

MINUTES
June 14, 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 Deputy 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:

Monmouth County Board of County Commissioners Resolution supporting \$21 million in funding for County 911 Centers in the Fiscal Year 2023 State Budget.

ORDINANCES

ORDINANCES FIRST READING

ORDINANCE #2022-11 – First Reading

ORDINANCE #2022-11

**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.

i. A Swim Team shall be established which shall be open to all children who are members of the Allenhurst Beach Club between the ages of five (5) years and twelve (12) years at the discretion of the Swim Team Coach. The cost for participation in this program will be seventy-five (\$75) dollars per child.

j. A Junior Lifeguard Program shall be established which shall be open to all children who are members of the Allenhurst Beach Club. The cost for participation in this program will be seventy-five (\$75) dollars per child.

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

ORDINANCE #2022-12 – First Reading

ORDINANCE NO.: 2022-12

**AN ORDINANCE AMENDING AND SUPPLEMENTING
THE BOROUGH CODE OF THE BOROUGH OF
ALLENHURST.**

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 supplement the Borough Code of the Borough of Allenhurst to establish restrictions on disorderly conduct and penalties to be payable upon conviction of violations thereof.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Borough Code of the Borough of Allenhurst be and is hereby amended and supplemented as follows:

I. Chapter III, Section 3-7, entitled “Disorderly Conduct” be and is hereby added to the Borough Code as follows:

§3-7 Disorderly Conduct

It shall be unlawful for any person:

- a. To encumber any street or other place by loafing, lounging, loitering, sleeping in or about the same to the annoyance of passersby.
- b. To be under the influence of intoxicating liquor, or in an intoxicated condition, and loiter or be upon the streets, highways or other public places, or on property not his own.
- c. To indulge in and utter loud, common, offensive, indecent or profane language in any public place, quasi-public place or upon private property not his own.
- d. To indulge in and utter loud, common, offensive, indecent or profane language upon his own property if the same is audible to persons on other property or upon the public street or other public place.
- e. To address or make audible any offensive remarks or comments upon or to any person passing along or being on any highway or other public place.
- f. To annoy, obstruct or interfere with any person or persons lawfully being on any highway or other public place or conveyance.
- g. To go about from door to door or accost or annoy any other person in any public place by begging or soliciting alms or wander abroad and lodge in uninhabited buildings, taverns, outhouses, barns, the open air or other places and not give a good account of himself.
- h. To revel, quarrel, brawl or otherwise misbehave in a disorderly manner to disturb the public peace and quiet.
- i. To willfully disquiet or disturb any lawful meeting or assembly for religious worship, either by making loud noises or rude or indecent behavior or profane talk whether in the meeting or in the immediate vicinity of the same.
- j. To place or exhibit in any manner any indecent, immodest, obscene or vulgar thing where it may be exposed to public view.
- k. To appear in any street or other public place or in the open air in the Borough in a state of nudity or in any indecent or lewd dress or make any indecent or lewd exposure of themselves or act in an immodest, indecent or lewd manner.
- l. To keep, manage, maintain, reside in, frequent or be an inmate of a disorderly house or house of ill fame, or permit, suffer or allow his or her house or other building or place to be used, frequented, occupied by or resorted to by riotous or disorderly persons, prostitutes, gamblers or vagrants.
- m. To set up, maintain, or permit, suffer or allow to be set up, kept or maintained in any house or other premises or place any device or game of chance for the purpose of gaming, or engage in any game of chance either as banker, player, dealer or otherwise for the purpose of gaming, except those bona fide qualified organizations which, pursuant to N.J.S.A. 5:8-24 et seq. (Bingo Licensing Law) and N.J.S.A. 5:8-50 et seq. (Raffles Licensing Law), may conduct games of chance on any day, including Sunday, upon application to and approval by the Borough Clerk pursuant to the rules and regulations of the New Jersey Legalized Games of Chance Control Commission. In the event that the Borough Clerk is unavailable or unable to review the application, the Chief of Police shall approve or disapprove of the application pursuant to the rules and regulations of the New Jersey Legalized Games of Chance

Control Commission.

