

MINUTES
December 12, 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:

- Township of Ocean Ordinance #2444 amending their Comprehensive Land Development Ordinance regarding the permitted business uses for cannabis and the business zones where cannabis Establishments are permitted.

ANNOUNCEMENTS: NONE

ORDINANCES – NONE

RESOLUTIONS

RESOLUTION #2023-227a

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

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

BE IT RESOLVED, That the Clerk dispense with the reading of the Regular Meeting of November 14, 2023.

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

RESOLUTION #2023-227b

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

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

BE IT RESOLVED, That the Clerk dispense with the reading of the Special Meeting of December 5, 2023.

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

RESOLUTION #2023-228a

A RESOLUTION TO RATIFY AND APPROVE MINUTES

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

BE IT RESOLVED, That the minutes of the Regular Meeting of November 14, 2023 and be ratified and approved.

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

RESOLUTION #2023-228b

A RESOLUTION TO RATIFY AND APPROVE MINUTES

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

BE IT RESOLVED, That the minutes of the Special Meeting of December 5, 2023 and be ratified and approved.

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

RESOLUTION #2023-229

A RESOLUTION TO APPROVE MEMBER IN ALLENHURST FIRST AID SQUAD

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

WHEREAS, The Membership Committee of Allenhurst First Aid Squad has received application for membership from and Dylan Stewart; and,

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

NOW, THEREFORE, BE IT RESOLVED, That Dylan Stewart is approved for membership in Allenhurst First Aid Squad; 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 #2023-230

A RESOLUTION TO APPROVE FIRE AND FIRST AID APPOINTMENTS

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

BE IT RESOLVED, That the following duly elected, named members of the Allenhurst Fire Company #1 and First Aid Squad be granted municipal approval for the positions indicated, for the year 2024:

FIRE DEPARTMENT

Kyle Ebbets

David Belhassen

Mike Powers

Christian Williams

Chief

1st Assistant Chief

2nd Assistant Chief

Captain

FIRST AID SQUAD

Carla Ward

Patricia McLoughlin

Robert Todd

Captain

Lieutenant

Fire Police

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

RESOLUTION #2023-231

A RESOLUTION TO HIRE PUBLIC WORKS EMPLOYEE

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

WHEREAS, There is a need to hire full-time permanent Laborer in the Public Works Department; and,

WHEREAS, Marc Heitmueller, Public Works Supervisor, has recommended that Robert Tinneney be hired on a permanent, full-time basis;

NOW, THEREFORE, BE IT RESOLVED, That Robert Tinneney be and they are hereby employed as a Laborer in the Public Works Department on a permanent, full-time basis at an annual salary of \$39,000, effective December 4, 2023.

NOW, THEREFORE, BE IT FURTHER RESOLVED, That upon obtaining their CDL license, Robert Tinneney will receive an additional salary of \$1,000 annually.

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

RESOLUTION #2023-232

A RESOLUTION TO HIRE CLASS II OFFICER

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

WHEREAS, There is a need for a Class II special police officer on an as-needed basis; and,

WHEREAS, Hayden Nichols has applied to the Monmouth County Police Academy to take the Basic Course for Class II Special Law Enforcement Officers; and,

SA1-1 Additional Timber Piles, 20ft Length	\$129,000.00
NET CHANGE	\$129,000.00

NOW, THEREFORE, BE IT RESOLVED, That Change Order No.1 in the amount of \$129,000.00 be approved, thereby amending the contract total to \$968,125.00.

RESOLUTION #2023-236
A RESOLUTION TO APPROVE ENGINEER CERTIFICATE #1 FOR BOARDWALK
IMPROVEMENTS

NOW, THEREFORE, BE IT RESOLVED, That Epic Management, Inc. be compensated in the amount of \$70,119.00 for work done in accordance with the Engineer's Certificate #1.

