION #2022-61

A RESOLUTION TO AUTHORIZE CONTRACT FOR CDL DRUG TESTING

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

WHEREAS, The Borough is required to test all CDL drivers in the mandatory Random Drug and Alcohol Testing Program and there exists a need for a program administrator; and,

WHEREAS, Funds for this purpose shall be provided for the first three months of 2022 in the 2022 Temporary Budget and funds for the balance of 2022 will be provided for in the budget for the year 2022 when finally adopted;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst that the Mayor and Borough Clerk be and they are hereby authorized and

directed to engage the services of Dynamic Testing Services to administer the random drug and alcohol tests on all CDL drivers, in an amount of \$50 per drug test and \$40 per alcohol test; and,
BE IT FURTHER RESOLVED, That the term of the contract shall be for three years, commencing on April 1, 2022, and expiring on March 31, 2025.

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

RESOLUTION #2022-62

A RESOLUTION TO APPROVE MEMBER IN ALLENHURST FIRST AID SQUAD

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

WHEREAS, The Membership Committee of Allenhurst First Aid Squad has received an application for membership from William Peterpaul; and,

WHEREAS, The Membership Committee has advised the Board of Commissioners that William Peterpaul is acceptable for membership;

NOW, THEREFORE, BE IT RESOLVED, That William Peterpaul 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 applicant.

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

RESOLUTION #2022-63

A RESOLUTION TO HIRE MANAGER FOR THE ALLENHURST BEACH CLUB

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

WHEREAS, The Board of Commissioners has determined that it is necessary to appoint a Manager for the Allenhurst Beach Club for the 2022 season ; and,

WHEREAS, Paul McDonnell has agreed to perform in this capacity;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, as follows:

Paul McDonnell, be and he is hereby appointed the Manager of the Allenhurst Beach Club for an annual salary of \$24,000.00.

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

RESOLUTION #2022-64

A RESOLUTION TO AWARD CONTRACT FOR NEW FLOORING AT THE ALLENHURST BEACH CLUB RESTAURANT

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

WHEREAS, There is a need for the New Flooring at the Allenhurst Beach Club Restaurant; and,

WHEREAS, Funds for this purpose will be provided for in the current account known as “Police Misc #1-01-25-745-218”, and the Chief Finance Officer has so certified;

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

High Performance Systems Corp.	\$38,359.41
The Gillespie Group	\$53,519.65
Everlast Floor	Declined to Offer Quote

THEREFORE, BE IT RESOLVED, That a contract be awarded to High Performance Systems Corp. for a cost of \$38,359.41, the lowest of quotes received for New Flooring at the Allenhurst Beach Club Restaurant.

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

RESOLUTION #2022-65

A RESOLUTION TO AWARD CONTRACT FOR POOL CLEANING

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

WHEREAS, The Borough has been using a professional pool cleaning service to clean the pools at the Allenhurst Beach Club four days per week; and,
WHEREAS, The following quote was received and is on file with the Borough Clerk:

MVP Power washing

WHEREAS, Funds for this purpose shall be provided in the 2022 Temporary Budget, Beach OE;

THEREFORE, BE IT RESOLVED, That a contract be awarded to MVP Painting and Power Washing, the only quote that was received for cleaning the Allenhurst Beach Club pools four days a week at the following rates:

Maintenance of salt water swimming pool (4 days/week)	\$198.88/per cleaning
Additional cleaning of concrete decks as requested	41.25/per cleaning
Overnight pump adjustment	98.50 per call out
Main Pool Stain Removal (Non Acidic) (2x/week)	197.50 per cleaning
Baby Pool Stain Removal (Non Acidic) (2x/week)	74.73 per cleaning
Additional Main Pool Stain Removalss (Above 2x per week)	240.00 per cleaning
Additional Baby Pool Stain Removals (Above 2x per week)	92.00 per cleaning
Pre-Season Initial Cleaning (Both Pools)	782.30
Steam Cleaning of Fiberglass Gutter	675.00 per cleaning

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

RESOLUTION #2022-66

RESOLUTION OPPOSING AN APPLICATION FOR A COASTAL GENERAL PERMIT 23 TO THE NJDEP FROM OCEAN WIND II, LLC

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

WHEREAS, Ocean Wind II, LLC has applied to the DEP for a Coastal General Permit 23 for geotechnical survey borings; and

WHEREAS, Ocean Wind II, LLC, an affiliate of Orsted Wind Power North America LLC, is planning a geotechnical survey of the Ocean Wind 2 Wind Farm Export Cable in the Atlantic Ocean in New Jersey State waters; and

WHEREAS, the Commissioners of the Borough of Allenhurst are concerned about the potential impact that it would have our fisheries and the heavy boat traffic in our area; and

WHEREAS, the Commissioners of the Borough of Allenhurst are additionally concerned about the impact that windmills and the cables associated with them would have on our shore and on fragile marine life and aviary life, particularly migratory populations, and the potential dangers posed to boating; and

WHEREAS, the Commissioners of the Borough of Allenhurst believes that before beginning to conduct any geotechnical borings, let alone construction of any coastal windfarms in our area, any applicant must be required to conduct extensive studies of the environmental impacts and financial impacts to our unique area of the coast; and

THEREFORE, BE IT RESOLVED, the Commissioners of the Borough of Allenhurst would like to state their opposition to the application from Ocean Wind II, LLC for a Coastal General Permit 23 for geotechnical survey borings with a copy of this resolution to be sent to the New Jersey Department of Environmental Protection, Division of Land Resource Protection.

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

RESOLUTION #2022-67

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 #2022-68

A RESOLUTION TO APPROVE BILLS (2-16-2022 to 3-8-2022)

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That bills totaling \$201,804.04 be approved for payment; and,
BE IT FURTHER RESOLVED, That the March 8, 2022 consolidated bill list be attached hereto and made a part thereof.

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

ITEMS TO DISCUSS

The Mayor discussed JCP&L and the proposed poles along Deal Lake. It was discussed that the Borough will require that JCP&L go through the Planning Board, as is being done in Interlaken.

Comm. McLoughlin discussed the difficulties that the Fire and EMS Departments are having getting volunteers, and the difficulties obtaining training for new hires. The DPW Superintendent discussed new regulations for new CDL drivers, which is also becoming more onerous.

The Borough Administrator stated that the Borough needs to reach out to Army Corp of Engineers regarding the status of the beach replenishments and the associated surveys. Also, the Mayor discussed the possibility of obtaining funding/reimbursement through the CARES act.

Comm. McLoughlin asked for a status on the beach. The DPW Superintendent and Borough Administrator advised that there are required repairs to the pool drain. He also requested the status of the shed. The Mayor advised that he has not yet heard back from his contact.

The Borough Administrator advised that two people picked up the RFP packages for the Beach Sundries. The DPW Superintendent stated that electric is ready to be hooked up as soon as the shed is up.

The Borough Administrator advised that renewal applications for the Beach Club will go out Monday the 14th. The Commissioners' letter must be received prior in order to be included with the renewal notification.

The Borough Administrator advised that the schedule repaving of Spier Avenue, through the Transportation Trust Fund, will begin shortly. She stated that she has told them that all work must be completed prior to Memorial Day weekend.

PUBLIC COMMENTS

The Allenhurst Fire Chief shared the February "Report of Chief" and updated everyone on certifications and activities. The Mayor stated what a good job the chief has been doing and thanked him.

There being no further business or comments, Comm. McLoughlin moved, seconded by Comm. Bolan that there be no executive session and the meeting be adjourned at 8:10 PM. Motion carried.

Donna M. Campagna

Donna M. Campagna
Administrator/Clerk