- n. To make, or cause to be made, or permit, suffer or allow to be made in his house or other premises any loud or unseemly noises to the serious inconvenience or discomfort of the peaceful inhabitants of the neighborhood between 11:00 p.m. Friday night and 7:00 a.m. Saturday morning, and between the hours of 11:00 p.m. Saturday night and 7:00 a.m. Sunday morning. On all other days those same acts shall be prohibited from 10:00 p.m. at night until 7:00 a.m. the following morning. For days preceding legal holidays and for legal holidays the hours applicable to Fridays and Saturdays listed in this subsection shall apply (11:00 p.m. at night until 7:00 a.m. the next morning).
- o. To possess, set or otherwise cause to explode or discharge or burn any fireworks or explosives of flammable materials, or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture, or compound that would be dangerous from any of the foregoing standards, except those items declared lawful pursuant to N.J.S.A. 21:2-1 et seq. Residents seeking to use fireworks must first obtain a permit and approval from appropriate Borough officials, including but not limited to, fire officials.
- p. To use or pretend to use or have any skill in physiognomy, palmistry, phrenology or like crafty science, or shall pretend to tell destinies, fortunes or future occurrences.
- q. To by word, sign, act, or otherwise, invite or solicit unlawful sexual intercourse or any other unlawful, indecent, lewd or lascivious act.
- r. To maliciously destroy, damage or injure any property of another.
- s. To enter any building or go upon any lands used or occupied for school purposes by a public school and therein disturb the exercises of the school or molest or give annoyance to the children or teacher attending said school.
- t. To willfully or maliciously ring or cause to be rung any bell, siren or alarm of any fire company in this municipality and thereby give or cause to be given a false alarm of fire.
- u. To willfully, maliciously or recklessly beat, torment, kick, strike, mutilate, torture, injure, disable, kill or otherwise mistreat any dog used by the Police Department in the performance of the functions or duties of the Department, or to interfere with any such dog while the same is being used in the performance of any of the functions or duties of the Police Department.

§3-7.1 Penalties

Any person who violates any provision of this chapter, upon conviction thereof, shall be liable to the general penalty, as established in Chapter I, Section 1-5 of this Code, unless otherwise stated or ordered in the sound discretion of the Court.

II. REPEALER. All other sections and subsections of Borough Code of the Borough of Allenhurst not specifically amended by this Ordinance, shall remain in full force and effect.

III. INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

IV. SEVERABILITY. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

V. AND IT IS FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

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

RESOLUTION #2022-107
A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

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

BE IT RESOLVED, That the Clerk dispense with the reading of the Regular Meeting of May 24, 2022.

RESOLUTION #2022-109
A RESOLUTION TO APPROVE APPOINTMENT OF LOCAL REGISTRAR
Offered By: Comm. McLoughlin Seconded By: Mayor McLaughlin

NOW, THEREFORE, BE IT RESOLVED, that Donna Campagna be re-appointed as the Borough Local Registrar, effective July 1, 2022 for a term of 3 years.

RESOLUTION #2022-110
A RESOLUTION TO AUTHORIZE AGREEMENT WITH DEP FOR STORM DAMAGE
REDUCTION PROJECT

BE IT RESOLVED, that the Mayor and Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey be and are hereby authorized to execute a State Aid Agreement between The Department of Environmental Protection and The Borough of Allenhurst for construction of the Sandy Hook to Barneget Inlets Section I – Sea Bright to Ocean Township, New Jersey Hurricane and Storm Damage Reduction Project Fifth Partial Renourishment Cycle, Project Number 6072-MB-R5-20.

