AGENDA December 12, 2023

MAYOR MCLAUGHLIN CALLS THE MEETING TO ORDER AND CALLS FOR FLAG SALUTE

MAYOR MCLAUGHLIN ASKS THE CLERK TO CALL THE ROLL:

ROLL	CALL

COMM. McLOUGHLIN- ; COMM. CUMISKEY ;MAYOR McLAUGHLIN-

MAYOR MCLAUGHLIN ANNOUNCES THAT THE NOTICE REQUIREMENTS OF R.S. 10:4-18 HAVE BEEN SATISFIED BY DELIVERING THE REQUIRED NOTICE TO THE COASTER AND THE ASBURY PARK PRESS, 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

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CONSENT AGENDA	
Res. #2023-227a	Dispense with Reading of Minutes – 11-14-23
Res. #2023-227a	Dispense with Reading of Minutes – 12-5-23
Res. #2023-228a	Ratify and Approve Minutes – 11-14-23
Res. #2023-228b	Ratify and Approve Minutes – 12-5-23
Res. #2023-229	Approve Member in Allenhurst First Aid Squad
Res. #2023-230	Approve Fire and First Aid Appointment
Res. #2023-231	Hire Public Works Laborer – Tinneny
Res. #2023-232	Hire Class II Officer – Hayden Nichols
Res. #2023-233	Approve Change Order #1 – Reconstruction of Ocean Place
	Concrete Wall – DeMac Inc.
Res. #2023-234	Approve Engineer Certificate #2 - Reconstruction of Ocean
	Place Concrete Wall – DeMac Inc.
Res. #2023-235	Approve Change Order #1 – Boardwalk Improvements – Epic
	Management Inc.
Res. #2023-236	Approve Engineer Certificate #1 – Boardwalk Improvements
Res. #2023-237	Approve Contract – Repair and Replace Pool Floor at the
	Allenhurst Beach Club
Res. #2023-238	Transfer Appropriations
Res. #2023-239	Appoint Hearing Officer for Disciplinary Hearing
Res. #2023-240	Endorse the Housing Element and Fair Share Plan Adoption by

the Planning Board

Res. #2023-241 Approve Change Order #1 – Improvements to Municipal

Handicap Ramp-MTB LLC.

Res. #2023-242 Approve Engineer Certificate #1 – Improvements to Municipal

Handicap Ramp - MTB LLC.

Res. #2023-243 Approve Executive Session

Consent Agenda Offered By: Seconded By:

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

Res. #2023-244 Approve Bills (11-15-2023 to 12-12-2023).

Offered By: Seconded By:

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

ITEMS FOR DISCUSSION:

OPEN PUBLIC HEARING:

CLOSE PUBLIC HEARING:

ADJOURN.

ORDINANCES – NONE

RESOLUTIONS

RESOLUTION #2023-227a A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By:	Seconded By:		
BE IT RESOLVED, Th November 14, 2023.	at the Clerk dispense with the reading of the Regular Meeting of		
VOTE: Comm. McLoughlin	; Comm. Cumiskey; Mayor McLaughlin		
A RESOLUTION Offered By:	RESOLUTION #2023-227b TO DISPENSE WITH READING OF MINUTES Seconded By:		
BE IT RESOLVED, The December 5, 2023.	at the Clerk dispense with the reading of the Regular Meeting of		
VOTE: Comm. McLoughlin	; Comm. Cumiskey; Mayor McLaughlin		
Offered By:	RESOLUTION #2023-228a ON TO RATIFY AND APPROVE MINUTES Seconded By: at the minutes of the Regular Meeting of November 14, 2023		
VOTE: Comm. McLoughlin	; Comm. Cumiskey; Mayor McLaughlin		
Offered By:	RESOLUTION #2023-228b ON TO RATIFY AND APPROVE MINUTES Seconded By: at the minutes of the Regular Meeting of December 5, 2023 and		
be ratified and approved.	it the fillitates of the Regular Weeting of December 3, 2023 and		
VOTE: Comm. McLoughlin	; Comm. Cumiskey; Mayor McLaughlin		
A RESOLUTION TO APPI Offered By:	RESOLUTION #2023-229 ROVE MEMBER IN ALLENHURST FIRST AID SQUAD Seconded By:		
WHEDEAS The Month	archin Committee of Allenhurgt First Aid Squad has received		

