

AGENDA
March 12, 2024

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:

- Notice of Public Hearing from JCP&L Regarding their letter seeking approval to extend their Board-approved Energy Efficiency and Conservation Plan for Tiennium 1 by six months.
- Notice of Public Hearing regarding JCP&L’s ZEC Recovery Charge Filing

ANNOUNCEMENTS:

- The Fire Department will be holding their “Breakfast with the Easter Bunny” on Saturday, March 23 from 9am to 11:00am. The Annual Easter Egg Hunt will take place at Railroad Plaza Park at 11:30am. In case of inclement weather, the Egg Hunt will be held at the Fire House.

SWEARING-IN CEREMONY – Sergeant Scott Rapolla

ORDINANCES

ORDINANCES – FINAL READING

ORDINANCE #2024-06 – Final Reading

Offered By:

Seconded By:

ORDINANCE #2024-06

**AN ORDINANCE REVISING CHAPTER X OF THE
BOROUGH CODE OF THE BOROUGH OF ALLENHURST
ENTITLED “BEACH REGULATIONS.”**

VOTE: Comm. McLoughlin____; Comm. Cumiskey____;Mayor McLaughlin____

CONSENT AGENDA:

Res. #2024-75

Dispense with Reading of Minutes

b. Nonresident Charges.

| No. | Service | Fees, if paid on or before due date | Fees, if paid after due date |
|-----------------------------------|--------------------------------|-------------------------------------|------------------------------|
| 1. | Non-shower bathhouse | \$2,240.00 | \$2,490.00 |
| 2. | A/B Shower bathhouse | \$3,240.00 | \$3,490.00 |
| 3. | Shower bathhouse | \$2,990.00 | \$3,240.00 |
| 4. | Cabana | \$8,500.00 | \$8,750.00 |
| Facilities Use Charge Per Person: | | | |
| 5. | Children under 3 years of age | No Charge | No Charge |
| 6. | Children Ages 3 and 4 | \$163.00 | \$163.00 |
| 7. | Age 5 and over | \$273.00 | \$273.00 |
| 8. | Age 65 and older | \$168.00 | \$168.00 |
| Beach Fee | | | |
| 9. | Ages 12 years or more | \$80.00 | \$80.00 |
| 10. | Children under 12 years of age | No Charge | No Charge |

c. Half Season Charges.

1. The fees specified in preceding paragraphs a. and b. are for full season memberships in the Allenhurst Beach Club.
2. Rates for half season shall be two-thirds (2/3) of the full season rate for facilities use charge per person and two-thirds (2/3) of the full season rate for beach fee per person.
3. A half season shall be considered to run from the date of the opening of the Beach Club for the season consecutively until the midway point of the season, or from the midway point of the season consecutively to the day of the closing of the Beach Club for the season and for no other period.
4. A person or persons desiring a half season membership must utilize a bathhouse or cabana of a full season member, subject to the provisions of subsection 10-1.7 and must present signed, written permission of such member to so utilize the bathhouse or cabana for the exact half season period involved.

d. Guest Charges.

1. Each individual bathing guest (age 3 and older) using a member's bathhouse or cabana must submit one (1) guest pass per day; Children, age 3 and under will be admitted at no charge. Guest passes from the previous season will be valid for use in the current season, or for such time as the Board of Commissioners may determine in the Allenhurst Beach

Club Rules, when guests are accompanied by a registrant of the Allenhurst Beach Club Facilities.

2. Guest tickets will be sold individually at the discretion of the governing body, for \$15.00 per Guest ticket. Individual Guest tickets are good for one individual, for one day's admission. Guest tickets will only be valid for use in the current season or for such time as the Board of Commissioners may determine in the Allenhurst Beach Club Rules.
3. Packages of Guest tickets will be sold in groups of ten (10) passes for \$150.00. Packages of Guest tickets may be sold at a discount at the discretion of the Board of Commissioners. There is no limit on the number of packages that may be purchased but, be advised, that they are only valid for use in the current season or for such time as the Board of Commissioners may determine in the Allenhurst Beach Club Rules.

