

MINUTES
May 23, 2023

The Meeting of the Board of Commissioners of the Borough of Allenhurst was held on the above date with Mayor McLaughlin presiding, Commissioner McLoughlin, and Commissioner Cumiskey in attendance. 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: None

ANNOUNCEMENTS: None

ORDINANCES – FINAL READING

ORDINANCE #2023-08 – Final Reading

BOND ORDINANCE NO. 2023-08

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO ELBERON AVENUE, APPROPRIATING \$330,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$330,000 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 \$330,000, said sum being inclusive of all appropriations heretofore made therefor, including \$109,710 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT). 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 \$330,000, 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 various improvements to Elberon Avenue, including, but not limited to, curb replacement, drainage improvements, and pavement milling and reconstruction, 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 \$330,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$330,000, 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 ten (10) 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 \$330,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$49,500 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.

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

There was no response to Mayor McLaughlin's request for public comments.

ORDINANCE #2023-09 – Final Reading

BOND ORDINANCE NO. 2023-09

BOND ORDINANCE PROVIDING FOR VARIOUS BOARDWALK IMPROVEMENTS, APPROPRIATING \$2,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,900,000 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" or the "Borough of Allenhurst"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$2,000,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$100,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$1,900,000, 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 various boardwalk improvements, 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 chief financial officer of the Borough, 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 \$1,900,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$2,000,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$2,000,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$100,000 down payment for said purposes.

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 \$1,900,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$300,000 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.

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 was no response to Mayor McLaughlin's request for public comments.

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

RESOLUTIONS

RESOLUTION #2023-110

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 May 9, 2023 be ratified and approved.

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

RESOLUTION #2023-111

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 May 9, 2023.

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

RESOLUTION #2023-112

A RESOLUTION TO AUTHORIZE BIDS

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

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

A RESOLUTION TO REFUND OVERPAYMENT OF TAXES DUE TO PROPERTY TAX DEDUCTION

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

BE IT RESOLVED, by the Board of Commissioners of the Borough of Allenhurst, that upon the recommendation of the Tax Collector, a refund be made to the taxpayers shown below due to an overpayment of taxes on the years indicated.

NOW THEREFORE BE IT RESOLVED, that the Finance Office is hereby authorized to issue an individual check(s) to the taxpayer(s) shown below in the total amount of \$5,147.88

BLOCK	LOT	OWNER	YEAR	AMOUNT
12	16	Solomon Mosseri 2029 East 3 rd Street Brooklyn, NY 11223	2023	\$5,147.88

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

RESOLUTION #2023-114

A RESOLUTION DESIGNATING THE BOROUGH OF ALLENHURST A STIGMA-FREE COMMUNITY

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, the Monmouth County Board of Chosen Freeholders, along with the Monmouth County Department of Human Services, supports the designation of Stigma-Free Communities in every municipality, and;

WHEREAS, at their June 26, 2018 meeting the Monmouth County Board of Chosen Freeholders unanimously passed a resolution supporting the designation of Monmouth County as a Stigma-Free Community, and;

WHEREAS, Monmouth County recognizes that one in four Americans has experienced mental illness, including substance use disorders, in a given year according to the National Institute of Mental Health, and;

WHEREAS, mental health problems are more common than cancer and heart disease combined, affecting children and adults, including more than half of our Iraq and Afghanistan Veterans treated at Veteran's Administration hospitals, and;

WHEREAS, given the serious nature of this public health problem, we must continue to reach the millions who need help;

WHEREAS, the stigma associated with the disease of mental illness is identified as the primary reason individuals fail to seek the help they need to recover from the disease, and;

WHEREAS, Stigma-Free Communities aim to inspire public interest and open dialogues about stigma, raise awareness of the disease of mental illness and substance use disorder and create a culture wherein residents who have the disease of mental illness and/or substance use feel supported by their community and neighbors and feel free to seek treatment for the disease without fear of stigma and;

WHEREAS, promoting awareness that there can be no “health” without mental health will break down barriers and encourage residents of all ages to be mindful of their mental health and ask for help when needed, and;

WHEREAS, local resources are available to treat the diseases of mental illness and substance use disorder so no one resident needs to suffer alone or feel hopeless, and;

WHEREAS, establishing Stigma-Free Communities will raise awareness of resources, inclusive language, and encourage residents to engage in care as soon as the need is identified so recovery can begin, hope is inspired and tragedies are avoided, and;

NOW THEREFORE BE IT RESOLVED that the Borough of Allenhurst recognizes the community needs and supports the efforts of the County of Monmouth in designating the Borough of Allenhurst as a Stigma-Free Community.