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- ; Comm. Cumiskey- ; Mayor McLaughlin-**RESOLUTION #2023-230** A RESOLUTION TO APPROVE FIRE AND FIRST AID APPOINTMENTS Offered By: Seconded By: **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 Chief David Belhassen 1st Assistant Chief 2nd Assistant Chief Mike Powers **Christian Williams** Captain FIRST AID SQUAD Carla Ward Captain Patricia McLoughlin Lieutenant Robert Todd Fire Police VOTE: Comm. McLoughlin- ; Comm. Cumiskey- ; Mayor McLaughlin-**RESOLUTION #2023-231** A RESOLUTION TO HIRE PUBLIC WORKS EMPLOYEE Offered By: Seconded By: WHEREAS, There is a need to a hire full-time permanent Laborer in the Public Works Department; and, WHEREAS, Marc Heitmueller, Public Works Supervisor, has recommended that Robert Tinneny be hired on a permanent, full-time basis; NOW, THEREFORE, BE IT RESOLVED, That Robert Tinneny 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

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

license, Robert Tinneny will receive an additional salary of \$1,000 annually.

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,

WHEREAS, Trainees must be appointed as Class II Special Law Enforcement Officers prior to enrollment, and the Chief of Police has recommended the hiring of Hayden Nichols as a Class II Special Officer on an as-needed basis; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst that Hayden Nichols is hereby appointed as a Class II Officer effective January 1, 2024.

BE IT FURTHER RESOLVED that said provisional appointment be compensated at an hourly rate of \$18.00 per hour.

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

RESOLUTION 2023-233

A RESOLUTION TO APPROVE CHANGE ORDER #1 FOR RECONSTRUCTION OF OCEAN PLACE CONCRETE WALL

Offered By: Seconded By:

WHEREAS, A contract was awarded to DeMac Concrete Inc. for the Reconstruction of Ocean Place Concrete Wall and,

WHEREAS, The scope of work was changed to provide for the following:

SA1-1 Supply, Install, and Remove ' Chain Link	\$8,975.00
Safety Fence	
NET CHANGE	\$8,975.00

WHEREAS, DeMac Concrete Inc., has submitted a request for a Change Order for the changes in work in the net increase in the amount of \$8,975.00 which request has been reviewed by the Borough Administrator and Engineer, and found to be acceptable;

NOW, THEREFORE, BE IT RESOLVED, That Change Order No.1 in the amount of \$8,975.00 be approved, thereby amending the contract total to \$356,475.00.

VOTE: Comm. McI	_oughlin	; Comm.	Cumiskey	; Mayor I	McLaughlin

RESOLUTION #2023-234 A RESOLUTION TO APPROVE ENGINEER CERTIFICATE #2 FOR

RECONSTRUCTION OF OCEAN PLACE CONCRETE WALL
Offered By: Seconded By:

WHEREAS, A contract was awarded to DeMac Concrete Inc. for the Reconstruction of Ocean Place Concrete Wall and,

WHEREAS, The Borough Engineer has reviewed the project and recommended payment as provided for in Engineer's Certificate #2, which is on file in the Clerk's office;

WHEREAS, Funds for this purpose shall be provided through the Ordinance "Reconstruction of Ocean Place Concrete Wall - 2023-09 C-04-55-988-005", and the CFO has so certified;

NOW, THEREFORE, BE IT RESOLVED, That De Mac Concrete Inc. be compensated in the amount of \$121,474.42 for work done in accordance with the Engineer's Certificate #2.