e. **Combination Charges:** Where there is a joint tenancy by an Allenhurst resident registrant and a nonresident in any of the accommodations referred to in paragraphs a. and b. hereof, the rates for said accommodations will be as follows:

| No. | Service | Fees |
|---|----------------------|-------------|
| 1. | Non-shower bathhouse | *\$1,790.00 |
| * Resident Pays, \$670.00; Non-Resident Pays, \$1120.00 | | |
| 2. | A/B Shower bathhouse | *\$2,515.00 |
| * Resident Pays, \$895.00; Non-Resident Pays, \$1,620.00 | | |
| 3. | Shower bathhouse | *\$2,335.00 |
| * Resident Pays, \$840.00; Non-Resident Pays, \$1,495.00 | | |
| 4. | Cabana | *\$5,930.00 |
| * Resident Pays, \$1,680.00; Non-Resident Pays, \$4,250.00 | | |

f. **Catamaran & Kayak Storage Fees**

1. There shall be a "Catamaran storage fee" of two hundred (\$200.00) dollars for the "season" for those wishing to store a Catamaran at the Allenhurst Beach Club, during the "season." Space for Catamarans is limited and shall be on a first come, first serve basis. No one shall be permitted to store any private property, including any Catamaran, at the Allenhurst Beach Club except during the "season."

2. There shall also be a "Kayak storage fee" of one hundred (\$100.00) dollars for the "season" for those wishing to store a kayak at the Allenhurst Beach Club, during the "season." Space for Kayaks is limited and shall be on a first come, first serve basis. No one shall be permitted to store any private property, including any Kayak, at the Allenhurst Beach Club except during the "season."

g. There shall be assessed a \$100 dollar activity fee per facility. All monies from this fee shall go towards activities planned at the Allenhurst Beach Club.

h. A Recreation Program shall be established which shall be open to all children who are members of the Allenhurst Beach Club between the ages of five (5) years and twelve (12) years at the discretion of the Recreation Director. The program shall run for seven (7) weeks, during the Beach Club season from 10:00 a.m. to 3:00 p.m., Monday through Friday and will not run on those days the Beach Club is closed for inclement weather or any other unforeseen circumstance.

The cost for participation in this program will be \$750 dollars for the first child and \$675 dollars per child for additional children from the same family. Additional weeks may be offered at the discretion of the Recreation Director.

i. A Swim Team shall be established which shall be open to all children who are members of the Allenhurst Beach Club between the ages of five (5) years and twelve (12) years at the discretion of the Swim Team Coach. The cost for participation in this program will be \$100 dollars per child.

j. A Junior Lifeguard Program shall be established which shall be open to all children who are members of the Allenhurst Beach Club. The cost for participation in this program will be \$150 dollars per child.

k. There shall be assessed a fee of \$353 for a Nanny Membership. A Nanny is defined as someone who is 18 years of age, or older, and is responsible for the care of member children under the age of 14. The Nanny can only use the Allenhurst Beach Club through this membership when she is in the company of the children with whom she is charged with caring. This membership is exclusively for the nanny named in the member's application and is non-transferrable and non-refundable.

10-1.9 Beach Admission

1. Daily Beach Admission.

There is hereby established a rate for daily admission to the bathing beach at the Allenhurst Beach Facilities as follows:

The fee for daily admission, which does not permit use of the pools, the snack bar, the recreational facilities and other facilities at the Allenhurst Beach Club shall be ten (\$10.00) dollars per person for weekdays and twelve (\$12.00) for weekends and holidays. Children under the age of twelve (12) shall be admitted free of charge.

10-1.14 Counselor-In-Training (CIT) Program

- a. A Counselor-In-Training, (CIT) Program shall be established which shall be open to members of the Allenhurst Beach Club who are a minimum of 13 years of age. Membership and number of CIT's accepted to the Program shall be at the discretion of the Recreation Director. The CIT Program shall run in conjunction with the Recreation Program, with the exception of pre-camp staff training which will be held before the start of the Recreation Program.
- b. The CIT Program is an educational program, with a curricula designed to develop the people and technical skills necessary to be an effective camp/recreational counselor. CIT Programs teach management and leadership skills and can provide basic training in such skills as group leadership, time management and a variety of outdoor skills. CIT Programs can lead to leadership opportunities at school, in extracurricular

activities and at future jobs.

- c. The Borough of Allenhurst makes no guarantee that participation in this program will lead to employment either with the Borough or with any other employer.
- d. Counselors in Training will be matched with a counselor in a unit to provide assistance during program time, meals, and field trips. CIT's will attend staff meetings and work closely with the CIT Coordinator, who will provide each CIT with two evaluations, one after the second week and one at the end of the summer.
- e. CIT's will be subject to the same code of behavior and policies as regular program staff and shall participate in all aspects of the recreation program. Under the supervision of a senior counselor, they will:
 - 1. Make the Recreation Program fun, helping to devise and plan games and activities.
 - 2. Supervise setting up and cleaning up.
 - 3. Help provide a safe and supportive atmosphere for participants.
CIT's will always work with a counselor and/or the CIT Coordinator.
CIT's will work with the CIT Coordinator to learn the basics of child development, programming, and supervision procedures and policies, etc.
CIT's will work with staff to develop and co-lead workshops or games.
CIT's will participate in informal and formal activities with participants in the Recreation Program.
- f. Those CIT's not meeting the expectations of the program may be dismissed at the discretion of the Recreation Director.
- g. The cost for participation in this program will be \$350.00.