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

RESOLUTION-2023-115

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
MEGHAN ANN BENNETT OF DILWORTH PAXSON LLP, AS BOND COUNSEL FOR
THE BOROUGH OF ALLENHURST**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS on January 10, 2023 Meghan Ann Bennett of GluckWalrath LLP was appointed as Bond Counsel; and

WHEREAS on June 1 2023, Meghan Ann Bennett, Esq. of GluckWalrath LLP will become affiliated with the firm of Dilworth Paxson LLP; and

WHEREAS the governing body desires to amend the appointment of Bond Counsel and to enter into an agreement to reflect the affiliation of Meghan Ann Bennett with Dilworth Paxson LLP.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, as follows:

1. Effective June 1, 2023, Meghan Ann Bennett of the law firm Dilworth Paxson LLP is hereby retained for the provision of bond counsel services for the balance of the one-year term ending December 31, 2023, pursuant to an agreement that shall include the same terms, fees and conditions of the agreement previously authorized on January 10th, 2023 for the calendar year 2023.
2. The Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the execution of said agreement with Meghan Ann Bennett of the law firm of Dilworth Paxson LLP.
3. This resolution shall take effect June 1, 2023.
4. That a certified copy of this resolution shall be forwarded by the Borough Clerk to the Chief Financial Officer and to Meghan Ann Bennett.

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

RESOLUTION #2023-116

A RESOLUTION TO APPROVE LIQUOR LICENSE RENEWAL

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, The following business has made an application for the renewal of their liquor license for the 2023-2024 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, 2023 through and including June 30, 2024, with no special conditions.

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

RESOLUTION #2023-117

A RESOLUTION TO HIRE SEASONAL EMPLOYEES

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That the following be hired for the 2023 summer season commencing on May 27, 2022:

	Name	Rate of Pay	
Poolside	Yarely Ramirez	\$12.93	per hour

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

RESOLUTION #2023-118

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; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

RESOLUTION #2023-119

A RESOLUTION TO APPROVE BILLS (5-10-2023 to 5-23-2023)

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

BE IT RESOLVED, That bills totaling \$1,642,219.95 be approved for payment; and,
BE IT FURTHER RESOLVED, That the May 23, 2023 consolidated bill list be attached hereto and made a part thereof.

VVOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

ITEMS FOR DISCUSSION:

The Mayor thanked the Department of Public Works Supervisor for all his work readying the beach for opening on Memorial Day weekend.

Mr. and Mrs. Adjmi, of Allen Avenue, discussed issues she is having with exiting her driveway and parking at her residence. She also complained that delivery trucks can also not access her home due to the road essentially being a parking lot.

Ms. Adjmi introduced Lee D. Klien, a professional engineer and principal of Klien Traffic Consulting. Ms. Adjmi asked Mr. Klien to evaluate the situation and present his findings to the Board of Commissioners. Mr. Klien advised of issues he found. These included perpendicular parking which obstructs vision, the location of the handicap spots, the width of clearance in the street due to the design, delivery trucks that consistently park in the middle of the road, bike and pedestrians, as well as the currently parking spaces provided to the restaurant vendor. He recommended some changes to the parking lot design because of his findings, which included parallel parking in the area of the Adjmi driveway.

The Mayor advised that they will work on a solution based upon the input received. He will speak to the Borough Engineer and the Chief of Police for some viable solutions.

PUBLIC COMMENTS

There being no further business or comments, Comm. McLoughlin moved, seconded by Mayor McLaughlin that the meeting move to executive session at 7:50 PM. Motion carried.

The Mayor advised that the executive session would involve a confidential personnel discussion and the Borough Administrator was asked to leave the session.

After reconvening, Comm. Cumiskey moved, seconded by Mayor McLaughlin that the meeting be adjourned at 8:40 PM. Motion carried.