AGENDA June 28, 2022

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

MAYOR MCLAUGHLIN ASKS THE CLERK TO CALL THE ROLL:

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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:

- Ocean Township Ordinance #2387 Supplementing Chapter 21 of their Comprehensive Land Development Ordinance entitled: Solar Energy Systems
- Ocean Township Ordinance #2389 Supplementing Chapter 21 of their Comprehensive Land Development Ordinance entitled: Electric Vehicle Supply/Service Equipment
- NJAW Notice of Filing and of Public Hearing of a petition for approval of a filing in support of a Distribution System Improvement Charge.
- Resolution from the Monmouth County Board of County Commissioners supporting assembly concurrent resolution no. 31 increasing the property tax deduction for veterans.

ANNOUNCEMENTS:

The Board of Commissioners Meeting scheduled for July 12, 2022 has been cancelled.

PROCLAMATIONS

- COMMENDING EMT/FIREFIGHTER CAPTAIN DAVID BELHASSEN
- COMMENDING EMR MEGHAN WARD

<u>SWEARING-IN OF FIRE POLICE OFFICER – ROBERT TODD</u>

ORDINANCES
ORDINANCES FINAL READING
ORDINANCE #2022-11 - Final Reading
Offered By: Seconded By:

ORDINANCE #2022-11

AN ORDINANCE REVISING CHAPTER X OF THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST ENTITLED "BEACH REGULATIONS."

VOTE: Comm. McLo	oughlin : Comr	n. Bolan ; N	Iayor McLaughlin

ORDINANCE #2022-12 - Final Reading

Offered By: Seconded By:

ORDINANCE NO.: 2022-12

AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF

ALLENHURST.

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

CONSENT AGENDA:

Res. #2022-116	Ratify and Approve Minutes.
Res. #2022-117	Dispense with Reading of Minutes
Res. #2022-118	Hire Full Time Communications Officer
Res. #2022-119	Approve Engineer Certificate #1 – Improvements to Spier Avenue
Res. #2022-120	Hire Seasonal Employees
Res. #2022-121	Approve Executive Session

Consent Agenda Offered By: Seconded By:

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

Res. #2022-122 Approve Bills (6-15-2022 to 6-28-2022).

Offered By: Seconded By:,

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

PROCLAMATION

ITEMS FOR DISCUSSION:

OPEN PUBLIC HEARING:

CLOSE PUBLIC HEARING:

ADJOURN.

ORDINANCES

ORDINANCES FINAL READING

ORDINANCE #2022-11 – Final Reading

ORDINANCE #2022-11 AN ORDINANCE REVISING CHAPTER X OF THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST ENTITLED "BEACH REGULATIONS."

Offered By: Seconded By:

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise certain portions of its existing Borough Code concerning the Beach Regulations to address the needs of the community.

NOW THEREFORE, BE IT ORDAINED By the Board of Commissioners of the Borough of Allenhurst that Chapter X, BEACH REGULATIONS of the Codified Ordinances of the Borough of Allenhurst be and are hereby amended as follows: (the following language shall replace that presently existing in the Codified Ordinances):

10-1.6 Service and Use Charges.

- 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 seventy-five (\$75) 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 seventy-five (\$75) dollars per child.

AND IT IS FURTHER ORDAINED that except as herein above provided, the Codified Ordinances of the Borough of Allenhurst shall remain in full force and effect.

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	adoption	and	publication
according to law.										
VOTE: Comm. McLou	ıghlin		; Comm. Bo	olan _	; N	Aayor N	AcLau	ıghlin	_•	

ORDINANCE #2022-12 - Final Reading

ORDINANCE NO.: 2022-12 AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST.

Offered By: Seconded By:

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to supplement the Borough Code of the Borough of Allenhurst to establish restrictions on disorderly conduct and penalties to be payable upon conviction of violations thereof.