And, it is further

ORDAINED that except as herein above provided, the remainder of Chapter X, BEACH REGULATIONS, 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 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.

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

ORDINANCES

ORDINANCES – FIRST READING

ORDINANCE #2024-07 – First Reading

**ORDINANCE #2024-07
CALENDAR YEAR 2024**

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

Offered By:

Seconded By:

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 2024 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 \$52,910.11 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 2024 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 \$185,185.39 and that the CY 2024 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.

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

THEREFORE, BE IT RESOLVED, That Scott Rapolla be and he is hereby appointed a Sergeant in the Allenhurst Police Department on a permanent basis, effective March 12, 2024.

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

RESOLUTION #2024-81
A RESOLUTION TO CONFIRM DROPPED MEMBERS FROM
ALLENHURST FIRE DEPARTMENT

Offered By

Seconded By:

BE IT RESOLVED, By the Board of Commissioners, pursuant to the recommendation of the Allenhurst Fire Department, the following have either resigned or have been dropped from the rolls for failure to complete their requirements:

Meghan Ward

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

RESOLUTION #2024-82
A RESOLUTION FOR SELF-EXAM OF MUNICIPAL BUDGET

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, Pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Allenhurst has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meet the necessary conditions to participate in the program for the 2023 budget year;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the CAP law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated;
 - b. Items of appropriations are properly set forth
 - c. In itemization, form, arrangement, and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That other applicable statutory requirements have been fulfilled.

BE IT FURTHER REQUIRED, That a copy of this resolution be forwarded to the Director of the Division of Local Government.

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

RESOLUTION #2024-83

RESOLUTION TO ADOPT 2024 MUNICIPAL BUDGET

Offered By: Mayor McLaughlin Seconded By: Comm. McLoughlin

BE IT RESOLVED, That the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2024;

General Appropriations For:

| | | |
|---|--|--------------|
| 1. Appropriations within CAPS | | |
| Municipal Purposes | | 5,540,912.51 |
| 2. Appropriations Excluded from CAPS | | |
| Municipal Purposes | | 1,600,066.60 |
| 3. Reserve for Uncollected Taxes | | 131,940.41 |
| 4. Total General Appropriations | | 7,272,919.52 |
| 5. Less: Anticipated Revenues Other Than Current Property Tax | | 4,104,277.32 |
| 6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget | | |
| Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes | | 3,168,642.20 |

BE IT FURTHER RESOLVED, That said Budget be published in the The Coaster Newspaper on March 12, 2024.

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

RESOLUTION #2024-84
A RESOLUTION TO HIRE SLEO Class II OFFICER

Offered By:

Seconded By:

WHEREAS, there exists a need within the Police Department to appoint a part-time as-needed Special Law Enforcement Officer (SLEO), Class II to cover open shifts ; and

WHEREAS, it is the recommendation of the Chief of Police that Class II Officer Lisa Griffin be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst that Lisa Griffin is hereby appointed as a part-time as-needed SLEO Class II Officer effective January 1, 2024 and that said provisional appointment be compensated at an hourly rate of \$22.00 per hour effective January 1, 2024

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

RESOLUTION #2024-85
A RESOLUTION TO APPROVE SALARIES FOR 2024

Offered By:

Seconded By:

BE IT RESOLVED, That the following salaries be and are hereby approved for officials and employees of the Borough of Allenhurst for the year 2024:

| | |
|---|------------------|
| Chief of Police | \$156,919 |
| Borough Clerk/Administrator | 131,392 |
| Public Works Superintendent/Sewer Operator | 93,648 |
| Finance Clerk | 59,574 |
| Deputy Clerk/Deputy Clerk/Deputy Treasurer/Administrative Assistant | \$31.00 per hour |
| Registrar | 1,556 |
| Deputy Registrar | 1,038 |
| Recycling Coordinator | 2,153 |
| Clean Communities Coordinator | 1,038 |
| Tax Collector | 6,732 |
| Sewer Collector | 4,150 |
| Tax Assessor | 9,004 |
| Board of Health Officer | 2,594 |
| Zoning Inspector/Code Official | 20,000 |
| Municipal Court Judge, includes 2 court sessions/mo. | 20,000 |
| OEM Coordinator | 2,594 |
| OEM Administrator | 2,594 |
| Planning Board Secretary | 16,147 |
| Records Coordinator | 6,500 |
| Affordable Housing Liaison | 5,000 |
| Police Secretary/Records Clerk Full Time | 50,000 |
| TAC Officer | 4,000 |
| Webmaster | 1,000 |
| Certified Pool Operator | 1,038 |
| Pump Maintenance | \$75.00/callout |

