

**AGENDA**  
**March 26, 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 from NJAW regarding their Proposed Rate Increase and a public hearing to be held virtually on April 10, 2024.

**ANNOUNCEMENTS:** None

**ORDINANCES**

**ORDINANCES – FINAL READING**

**ORDINANCE #2024-07 – Final Reading**

Offered By:

Seconded By:

**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)**

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

**CONSENT AGENDA:**

<b>Res. #2024-89</b>	<b>Dispense with Reading of Minutes</b>
<b>Res. #2024-90</b>	<b>Ratify and Approve Minutes.</b>
<b>Res. #2024-91</b>	<b>Award Contract for Landscape Maintenance – BDL</b>
<b>Res. #2024-92</b>	<b>Approve Engineer Certificate #3 – Boardwalk Improvements</b>
<b>Res. #2024-93</b>	<b>Award Contract for Painting at ABC – CertaPro Painters</b>
<b>Res. #2024-94</b>	<b>Authorize Competitive Contracting – ABC Snack Bar</b>



**ORDINANCES**

**ORDINANCES – FINAL READING**

**ORDINANCE #2024-07 – Final 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 \_\_\_\_.

**RESOLUTIONS**

**RESOLUTION #2024-89**

**A RESOLUTION TO DISPENSE WITH READING OF MINUTES**

Offered By: \_\_\_\_\_ Seconded By: \_\_\_\_\_

**BE IT RESOLVED**, That the Clerk dispense with the reading of the Regular Meeting of March 12, 2024.

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

**RESOLUTION #2024-90**

**A RESOLUTION TO RATIFY AND APPROVE MINUTES**

Offered By: \_\_\_\_\_ Seconded By: \_\_\_\_\_

**BE IT RESOLVED**, That the minutes of the Regular Meeting of March 12, 2024 be ratified and approved.

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

**RESOLUTION #2024-91**

**A RESOLUTION TO AWARD CONTRACT FOR LANDSCAPE MAINTENANCE FOR ALLENHURST BOROUGH PARKS**

Offered By: \_\_\_\_\_ Seconded By: \_\_\_\_\_

**WHEREAS**, There is a need for Landscape Maintenance for Allenhurst Borough Parks;  
and,

**WHEREAS**, Funds for this purpose will be provided for in the current account known as "Parks & Playgrounds, #4-01-28-796-218", 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:

By Design Landscaping	\$27,945.00
Fullerton Grounds Maintenance	\$32,483.31
Grounds Keeper of Matawan	Declined to Offer Quote

**THEREFORE, BE IT RESOLVED**, That a contract be awarded to By Design Landscaping for a cost of \$27,945.00, the lowest of quotes received for Landscape Maintenance for Allenhurst Parks.

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

**RESOLUTION #2024-92**  
**A RESOLUTION TO APPROVE ENGINEER CERTIFICATE #3 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 #3, 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 \$102,557.00 for work done in accordance with the Engineer’s Certificate #2.

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

**RESOLUTION #2024-93**  
**A RESOLUTION TO AWARD CONTRACT FOR PAINTING AT THE ALLENHURST BEACH CLUB**

Offered By: \_\_\_\_\_                      Seconded By: \_\_\_\_\_

**WHEREAS**, There is a need for Painting at the Allenhurst Beach Club; and,

**WHEREAS**, Funds for this purpose will be provided for in the current account known as “Beach Buildings & Grounds”, #4-01-28-797-223”, 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:

CertaPro Painters	\$34,620.00
Productive Painting	Declined to Offer Quote
PNS Construction	Declined to Offer Quote

**THEREFORE, BE IT RESOLVED**, That a contract be awarded to CertaPro Painters for a cost of \$34,620.00, the only quote received for Painting at the Allenhurst Beach Club

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

**RESOLUTION #2024-94**  
**RESOLUTION AUTHORIZING COMPETITIVE CONTRACTING FOR A PROSPECTIVE CONCESSIONAIRE TO OCCUPY AND OPERATE THE “SNACK BAR” AT THE ALLENHURST BEACH CLUB**

Offered By: \_\_\_\_\_                      Seconded By: \_\_\_\_\_

**WHEREAS**, the Board of Commissioners of the Borough of Allenhurst has determined

that it is in the best interest of the Borough to seek a concessionaire to operate the snack bar at the Allenhurst Beach Club (ABC); and

**WHEREAS**, N.J.S.A. 40A:11-4.1 of the Local Public Contracts Law allows for Competitive Contracting to be used in lieu of public bidding for procurement of specialized goods and services the price of which exceeds the bid threshold, for concessionaire services; and

**WHEREAS**, the Borough of Allenhurst would like to utilize competitive contracting for the snack bar concessionaire services, in the hope of reinstating that service for the membership of the ABC; and

**WHEREAS**, N.J.S.A. 40A:11-4.3(a) requires that in order to initiate competitive contracting, the Governing Body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in N.J.S.A. 40A:11-4.1 are desired to be contracted; and

**WHEREAS**, N.J.S.A. 40A:11-4.3(b) requires that the competitive contracting process shall be administered by a purchasing agent qualified pursuant to N.J.S.A. 40A:11-9, or by legal counsel of the contracting unit, or by an administrator of the contracting unit.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Allenhurst, in the County of Monmouth, 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 administrator be and is hereby authorized to initiate competitive contracting to seek a concessionaire to occupy and operate the “snack bar” at the Allenhurst Beach Club (ABC).

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

### **RESOLUTION #2024-95**

#### **A RESOLUTION TO APPROVE RACE IN BOROUGH OF ALLENHURST**

Offered By:                      Seconded By:

**WHEREAS**, Permission has been requested to run the Annual Terry Bolan 5K through the Borough of Allenhurst on Saturday June 22; and,

**WHEREAS**, This race is being run in honor of former Beloved Former Commissioner Terrence J. Bolan; and,

**WHEREAS**, Proceeds of this race will benefit the Allenhurst Fire Department and EMS, as well as the Allenhurst Parks; and,

**WHEREAS**, The Police Chief has reviewed the information given for this event and has recommended approval of same;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners, that approval is hereby given to the run the Annual Terry Bolan 5K through Allenhurst on Saturday June 22, 2024.

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

**RESOLUTION #2024-96**  
**A RESOLUTION TO APPROVE AN APPLICATION FOR A LOCAL EFFICIENCY  
ACHIEVEMENT PROGRAM GRANT**

Offered By:

Seconded By:

**WHEREAS**, the State of New Jersey has appropriated \$7.5 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

**WHEREAS**, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

**WHEREAS**, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

**WHEREAS**, the Borough of Allenhurst and the County of Monmouth propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

**WHEREAS**, the purpose of this shared services agreement is to provide dispatch services, which, which will benefit the residents of participating local units; and

**WHEREAS**, the Borough of Allenhurst has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Allenhurst, that the Borough of Allenhurst will apply for a LEAP Implementation Grant in the amount of \$400,000 to support implementation of this shared service on behalf of itself, and on behalf of the County of Monmouth and if awarded and upon execution of said Agreement, the Borough of Allenhurst does accept the Terms and Conditions specified in the Agreement in connection to this grant award.

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

**RESOLUTION #2024-97**  
**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 #2024-98**

**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 #2024-99**

**A RESOLUTION TO APPROVE BILLS (3-13-2024 to 3-26-2024)**

Offered By: \_\_\_\_\_ Seconded By: \_\_\_\_\_

**BE IT RESOLVED**, That bills totaling \$446,627.06 be approved for payment; and,  
**BE IT FURTHER RESOLVED**, That the March 26, 2024 consolidated bill list be attached hereto and made a part thereof.

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