RESOLUTION #2023-237
A RESOLUTION TO AWARD CONTRACT FOR REPAIR THE POOL FLOOR AT
ALLENHURST BEACH CLUB

DeMac Concrete Inc.	\$38,500.00
Siragusa Construction Co., LLC	\$44,500.00
Reel Clean Construction Services	\$48,350.00

THEREFORE, BE IT RESOLVED, That a contract be awarded to DeMac Concrete, LLC, for a cost of \$38,250, the lowest of quotes received to repair the concrete pool floor at the Allenhurst Beach Club.

RESOLUTION #2023-238
A RESOLUTION TO TRANSFER APPROPRIATIONS

BE IT RESOLVED, That the following 2023 appropriations be transferred:

Current Fund			To			From
Legal – Other Expenses			115,000.00			
Engineering – Other Expenses						20,000.00
Planning Board - Other Expenses			7,000.00			
Code Enforcement – Other Expenses						10,000.00
Employee Group Insurance						67,500.00

RESOLUTION #2023-242

A RESOLUTION TO APPROVE ENGINEER CERTIFICATE #1 FOR IMPROVEMENTS TO MUNICIPAL HANDICAP RAMP

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

WHEREAS, A contract was awarded to MTB LLC. for the Improvements to Municipal Handicap Ramp and,

WHEREAS, The Borough Engineer has reviewed the project and recommended payment as provided for in Engineer's Certificate #1, which is on file in the Clerk's office;

WHEREAS, Funds for this purpose shall be provided through the Ordinance "ADA Improvements to Borough Hall Handicap Ramp – C-04-55-985-005", and the CFO has so certified;

NOW, THEREFORE, BE IT RESOLVED, That MTB LLC. be compensated in the amount of \$35,000.00 for work done in accordance with the Engineer's Certificate #1.

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

RESOLUTION #2023-243

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 #2023-244

A RESOLUTION TO APPROVE BILLS (11-15-2023 to 12-12-2023)

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

BE IT RESOLVED, That bills totaling \$724,376.36 be approved for payment; and,

BE IT FURTHER RESOLVED, That the December 12, 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:

Resolution 2023-240 was not approved with the consent agenda but will be discussed during executive session and considered after reconvening.

The Mayor thanked the Public Works Department, the Police Department, the Fire and First Aid Departments, and the Borough Administrator for their efforts regarding the Menorah Lighting and Tree Lighting.

Comm. Cumiskey asked the Police Chief to explain what the program "Arrives Together" refers to. The Chief advised that "Arrives Together" is a county program which coordinates a mental health response with a law enforcement response, when appropriate. When requested, the county will send an officer specially trained in mental health, as well as a mental health professional, to a incident.

Comm. Cumiskey asked for a status on the streets lights that are not working in town, specifically on Cedar Avenue. The Mayor advised that the Police Chief is tasked with reporting all outages to JCP&L street lights. However, has not been responsive. The Mayor stated that he feels the situation is horrendous as some lights have been out for almost two years. The Mayor contacted Senator Gopal's office for assistance. The latest update is that JCP&L is coming out on Friday to begin the repairs.

PUBLIC COMMENTS

Mr. James Caufield, of Spier Avenue, asked for clarification on the decisions that have been made regarding the Boardwalk Repair. Mr. Caufield questioned the Borough Engineer's design, in particular the need to replace the pilings. The Mayor advised that the Borough also has some issues with aspects of the project, but those issues are being cured and the project is on target to be completed by April. The Borough Clerk was tasked with following up with the Borough Engineer to ensure that the railings being installed are up to current code.

Mr. Caufield asked if emergency lights could be put up by the temporary fencing that is at the boardwalk area. The DPW Superintendent advised that he would put in some temporary lighting immediately.

Rich Heitmuller, of the Allenhurst Fire Department, advised that the annual Santa Gift Run would be taking place on the 15th. He also reminded everyone that the Fire Department hosts an Open House on New Year's Day and everyone is invited.

There being no further business or comments, Comm. McLoughlin moved, seconded by Comm. Cumiskey that the meeting move to executive session at 7:55 PM. Motion carried.