| | | |
|----------------------------|-------------------------------|---|
| Pool Cleaning | | \$100/cleaning – 2hr max Over 2hr needs approval of DPW Supervisor |
| Treasurer | | 1,500 |
| Mayor | | 1,750 |
| Commissioner | | 1,500 |
| <u>Public Works</u> | | |
| Duchatkiewicz | | 71,879 |
| Varian | Step#5 – Facilities Personnel | 58,000 |
| Castillo | Step #5 – Laborer | 53,000 |
| Henning | Step #2 – Laborer | 43,500 |
| Eastwood | Step #2 - Laborer | 43,500 |
| Tinneney | Step #1 – Laborer | 41,000 |
| Foreman | | 2,594 |

VOTE: Comm. McLoughlin____; Comm. Cumiskey____;Mayor McLaughlin____

**RESOLUTION #2024-86
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 #2024-87
RESOLUTION OF THE BOROUGH OF ALLENHURST, IN
THE COUNTY OF MONMOUTH, NEW JERSEY,
DESIGNATING A REDEVELOPER AND AUTHORIZING
THE EXECUTION OF A REDEVELOPMENT AGREEMENT
FOR THE PROPERTY KNOWN AS BLOCK 18, LOT 1;
BLOCK 21, LOTS 5 AND 6 AND BLOCK 31, LOT 3 ON THE
OFFICIAL TAX MAPS OF THE BOROUGH**

Offered By: _____ Seconded By: _____

WHEREAS, the Borough of Allenhurst (the “**Borough**”) is a political subdivision of the State of New Jersey, located in the County of Monmouth; and

WHEREAS, on November 15, 2004, in accordance with the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “**LRHL**”), the Board of Commissioners of the Borough (the “**Commissioners**”) designated certain property fronting on

Main Street or Deal Lake, consisting of Block 18, Lot 1, Block 19, Lots 1 and 2, Block 21, Lots 2, 3, 5, 6, 8, 9, 10, 11, 12 and 13, and Block 31, Lot 3 on the official tax maps of the Borough, as an area in need of redevelopment (as further described in the hereinafter defined Redevelopment Plan, the “**Redevelopment Area**”); and

WHEREAS, in accordance with the provisions of the LRHL, the Commissioners enacted the “Main Street Redevelopment Plan” dated October 2006 (and as amended November 2007) for the Redevelopment Area; and

WHEREAS, on July 22, 2021, Power Station at Allenhurst, LLC (“**Power Station**”), filed a Mount Laurel exclusionary zoning suit with the Superior Court of New Jersey (the “**Court**”), captioned Power Station at Allenhurst, LLC v. Borough of Allenhurst; Board of Commissioners of the Borough of Allenhurst; and Allenhurst Planning Board, Docket No. MON-L-2551-21, seeking to compel the Borough to provide a realistic opportunity for the construction of affordable housing for very-low, low and moderate income households and to meet the Borough’s fair share of the housing region’s need for such housing, in addition to related relief in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 and Mount Laurel jurisprudence (the “**Builder’s Remedy Action**”); and

WHEREAS, the parties to the Builder’s Remedy Action entered into a Settlement Agreement dated February 23, 2023 (the “**Settlement Agreement**”), pursuant to which the Borough Power Station agreed to, among other things, enter into good faith negotiations for the execution of a redevelopment agreement consistent with the Redevelopment Plan; and

WHEREAS, after a duly noticed Fairness Hearing held on July 6, 2023 before the Honorable Linda Grasso Jones, J.S.C., the Court approved the Settlement Agreement as reflected in a Court Order dated July 31, 2023; and

WHEREAS, on February 13, 2024, in accordance with the provisions of the LRHL and in furtherance of the terms of the Settlement Agreement, the Commissioners adopted Ordinance #2024-05 (the “**Redevelopment Plan Ordinance**”), enacting the “Main Street Redevelopment Plan 2023” (as the same may be amended and supplemented from time to time, the “**Redevelopment Plan**”); and

