

MINUTES
April 18, 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.

SWEARING-IN CEREMONY

- Collin Nichols was sworn in as a Patrolman in the Allenhurst Police Department.

ORDINANCES – FINAL READING

ORDINANCES – Final Reading at May 9, 2023 Meeting

ORDINANCE #2023-04
CALENDAR YEAR 2023
AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Board of Commissioners of the Borough of Allenhurst in the County of Monmouth finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Board of Commissioners hereby determines that a 1% increase in the budget for said year, amounting to \$48,276.96 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Board of Commissioners hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Board of Commissioners of the Borough of Allenhurst, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Allenhurst shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$168,969.36 and that the CY 2023 municipal budget for the Borough of Allenhurst be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption; and,

BE IT 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,

BE IT FURTHER ORDAINED, that the Ordinance shall take effect after publication and adoption according to law.

ORDINANCE #2023-05 – Final Reading

ORDINANCE #2023-05

AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST, CHAPTER XXV ENTITLED "LAND USE PROCEDURES" & CHAPTER XXVI ENTITLED "DEVELOPMENTAL REGULATIONS 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 revise portions of its existing Borough Code concerning Land Use Procedures and the Development Regulations, to address Special Meeting requests, escrows and costs for reviewing applications, making zoning determinations and conducting inspections to assure that approved projects are constructed according to the approved plans.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that Chapter 25 and Chapter 26 of the Borough Code of the Borough of Allenhurst, be and are hereby amended and supplemented as follows:

I. The existing §25-3.13 "Meetings" is hereby supplemented to add subsection (g) as follows:

g. If an applicant requests the Planning Board to hear an application at one or more special meetings, and the Planning Board grants said request, the applicant(s) shall pay an additional Three Thousand Five Hundred (\$3,500.00) dollars for each such special meeting at which the applicant's matter is heard.

i. Should a requested special meeting be held at any location other than in the Public Meeting Room at Borough Hall, the applicant(s) shall be responsible for any and all additional expenses incurred by the Borough of Allenhurst as a result of having to re-locate said meeting. The amount of such costs shall be provided to the applicant and shall be paid, in escrow, prior to the scheduling of said special meeting.

II. Chapter XXV section §25-3.23 "List of Property Owners Furnished" is hereby amended to read as follows:

Pursuant to the provisions of N.J.S.A. 40:55D-12C, the Borough Clerk shall, within seven (7) days after receipt of a request therefor, and upon receipt of payment of the fee as established and from time to time amended by Ordinance §26-8.1, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to subsection 25-3.22, paragraph b.

III. The existing Chapter XXVI section §26-8.1(c) is hereby deleted in its entirety and replaced with the following:

c. Application and Escrow Fee Schedule. Be advised that whenever an application for development shall include more than one request or action, the total accumulated fees of each separate action shall be charged.

	Type of Application	Application Fee	Escrow Amount
Subdivisions			
1.	Sketch Plat	\$150.00	\$500.00

	Type of Application	Application Fee	Escrow Amount
2.	Preliminary Plat	\$300.00 + \$100.00 per lot	\$3000.00 + \$100.00 per lot
3.	Final Plat	\$100.00	\$1500.00 + \$100.00 per lot
Site Plans			
1.	Preliminary	\$500.00	\$3500.00
2.	Minor Site Plan	\$1500.00	\$2500.00
3.	Final	\$1500.00	\$1500.00
4.	Amended Site Plan	\$1500.00	\$1500.00
Variance Relief			
1.	Special Question or Interpretation	\$1500.00	\$1500.00
2.	Hardship	\$500.00	\$1500.00
3.	Use	\$500.00	\$1500.00
4.	Signs Only	\$150.00	\$300.00
5.	Appeal	\$1500.00	\$1500.00
6.	Appeal to Governing Body	\$1000.00	\$1000.00
Certificate of Appropriateness			
1.	Application	\$500.00	\$1500.00
2.	Application for new construction	\$1000.00	\$4000.00
3.	COA Compliance Inspection Minor	\$0.00	\$3000.00
4.	COA Compliance Inspection Major	\$0.00	\$6000.00
Additional Fees			
1.	Certified List of Property Owners	\$35.00	\$0.00
2.	Conceptual Review	\$500.00	\$1000.00
3.	Demolition Permit	\$500.00	\$1500.00
4.	Road Opening Permit	\$300.00	\$0.00
5.	Construction permit in bed of mapped street or drainage right-of-way or lacking street frontage	\$300.00	\$500.00
6.	Special meeting Costs	\$1500.00	\$1000.00
7.	Official Map Appeals	\$200.00	\$500.00
8.	Determination of percentage of impervious surface	\$155.00	No Escrow
9.	Zoning Determination	\$465.00	No Escrow
10.	Zoning Determination for Fence ONLY	\$155.00	No Escrow
11.	Zoning Determination for Driveways/Patios/PCD ONLY	\$155.00	No Escrow

