

MINUTES
August 22, 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.

MOMENT OF SILENCE: There was a moment of silence observed honoring former Allenhurst Fireman Ed Foley, who passed away.

COMMUNICATIONS:

- Monmouth County Board of County Commissioners authorizing the retention of Campanelli and Associate to draft a 5G Network Ordinance.

ANNOUNCEMENTS: The Mayor thanked Officer Lisa Griffin, the Department of Public Works, and the Fire Company for all their work on the Illumination.

ORDINANCES – Final Reading

ORDINANCES – Final Reading – 2023-13

ORDINANCE 2023-13
AN ORDINANCE VACATING CHAPTER VII, SECTION 17
c ('7-17 c) OF THE PARKING ORDINANCES OF THE
BOROUGH OF ALLENHURST.

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 certain portions of its existing Parking Ordinances to address the needs of the community;

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Borough of Allenhurst Revised General Ordinances are hereby amended and supplemented as follows:

I. Chapter VII, section 17 c ('7-17 c) be and is hereby vacated and permanently deleted from the Borough Code of the Borough of Allenhurst; and it is further

ORDAINED that except as herein above provided, the remainder of Chapter VII, TRAFFIC, 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 which 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.

There were no public comments.

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

ORDINANCE #2023-14 Final Reading

ORDINANCE 2023-14
AN ORDINANCE REVISING THE PARKING ORDINANCES OF THE BOROUGH OF
ALLENHURST.

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 certain portions of its existing Parking Ordinances to address the needs of the community;

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

I. Chapter VII, section 17 ('7-17) be and is hereby revised to delete the current sections b. 1-4 and replace them with the following:

b. Special Permit Parking

1. The parking space closest to the Main Gate of the Allenhurst Beach Club ("ABC"), which is not marked as a handicapped parking space, shall be set aside for special permit parking and shall be marked as such by the Borough of Allenhurst.

2. The parking space closest to the Cabana entrance of the ABC, which is not marked as a handicapped parking space, shall be set aside for special permit parking and shall be marked as such by the Borough of Allenhurst. [Amended 4-28-2020 by Ord. No. 2020-06].

3. The two (2) angles parking spaces closest to Corlies Avenue gate of the ABC, along the northerly sideline of the ABC (*which is also the southerly side line of Corlies Avenue*) which are not marked as handicapped parking, shall be set aside for special permit parking and designated for use of the Allenhurst Fire Department and the First Aid Responders and shall be marked as such by the Borough of Allenhurst.

4. Any person parking a motor vehicle in a special permit parking space without a special permit vehicle identification card shall be liable for a fine of \$250 for the first offense and, for subsequent offenses, a fine of at least \$250 and up to 90 days' community service on such terms and in such form as the court shall deem appropriate or any combination thereof. [Added 4-28-2020 by Ord. No. 2020-06].

5. Any vehicle parking in violation of this section shall be subject to removal by a law enforcement officer. It shall be the obligation of the owner of the motor vehicle to pay the reasonable costs for the removal and for any storage fees which may result from the removal. [Added 4-28-2020 by Ord. No. 2020-06]; and it is further

II. ORDAINED that except as herein above provided, the remainder of Chapter VII, TRAFFIC, shall remain unaltered and in full force and effect; and it is further

III. 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 which shall stand notwithstanding the invalidity of any part; and it is further

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

There were no public comments.

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

RESOLUTIONS

RESOLUTION #2023-175 – Tabled – Waiting for Transcript
A RESOLUTION TO RATIFY AND APPROVE MINUTES

BE IT RESOLVED, That the minutes of the Regular Meeting of August 8, 2023 be ratified and approved.

RESOLUTION #2023-176 - Tabled – Waiting for Transcript
A RESOLUTION TO DISPENSE WITH READING OF MINUTES

BE IT RESOLVED, That the Clerk dispense with the reading of the Regular Meeting of August 8, 2023.

RESOLUTION #2023-177
A RESOLUTION TO HIRE SEASONAL EMPLOYEES

Offered By: Comm. McLoughlin Seconded By: Comm. Cumiskey

BE IT RESOLVED, That the following be hired for the 2023 summer season:

	Name	Rate of Pay	
Lifeguard	Marcus Blasucci	\$14.00	per hour

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

RESOLUTION #2023-178
A RESOLUTION TO APPOINT TEMPORARY SERGEANT
IN ALLENHURST POLICE DEPARTMENT

Offered By: Comm. McLoughlin Seconded By: Comm. Cumiskey

WHEREAS, There is a need to fill the Sergeant's position on a temporary basis, and the Chief of Police has made his recommendation to fill the position; and,

THEREFORE, BE IT RESOLVED, That Scott Rapolla be and he is hereby appointed a Sergeant in the Allenhurst Police Department on a temporary basis, effective August 23, 2023, at a salary of \$120,941.