After reconvening at 8:45pm, the following resolution was considered:

RESOLUTION #2023-240 RESOLUTION TO ENDORSE THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE PLANNING BOARD OF THE BOROUGH OF ALLENHURST

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

WHEREAS, The Borough of Allenhurst entered into two (2) Settlement Agreements between it and 1) Power Station at Allenhurst, LLC (Builder's Remedy claims) and 2) the Fair Share Housing Center ("FSHC") arising out of the matter entitled Power Station at Allenhurst, LLC v. Borough of Allenhurst; Board of Commissioners of the Borough of Allenhurst; and Allenhurst Planning Board, Superior Court of New Jersey, Law Division, Monmouth County, Docket No.: MON-L-2551-21 in which FSHC joined as an interested party; and

WHEREAS, on or about July 6, 2023, the Superior Court held a "Fairness Hearing" at which time the settlement agreements were approved and said approval was memorialized in an Order of Fairness and Preliminary Compliance dated July 31, 2023; and

WHEREAS, in accordance with the terms of the settlement agreements, the Borough's planner, Jennifer C. Beahm, PP, AICP of Leon S. Avakian, Inc. Consulting Engineers, prepared a Housing Element and Fair Share Plan; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:44D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on November 29, 2023 and adopted the Housing Element and Fair Share Plan on the same day; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element and Fair Share Plan is attached hereto as Exhibit "A"; and

WHEREAS, the Board of Commissioners of the Borough of Allenhurst wishes to endorse the Housing Element and Fair Share Plan and seeks approval of the Housing Element and Fair Share Plan from the Court.

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

1. It hereby endorses the Housing Element and Fair Share Plan, as adopted by the Planning Board of The Borough of Allenhurst on November 29, 2023 via the Planning Board resolution, which attached hereto as Exhibit "A".

2. It authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, (ii) the resolutions of the Planning Board adopting and the Board of Commissioners endorsing the Housing Element and Fair Share Plan, and (iii) any additional documents the professionals deem necessary or desirable.

3. It authorizes its professionals to seek Court approval of the Housing Element and Fair Share Plan at a properly noticed Compliance Hearing.

4. It reserves the right to amend the Housing Element and Fair Share Plan, should that be necessary.

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

There being no further business, Mayor McLaughlin moved, seconded by Comm. McLoughlin, that the meeting be adjourned at 8:47 PM. Motion carried.

Donna M. Campagna

Donna M. Campagna
Administrator/Clerk

Exhibit A

**BOROUGH of ALLENHURST
PLANNING BOARD
RESOLUTION
11-29-2023 (1)**

WHEREAS, the Planning Board of The Borough of Allenhurst, in the County of Monmouth and State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 in March 2008; and

WHEREAS, the Master Plan includes Section 3.2, Housing Element, in accordance with N.J.S.A. 40:55D-28b (3), but the same did not address the Fair Share Obligations as mandated by the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, N.J.A.C. 5:97-2.1(a) requires the adoption of a Housing Element by the Planning Board and endorsement by the Governing Body which addresses the Fair Share Obligations; and

WHEREAS, the New Jersey Supreme Court issued a decision on March 10, 2015 in the case captioned *In the matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015) which transferred primary jurisdiction over affordable housing matters from the Council on Affordable Housing ("COAH") to the trial court; and

WHEREAS, on or about on July 22, 2021, Power Station at Allenhurst filed a Mount Laurel lawsuit entitled *Power Station at Allenhurst, LLC v. Borough of Allenhurst; Board of Commissioners of the Borough of Allenhurst; and Allenhurst Planning Board*, Superior Court of New Jersey, Law Division, Docket No.: MON-L-2551-21 for the Borough's failure to provide very-low, low and moderate income housing; and

WHEREAS, on October 15, 2021 Power Station filed a motion for partial summary judgment in the Mount Laurel Lawsuit seeking: (1) a determination that the Borough failed to meet its constitutional affordable housing obligation; and (2) a builder's remedy as a successful Mount Laurel litigant; and

WHEREAS, on or about October 20, 2021, Fair Share Housing Center ("FSHC") filed a motion to intervene in the Mount Laurel Lawsuit and such motion was granted on November 5, 2021; and