	Type of Application	Application Fee	Escrow Amount
12.	Zoning Determination for Generators/AC Condensers ONLY	\$155.00	No Escrow
13.	Zoning Determination, resubmission due to incompleteness	\$155.00	No Escrow
14.	Zoning Inspection	\$275.00	No Escrow
15.	Zoning re-inspection due to incompleteness	\$110.00	No Escrow
16.	Pool Permit Application per §26-5.11	\$310.00	\$1500.00
17.	Drainage System Application	\$310.00	\$1500.00
18.	Patio Inspections	\$155.00	\$1500.00
19.	Extension of Certificate of Appropriateness	\$1500.00	\$1000.00

1. Definitions relative to Application and Escrow Fee Schedule:
 - i. "COA Compliance Inspection Minor" is defined as inspection of any Porch, Deck, Pool or Garage project.
 - ii. "COA Compliance Inspection Major" is defined as inspection of any other Renovation not encompassed in the aforesaid Compliance Inspection Minor.
2. No professional reviews will be undertaken until the escrow has been established. If, in the judgement of the Planning Board, additional funds are required after 75 percent of the original escrow has been exhausted, these additional funds shall be paid within 5 days of notification.

IV. 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.

V. 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.

VI. 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.

VII. This Ordinance shall take effect immediately upon its passage and adoption according to law.

There were no public comments.

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

ORDINANCES - FIRST READING

ORDINANCE #2023-06 – First Reading

ORDINANCE #2023-06

**AN ORDINANCE SUPPLEMENTING THE BOROUGH
CODE OF THE BOROUGH OF ALLENHURST, ADDING
CHAPTER 21 ENTITLED "FIREARMS"**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Board of Commissioners of the Borough of Allenhurst has determined that it is in the best interests of the community to restrain the discharge of firearms in the Borough for the protection of the residents.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that Chapter 21 of the Borough Code of the Borough of Allenhurst, be and is hereby created as follows:

I. Chapter 21 entitled Firearms of the Borough Code be and is hereby created as follows:

21-1. Discharge of firearms prohibited.

No person shall discharge a handgun or any firearm within the Borough of Allenhurst except as set forth hereinafter.

21-2. Exceptions.

The provisions of '21-1 of this chapter are subject to the following exceptions:

- a. The discharge of any handgun or firearm by members of the Allenhurst Police Department, any law enforcement officer of any municipal, county, state or federal government or any representative of the Division of Fish, Game and Shellfisheries, Department of Environmental Protection State of New Jersey, while in the performance of their official duties.
- b. The discharge of any handgun or firearm by any person in protection of himself, members of his family or his guests, or in protection of his property.
- c. The discharge of any handgun or firearm taking place during recognized ceremonial events such as the firing of salutes by veterans organizations and similar associations as part of patriotic and holiday activities, provided the same are not live rounds but blanks

21-3. Statutory provisions.

The Borough wide prohibition established by this chapter is intended to be supplemented by those areas described in N.J.S.A. 23:4-16, as amended, which reads as follows:

"No person, either in an automobile or vehicle of any kind whatsoever, or by the aid or use of a light carried on or attached to a vehicle of any kind, shall hunt for, pursue, shoot, shoot at, kill, capture, injure or destroy a bird or animal in this state and no person shall use any portable light or lights for the purpose of hunting for any game bird or animal excepting raccoon, and no person shall, for the purpose of hunting, taking or killing any bird or animal, cast an arrow or discharge any firearm upon or across any state, county or municipal road or highway, and no person, except the owner or lessee of the property and person specifically authorized by him in writing, shall, for the purpose of hunting, taking or killing any bird or animal, have in his possession a loaded gun while within 450 feet of any occupied dwelling in this state, or of a school playground, under a penalty of not less than \$50 and not more than \$100 for each offense."

21-4. Definitions.

The following definitions apply to this chapter:

- a. **FIREARM:** Any handgun, rifle, shotgun, machine gun, automatic or semiautomatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile ball, slug, pellet, missile, or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the ignition of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air and ejecting a bullet or missile smaller than 3/8 of an inch in diameter, with sufficient force to injure a person.
- b. **HANDGUN:** Any pistol, revolver or other firearm originally designed or manufactured to be fired by the use of a single hand.
- c. **RIFLE:** Any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire a single projectile

through a rifled bore for each single pull of the trigger.

d. SHOTGUN: Any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.

21-5. Violations and penalties.

Any person violating the provisions of this chapter shall, upon conviction, be subject to a fine of not more than \$2,000.00 dollars or imprisonment in the county jail for a period of not more than 90 days, or both, in the discretion of the Judge.