WHEREAS, Power Station is the fee simple record title owner of that certain real property located within the Redevelopment Area formally identified on the official tax maps of the Borough as Block 18, Lot 1 (the “**East Side**”) and Block 21, Lots 5 and 6 (which includes former Lot 7) (the “**West Side**”) and commonly known as 315 Hume Street and 500-523 Main Street, and the Borough is fee simple record title owner of that certain property located within the Redevelopment Area formally identified on the office tax maps of the Borough as Block 31, Lot 3 (the “**Lake Drive Property**”) and commonly known as Lake Drive; and

WHEREAS, the Borough will, at its sole cost, subdivide the Lake Drive Property into four (4) lots (the “**Lake Drive Subdivision**”), including three (3) lots that will be retained by the Borough (the “**Borough Retained Lots**”) and one (1) lot that the Borough will contribute and dedicate in fee simple interest to Power Station (“**Lake Drive**” and, together with the East Side and the West Side, the “**Property**”), which Lake Drive shall be deed restricted for the development

of up to 23 affordable housing units, and no less than 20 affordable housing units in accordance with the requirements of the Settlement Agreement, and upon which Redeveloper shall construct the hereinafter defined Lake Drive Project; and

WHEREAS, Power Station has an easement right to use a portion of that certain real property located within the Redevelopment Area formerly identified on the official tax maps of the Borough as Block 21, Lot 4 (now merged with Lot 3), which is currently owned by JCP&L, for parking; and

WHEREAS, Power Station proposes to (i) Remediate (as defined herein) the Property pursuant to the terms hereof, (ii) raze the structures on the West Side, and together with new construction, to implement 62 residential market-rate for sale or rental units, as more specifically described in Section 4.1(a) of the hereinafter defined Redevelopment Agreement, together with structured and surface parking, ground floor retail and amenity space (the “**West Side Project**”), (iii) raze the structures on the East Side and improve the East Side with 28 market-rate for-sale townhouse units, related surface parking, and other on-site and off-site improvements, as more specifically described in Section 4.1(a) of the Redevelopment Agreement (the “**East Side Project**”), and (iv) raze structures on Lake Drive (excluding removal of existing cellular equipment atop the existing water tower) and improve Lake Drive with up to 23 affordable housing units, and no less than 20 affordable housing units in accordance with the requirements of the Settlement Agreement, related surface parking, and other on-site and off-site improvements, as more specifically described in Section 4.1(a) of the Redevelopment Agreement (the “**Lake Drive Project**” and, together with the West Side Project and East Side Project, the “**Project**”); and

WHEREAS, Power Station will design, finance, construct, and implement the Project; and

WHEREAS, Power Station has represented that it possesses the proper qualifications and experience to implement and complete the Project in accordance with the Redevelopment Plan, the LRHL, the hereinafter defined Redevelopment Agreement and all other applicable laws, ordinances, and regulations; and

WHEREAS, in order to effectuate the Settlement Agreement, the Redevelopment Plan and the redevelopment of the Property, the Borough has determined to enter into a redevelopment agreement with Power Station (substantially in the form on file in the office of the Borough Clerk, the “**Redevelopment Agreement**”), which designates Power Station as the “redeveloper” of the Property in accordance with the LRHL (the “**Redeveloper**”), and which specifies the respective rights and responsibilities of the Borough and the Redeveloper with respect to the Project.

NOW THEREFORE BE IT RESOLVED by the Borough Commissioners of the Borough of Allenhurst, in the County of Monmouth, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Redeveloper is hereby designated as the “redeveloper” of the Property pursuant to the LRHL.

Section 3. The Mayor is hereby authorized and directed to execute the Redevelopment Agreement, in substantially the form on file in the office of the Borough Clerk, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough's general counsel, redevelopment counsel and other Borough professionals.

Section 4. The Borough Clerk is hereby authorized and directed, upon the execution of the Redevelopment Agreement in accordance with the terms of Section 3 hereof, to attest to the signature of the Mayor upon such agreement and is hereby further authorized and directed to affix the corporate seal of the Borough upon such agreement. Upon execution and attestation of same, the Mayor is hereby authorized to deliver the Redevelopment Agreement to the other party thereto.

Section 5. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 6. This Resolution shall take effect immediately.

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

RESOLUTION #2024-88

A RESOLUTION TO APPROVE BILLS (2-28-2024 to 3-12-2024)

Offered By: _____ Seconded By: _____

BE IT RESOLVED, That bills totaling \$164,152.65 be approved for payment; and,
BE IT FURTHER RESOLVED, That the March 12, 2024 consolidated bill list be attached hereto and made a part thereof.

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