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

RESOLUTION #2023-179
A RESOLUTION TO APPROVE EXECUTIVE SESSION

Offered By: Comm. McLoughlin Seconded By: Comm. Cumiskey

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 #2023-180
A RESOLUTION TO APPROVE BILLS (8-9-2023 to 8-22-2023)

Offered By: Comm. McLoughlin Seconded By: Comm. Cumiskey

BE IT RESOLVED, That bills totaling \$915,333.25 be approved for payment; and,
BE IT FURTHER RESOLVED, That the August 22, 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:

The Mayor announced that the First Annual Terry Bolan 5K Race raised around \$28,000. Half of the proceeds will go to Allenhurst Fire Department and the other half to Allenhurst Parks. The Mayor presented the check to Fire Chief. The Fire Chief thanked the council and the town.

OPEN PUBLIC HEARING:

Mr. Paul Schechter, of Cedar Avenue, spoke in support of passing and enforcing the recently adjourned Hedge Ordinance. He, and many of his neighbors, are strongly in favor of the ordinance. The first reason is from a safety perspective, as the danger tall hedge present as vehicles are backing out of their driveways. Secondly, they are in favor of protecting views to the ocean. Finally, since current properties would be grandfathered, it would not impact existing homeowners who are not in compliance. He is aware that there are some residents who oppose the ordinance and believe they should be able to rely on their neighbors to work with each other to preserve views rather than institute more regulations. Mr. Schechter advised that there are two recent situations in Allenhurst that exemplify how depending on people being neighborly has not worked out.

Mr. Feldman, of Elberon Avenue, spoke in opposition to the Ordinance. Mr. Feldman is a member of the Allenhurst Taxpayers Association – a group of over 300 Allenhurst residents. These residents oppose the ordinance. Mr. Feldman stated that the ATA does not wish to see any additional regulations instituted, as they feel there are too many regulations already. Additionally, they are not in favor of limiting the height of the hedges due to the need for privacy for their families which is important due to religious reasons. Mr. Feldman stated he feels that most of the times people do listen to reason and can be neighborly and that the two incidents Mr. Schechter cited were anomalies. Mr. Feldman stated that if the Hedge Ordinance once again comes before the Board of Commissioners, the ATA will be represented by their attorney and will oppose it's passing.

Comm. McLoughlin stated that the ordinance, as it was drafted, required the hedges to remain under 4 ft only to the set back of the house and asked Mr. Feldman to confirm if it was just the next-door neighbors that he was concerned about. Mr. Feldman stated, that if a property was on a hill, it could be a concern to more than the next-door neighbors. Comm. McLoughlin also stated that it has not seen a lot of neighborly behavior in these instances.

Mrs. Judy Horowitz, of Corlies Avenue, spoke regarding what she feels are exorbitant fees being charged for zoning permits and reviews. She was going to be charged \$400 in fees to install an \$800 fence. She called other neighboring towns, and their fees are much less. The Mayor explained that, while he does not have specific knowledge of how other towns calculate their fees, he imagines that they have full time officers whose salaries are then paid for through residents taxes. In Allenhurst, the Zoning Officer is part time. Residents who are apply for zoning approvals, reviews and inspections are charged to cover the soft cost which are charged by the Zoning Officer for each job. It is done this way in Allenhurst to ensure that the cost of reviews and inspections are the paid by property owners who wish to do the work and do not increase the taxes of all residents. The Mayor advised that the Borough of Allenhurst make no money on these fees or any zoning matters. The Mayor promised to look at Mrs. Horowitz's situation personally and get back to her with the specific explanation of her situation.

Mr. Horowitz also stated that the relocation of the bike racks to the corner of Allen and Ocean Place is unsafe. Additionally, she stated that people are getting tickets for locking their bikes in other placed and that her friend got a ticket. The Mayor advised that the bike rack was moved in response to another resident's complaint, but that he and the Chief of Police will look into a better location for next year. The Chief of Police asked Mrs. Horowitz to have her friend who received the ticket to bring that ticket to him and he will look into why it was issued.

There being no further business or comments, Comm. McLoughlin moved, seconded by Mayor McLaughlin that the meeting move to executive session at 9:00 PM. Motion carried.

After reconvening, Mayor McLaughlin moved, seconded by Comm. McLoughlin that the meeting be adjourned at 9:30 PM. Motion carried