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

RESOLUTION 2023-235 A RESOLUTION TO APPROVE CHANGE ORDER #1 FOR BOARDWALK IMPROVEMENTS

Offered By: Seconded By:

WHEREAS, A contract was awarded to Epic Management, Inc. for the Boardwalk Improvements and,

WHEREAS, The scope of work was changed to provide for the following:

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

WHEREAS, Epic Management, Inc., has submitted a request for a Change Order for the changes in work in the net increase in the amount of \$129,000.00 which request has been reviewed by the Borough Administrator and Engineer, and found to be acceptable;

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.

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

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

Offered By: Seconded By:

WHEREAS, A contract was awarded to Epic Management, Inc. for "Boardwalk Improvements" 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 "Boardwalk Improvements - Bond Ordinance 2023-09 C-04-55-988-005", and the CFO has so certified;

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.

VOTE: Comm. McLoughlin; Comm. Cumiskey; Mayor McLaughlin	
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RESOLUTION #2023-237 A RESOLUTION TO AWARD CONTRACT FOR REPAIR THE POOL FLOOR AT ALLENHURST BEACH CLUB

Offered By: Seconded By:

WHEREAS, There is a need to repair the concrete pool floor at the Allenhurst Beach Club; and,

WHEREAS, Funds for this purpose will be provided for in the current account known as "Beach Club Improvements – C-04-55-990-100", and the Chief Finance Officer has so certified;

WHEREAS, The following three quotes were received from the following vendors and are on file with the Borough Clerk:

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.

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

RESOLUTION #2023-238 A RESOLUTION TO TRANSFER APPROPRIATIONS

Offered By: Seconded By:

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
Maintenance of Motor Vehicles – Other		
Expenses	11,000.00	
Beach – Salaries & Wages		7,500.00
Beach – Other Expenses		7,000.00
Beach Recreation – Other Expenses		6,000.00
Social Security System		15,000.00
Total Current Fund Transfers	\$ 133,000.00	\$ 133,000.00

oughlin; Comm. Cumiskey; Mayor McLaughlin
oughlin; Comm. Cumiskey; Mayor McLaughlin

RESOLUTION #2023-239

RESOLUTION TO APPOINT NED M. ROSENBERG, J.S.C. (RET.) OF LENTZ & GENGARO, LLP TO ACT AS A HEARING OFFICER ON A POLICE DISCIPLINARY MATTER FOR THE BOROUGH OF ALLENHURST

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. Cumiskey-	; Comm. McLoughlin-	; Mayor McLaughlin-
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RESOLUTION 2023-241 A RESOLUTION TO APPROVE CHANGE ORDER #1 FOR IMPROVEMENTS TO MUNICIPAL HANDICAP RAMP

Offered By: Seconded By:

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

WHEREAS, The scope of work was changed to provide for the following:

SA1-1 Temporary Handicap Ramp	\$2,500.00
NET CHANGE	\$2,500.00

WHEREAS, MTB LLC., has submitted a request for a Change Order for the changes in work in the net increase in the amount of \$2,500.00 which request has been reviewed by the Borough Administrator and Engineer, and found to be acceptable;

NOW, THEREFORE, BE IT RESOLVED, That Change Order No.1 in the amount of \$2,500.00 be approved, thereby amending the contract total to \$120,230.00.

VOTE: Comm. McLoughlin ; Comm. Cumiskey	; Mayor McLaughlin
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RESOLUTION #2023-242 A RESOLUTION TO APPROVE ENGINEER CERTIFICATE #1 FOR IMPROVEMENTS TO MUNICIPAL HANDICAP RAMP

Offered By: Seconded By:

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- ; Comm. Cumiskey- ; Mayor McLaughlin-

RESOLUTION #2023-243 A RESOLUTION TO APPROVE EXECUTIVE SESSION

Offered By: Seconded By:

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- ; Comm. Cumiskey- ; Mayor McLaughlin-

RESOLUTION #2023-244 A RESOLUTION TO APPROVE BILLS (11-15-2023 to 12-12-2023)

Offered By: Seconded By:

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-____; Comm. Cumiskey-____; Mayor McLaughlin-____