WHEREAS, on or about December 8, 2021, the Honorable Linda Grasso Jones, J.S.C., granted Power Station's motion for partial summary judgment finding that the Borough failed to satisfy its constitutional affordable housing obligation; and

WHEREAS, the parties began settlement negotiations which culminated in the preparation of two (2) settlement agreements one with Power Station at Allenhurst, LLC and one with FSHC (collectively, the "Settlement Agreements") and the Power Station Settlement Agreement was approved by the Commissioners at the February 14, 2023 meeting, executed by the Planning Board

on February 22, 2023 and the FSHC Settlement Agreement was approved by the Commissioners at the May 9, 2023 meeting. The Settlement Agreements are incorporated herein by reference; and

WHEREAS, on or about July 6, 2023 a Fairness Hearing was held before the Honorable Linda Grasso Jones, J.S.C. and the Court approved the Settlement Agreements by order dated July 31, 2023; and

WHEREAS, consistent with the terms of the Settlement Agreements, the Borough Planner prepared a Housing Element and Fair Share Plan (the "HEFSP") which is incorporated herein by reference; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Borough of Allenhurst held a public hearing on the Housing Element and Fair Share Plan as created in accordance with the Settlement Agreements at a special meeting of the Board on November 29, 2023, at which all members of the public who wished to be heard were provided an opportunity to be heard; and

WHEREAS, the Planning Board reviewed the HEFSP and considered the testimony of the Board's Planner, Jennifer Beahm, PP, AICP, and members of the public who provided comments; and

WHEREAS, Ms. Beahm's testimony included minor revisions to the HEFSP previously placed on file for the Board's master plan public hearing required pursuant to N.J.S.A. 40:55D-13 including, but not limited to, an updated discussion and updated aerial map of the Main Street Commercial District Inclusionary Overlay Zone consistent with the Main Street Commercial District Inclusionary Overlay Zone Ordinance (introduced as part of the Combined Compliance Ordinance #2023-21); and *the Board considered Exhibit AH-1; and*

WHEREAS, the Planning Board has determined that the HEFSP adoption and implementation is in the public interest and protects public health and safety and promotes the general welfare by providing for very-low, low and moderate income housing as required by the Fair Housing Act, Mount Laurel case law and the Court-approved Settlement Agreements.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Allenhurst, in the County of Monmouth and State of New Jersey, that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

BE IT FURTHER RESOLVED, that the Planning Board hereby adopts the November 2023 Housing Element and Fair Share Plan as prepared by the Borough's Planner, Jennifer C. Beahm, PP, AICP, License No. 05625 which is consistent with the Settlements between the parties in Power Station at Allenhurst, LLC v. Borough of Allenhurst; Board of Commissioners of the Borough of Allenhurst; and Allenhurst Planning Board, Superior Court of New Jersey, Law Division, Docket No.: MON-L-2551-21; and

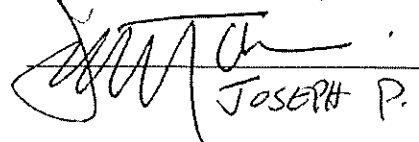
BE IT FURTHER RESOLVED, that the Planning Board Chair, Vice-Chair, Attorney, Engineer, Zoning Officer and Planner are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Resolution; and

BE IT FURTHER RESOLVED, that the within Resolution shall take effect immediately;
and

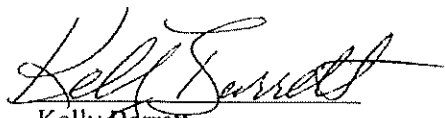
BE IT FURTHER RESOLVED, that a certified true copy of the within Resolution shall be forwarded to appropriate governmental agencies, governmental entities and/or individuals.

Member	Moved	Seconded	In Favor	Opposed
Tomaino			✓	
Costello	ABSENT			
Bolan		✓	✓	
Varley			✓	
Schechner	✓		✓	
Adjmi			✓	
Ryan			✓	

Chairman of the Planning Board


JOSEPH P. TOMAINO

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of the Borough of Allenhurst, County of Monmouth and the State of New Jersey on November 29, 2023.


Kelly Barrett,
Planning Board Secretary