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

- **I.** Chapter III, Section 3-7, entitled "Disorderly Conduct" be and is hereby added to the Borough Code as follows:
 - §3-7 Disorderly Conduct

It shall be unlawful for any person:

- a. To encumber any street or other place by loafing, lounging, loitering, sleeping in or about the same to the annoyance of passersby.
- b. To be under the influence of intoxicating liquor, or in an intoxicated condition, and loiter or be upon the streets, highways or other public places, or on property not his own.
- c. To indulge in and utter loud, common, offensive, indecent or profane language in any public place, quasi-public place or upon private property not his own.
- d. To indulge in and utter loud, common, offensive, indecent or profane language upon his own property if the same is audible to persons on other property or upon the public street or other public place.
- e. To address or make audible any offensive remarks or comments upon or to any person passing along or being on any highway or other public place.
- f. To annoy, obstruct or interfere with any person or persons lawfully being on any highway or other public place or conveyance.
- g. To go about from door to door or accost or annoy any other person in any public place by begging or soliciting alms or wander abroad and lodge in uninhabited buildings, taverns, outhouses, barns, the open air or other places and not give a good account of himself.
- h. To revel, quarrel, brawl or otherwise misbehave in a disorderly manner to disturb the public peace and quiet.
- i. To willfully disquiet or disturb any lawful meeting or assembly for religious worship, either by making loud noises or rude or indecent behavior or profane talk whether in the meeting or in the immediate vicinity of the same.
- j. To place or exhibit in any manner any indecent, immodest, obscene or vulgar thing where it may be exposed to public view.
- k. To appear in any street or other public place or in the open air in the Borough in a state of nudity or in any indecent or lewd dress or make any indecent or lewd

- exposure of themselves or act in an immodest, indecent or lewd manner.
- 1. To keep, manage, maintain, reside in, frequent or be an inmate of a disorderly house or house of ill fame, or permit, suffer or allow his or her house or other building or place to be used, frequented, occupied by or resorted to by riotous or disorderly persons, prostitutes, gamblers or vagrants.
- m. To set up, maintain, or permit, suffer or allow to be set up, kept or maintained in any house or other premises or place any device or game of chance for the purpose of gaming, or engage in any game of chance either as banker, player, dealer or otherwise for the purpose of gaming, except those bona fide qualified organizations which, pursuant to N.J.S.A. 5:8-24 et seq. (Bingo Licensing Law) and N.J.S.A. 5:8-50 et seq. (Raffles Licensing Law), may conduct games of chance on any day, including Sunday, upon application to and approval by the Borough Clerk pursuant to the rules and regulations of the New Jersey Legalized Games of Chance Control Commission. In the event that the Borough Clerk is unavailable or unable to review the application, the Chief of Police shall approve or disapprove of the application pursuant to the rules and regulations of the New Jersey Legalized Games of Chance Control Commission.
- n. To make, or cause to be made, or permit, suffer or allow to be made in his house or other premises any loud or unseemly noises to the serious inconvenience or discomfort of the peaceful inhabitants of the neighborhood between 11:00 p.m. Friday night and 7:00 a.m. Saturday morning, and between the hours of 11:00 p.m. Saturday night and 7:00 a.m. Sunday morning. On all other days those same acts shall be prohibited from 10:00 p.m. at night until 7:00 a.m. the following morning. For days preceding legal holidays and for legal holidays the hours applicable to Fridays and Saturdays listed in this subsection shall apply (11:00 p.m. at night until 7:00 a.m. the next morning).
- o. To possess, set or otherwise cause to explode or discharge or burn any fireworks or explosives of flammable materials, or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture, or compound that would be dangerous from any of the foregoing standards, except those items declared lawful pursuant to N.J.S.A. 21:2-1 et seq. Residents seeking to use fireworks must first obtain a permit and approval from appropriate Borough officials, including but not limited to, fire officials.
- p. To use or pretend to use or have any skill in physiognomy, palmistry, phrenology or like crafty science, or shall pretend to tell destinies, fortunes or future occurrences.
- q. To by word, sign, act, or otherwise, invite or solicit unlawful sexual intercourse or any other unlawful, indecent, lewd or lascivious act.
- r. To maliciously destroy, damage or injure any property of another.
- s. To enter any building or go upon any lands used or occupied for school purposes by a public school and therein disturb the exercises of the school or molest or give annoyance to the children or teacher attending said school.
- t. To willfully or maliciously ring or cause to be rung any bell, siren or alarm of any fire company in this municipality and thereby give or cause to be given a false alarm of fire.

u. To willfully, maliciously or recklessly beat, torment, kick, strike, mutilate, torture, injure, disable, kill or otherwise mistreat any dog used by the Police Department in the performance of the functions or duties of the Department, or to interfere with any such dog while the same is being used in the performance of any of the functions or duties of the Police Department.