RESOLUTION #2022-111
A RESOLUTION TO HIRE SEASONAL EMPLOYEES

BE IT RESOLVED, That the following be hired for the 2022 summer season commencing on May 28, 2022:

Cabanas	Gabby Ciano	\$11.90	per hour
Recreation	Maggie Gusauskas	\$11.90	per hour
Recreation	Gabi Desposito	\$11.90	per hour
Security	Katherine Ostrom	\$11.90	per hour
Custodian	Jose Durane	\$18.00	per hour

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

RESOLUTION #2022-112
RAILROAD PLAZA OPEN SPACE GAZEBO IMPROVEMENTS
MUNICIPAL OPEN SPACE GRANT NO. 18-14

Project Completion – Closing Statement

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Borough of Allenhurst entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on September 9, 2021 that provided \$50,000.00 for Railroad Plaza Park Gazebo Improvements under Application No. 18-14 that required certain conditions be met by the Borough of Allenhurst prior to receipt of the aforesaid funds; and

WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of “Final Change Order” adopted by the governing body.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Allenhurst that all conditions of the September 9, 2021 Grant Agreement have been satisfied by the Borough of Allenhurst and that the project has been completed; and

BE IT FURTHER RESOLVED that the Borough of Allenhurst made final payment to the vendors and contractors per invoices and that payments were made per vouchers which are on file in the Municipal Clerk’s Office.

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

RESOLUTION #2022-113
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 #2022-114
A RESOLUTION TO APPROVE BILLS (5-25-2022 to 6-14-2022)

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That bills totaling \$189,948.67 be approved for payment; and,
BE IT FURTHER RESOLVED, That the June 14, 2022 consolidated bill list be attached hereto and made a part thereof.

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

RESOLUTION #2022-115
A RESOLUTION TO HIRE PATROLMAN

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, There is an opening for a patrolman in the Allenhurst Police Department

and the Chief of Police has recommended that Kevin Bailey be hired to fill the position, effective July 1, 2022; and ,

WHEREAS, Funds for this purpose shall be provided in the appropriation entitled, Police S&W, and the Chief Finance Officer has so certified;

THEREFORE, BE IT RESOLVED, That Kevin Bailey be hired as a First Year (Probationary Non-PTC Certified) Officer in the Allenhurst Police Department, effective July 1, 2022 at a salary of \$46,793.00.

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

ITEMS FOR DISCUSSION:

Beach Items:

Doris Klimowicz - Cabana P-24 – is requesting that her son, Henry Klimowicz, be made a co-principal on the cabana. Henry has been a member and in the cabana for more than five years. –

Approved

The Mayor thanked the DPW Superintendent for all his efforts in get the pool pipes repaired. The DPW Superintendent stated that it appeared that the damage to the pipe was consistent with be hit with driftwood, as opposed to normal wear and tear. The Borough will submit to insurance for reimbursement. The pipe was replaced with a PVC pipe which is 1 inch thick and will be easier to repair in the future and will not corrode.

The Mayor wanted it noted that the pool pump is tested every year prior to opening. The pump and pipes were tested, several times, and were working in the weeks leading up to the season. Unfortunately, sometimes things break. He once again complemented the DPW Superintendent for getting the issue repaired as quickly as he did.

The Mayor asked the DPW Superintendent if the bee situation in the Cabana area had been addressed. The DPW Superintendent stated that the exterminator would be spraying the next day.

The Mayor asked the Police Chief to position some personnel at the Cabana gate on the weekends between the hours of 11-2 to assist the Beach Club Staff with crowd control issues.

PUBLIC COMMENTS

Kris Hochster, of Spier Avenue, commented regarding the danger of pedestrians in the roadways of town, bikes on the boardwalk and dogs on the beach. The Mayor stated that the Commissioners will be sending out a summer eblast and intend to address these concerns with residents. The Police Chief will also follow up with a communication of his own.

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

After reconvening, Mayor McLaughlin moved, seconded by Comm. McLoughlin that the meeting be adjourned at 8:36 PM. Motion carried

Donna M. Campagna

Donna M. Campagna
Administrator/Clerk