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; Comm. Cumiskey-AYE; Mayor McLaughlin AYE.

ORDINANCE #2023-07 – First Reading

ORDINANCE #2023-07

**AN ORDINANCE AMENDING AND SUPPLEMENTING
THE BOROUGH CODE OF THE BOROUGH OF
ALLENHURST, CHAPTER II, SECTION 22.3(a) ENTITLED
"QUALIFICATIONS"**

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Board of Commissioners of the Borough of Allenhurst has determined that it is in the best interests of the community to revise a portion of its existing Borough Code concerning the Allenhurst Police Department to heighten the qualifications for applicants seeking employment with the Department.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that Chapter 2 Section 22.3(a) of the Borough Code of the Borough of Allenhurst, be and are hereby amended and supplemented as follows:

I. The existing '2-22.3(a) "Qualifications" is hereby amended to read as follows:

3(a). Each applicant for a position in the Police Department of the Borough of Allenhurst shall be a citizen of the United States. Each applicant shall comply with all of the laws of the State of New Jersey pertaining to municipal police. Each applicant shall have a minimum of 2 years of higher education (i.e. above high school) with preference for a 4 year degree from an accredited college or university. Each successful appointee shall serve a probationary period after their successful completion of a course at a State or County accredited police school.

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.

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

and the Chief of Police has recommended that Collin Nichols be hired to fill the position, effective April 19, 2023; 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 Collin Nichols be hired as a First Year (Probationary Non-PTC Certified) Officer in the Allenhurst Police Department, effective April 19, 2023 at a salary of \$45,787.00.

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

RESOLUTION #2023-89

A RESOLUTION TO HIRE CLASS I OFFICERS

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, There is a need for Class I special police officers on an seasonal as-needed basis; and,

WHEREAS, Matthew J. Morton, Hayden Nichols, and Brian Torres and have been enrolled in the Monmouth County Police Academy to take the Basic Course for Class I Special Law Enforcement Officers; and,

WHEREAS, Trainees must be appointed as Class I Special Law Enforcement Officers prior to enrollment, and the Chief of Police has recommended the hiring of Matthew J. Morton, Hayden Nichols, and Brian Torres as a Class I Special Officers on an as-needed basis;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that Matthew J. Morton and Hayden Nichols be hired as SLEO I, to be used on an as-needed basis at \$15.00/hr. This appointment shall be pending their graduation from the academy and effective April 24, 2023 and will terminate on, or before, September 30, 2023.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that Brian Torres be hired as SLEO I, to be used on an as-needed basis at \$17.50/hr. This appointment shall be pending graduation from the academy and effective April 24, 2023, and will terminate on, or before, September 30, 2023.

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

RESOLUTION #2023-90

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 Laura Fradkin; and,

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

NOW, THEREFORE, BE IT RESOLVED, That Laura Fradkin 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; Comm. Cumiskey-AYE; Mayor McLaughlin AYE.

RESOLUTION #2023-91

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.

There was no executive session.

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

RESOLUTION #2023-92

A RESOLUTION TO APPROVE BILLS (4-4-2023 to 4-18-2023)

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

BE IT RESOLVED, That bills totaling \$198,963.78 be approved for payment; and,
BE IT FURTHER RESOLVED, That the April 18, 2023 consolidated bill list be attached hereto and made a part thereof.

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

ITEMS FOR DISCUSSION:

Beach Items:

Carmen Nelson - Cabana Z-22a – is requesting that their daughter, Maria Parkhill, be made a co-principal on the cabana. Maria Parkhill has been a member and in the cabana for more than five years. - **APPROVED**

Request for Proposal Scoring – Beach Sundries

The Borough received only one proposal in response to its Request for Proposals for bidders to occupy and operate an Allenhurst Beach Club Sundries Vendor. The application was found satisfactory and will be awarded, via resolution, at the next Board of Commissioner's meeting on May 9, 2023.

The Department of Public Works Superintendent and the Borough Administrator presented the Proposal for Engineering Services for the Boardwalk Renovation which was received. The cost of the renovation would be around \$1 million. The renovations included discussion of the materials to be used, design, replacement of the lamp posts and railings, as well as timing and bonding for the work. The Mayor asked that DPW Superintendent to look into a few changes to the specifications.

PUBLIC COMMENTS

The Fire Chief advised that the Fire Department will be cooking at the Terry Bolan Race on 6/24/2023. He also presented the March Fire Report and gave an update on the New Fire Truck, which should be received by the end of the summer. He also advised that Allenhurst Fire Fighter Henry Kathelon has passed away after a long illness.

There being no further business or comments, Comm. McLoughlin moved, seconded by Mayor McLaughlin that the meeting be adjourned at 8:40 PM. Motion carried.