§3-7.1 Penalties

Any person who violates any provision of this chapter, upon conviction thereof, shall be liable to the general penalty, as established in Chapter I, Section 1-5 of this Code, unless otherwise stated or ordered in the sound discretion of the Court.

- **II. REPEALER.** All other sections and subsections of Borough Code of the Borough of Allenhurst not specifically amended by this Ordinance, shall remain in full force and effect.
- III. INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.
- **IV. SEVERABILITY.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.
- V. AND IT IS FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

VOTE:Comm. McLoughlin	; Comm. Bolan	; Mayor McLaughlin _	
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RESOLUTIONS

RESOLUTION #2022-116

Offered By:	A RESOLUTION TO RATIFY AND APPROVE MINUTES Seconded By:
BE IT l ratified and app	RESOLVED, That the minutes of the Regular Meeting of June 14, 2022 be proved.
VOTE: Comm.	McLoughlin; Comm. Bolan; Mayor McLaughlin
A l Offered By:	RESOLUTION #2022-117 RESOLUTION TO DISPENSE WITH READING OF MINUTES Seconded By:
BE IT 1 June 14, 2022.	RESOLVED, That the Clerk dispense with the reading of the Regular Meeting of
VOTE: Comm.	McLoughlin; Comm. Bolan; Mayor McLaughlin
A RESO Offered By:	RESOLUTION #2022-118 OLUTION TO HIRE A FULL-TIME COMMUNICATIONS OFFICER Seconded By:
Police Departm	WHEREAS, There is a need for a Communications Officer in the Allenhurst nent and the Chief of Police has interviewed several candidates and has made his on to the Board of Commissioners; and,
	EAS, Funds for this purpose shall be provided for in the appropriation entitled, and the Chief Finance Officer has so certified;
employed as a	THEREFORE, BE IT RESOLVED, That Brian Torres be and he is hereby Communications Officer for the Borough of Allenhurst for a probationary period mmencing on July 1, 2022, at an annual salary of \$27,040.00.
VOTE: Comm.	McLoughlin; Comm. Bolan; Comm. McLaughlin
A RI	RESOLUTION #2022-119 ESOLUTION TO APPROVE ENGINEER CERTIFICATE #1 FOR IMPROVEMENTS TO SPIER AVENUE
Offered By:	Seconded By:

WHEREAS, A contract was awarded to Earle Asphalt Company for the Improvements to Spier Avenue 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 2021-02 Various Improvements to Spier Avenue (C-04-55-984-005), and the CFO has so certified;

NOW, THEREFORE, BE IT RESOLVED, That Earle Asphalt Company be compensated in the amount of \$234,545.81 for work done in accordance with the Engineer's Certificate #1.

Certificate #1.						
VOTE: Comm. N	McLoughlin; (Comm. Bolan_	; Mayor McL	aughlin		
RESOLUTION #2022-120 A RESOLUTION TO HIRE SEASONAL EMPLOYEES						
Offered By:	Seconde	ed By:				
BE IT RESOLV June 24, 2022:	ED , That the follo	owing be hired f	or the 2022 sum	mer season commer	ncing on	
Security	Julia Wagner			\$11.90 per hour	• •	
VOTE: Comm. N	McLoughlin; (Comm. Bolan_	; Mayor McL	aughlin		
WHERE circumstances cu WHERE session when cor NOW, That hereby author exempt from the	A RESOLUTION Seconder AS, State law permoders, The Board of the state	ed By: mits the exclusion Commissioners Commissioners ger exists; IT RESOLVE closed session to der the Sunshing	on of public in ce of the Borough will make public D , By the Board of discuss legal/coe Law.	ertain circumstances of Allenhurst finds ic, minutes of the clo l of Commissioners ontractual matters w	that such osed that they	
VOTE: Comm. McLoughlin; Comm. Bolan; Mayor McLaughlin						
A RESOLUTION #2022-122 A RESOLUTION TO APPROVE BILLS (6-15-2022 to 6-28-2022) Offered By: Seconded By: BE IT RESOLVED, That bills totaling \$498,178.20 be approved for payment; and, BE IT FURTHER RESOLVED, That the June 28, 2022 consolidated bill list be attached hereto and made a part thereof.						
	McLoughlin; (; Mayor McL	aughlin		